



Railways Act 2005

2005 CHAPTER 14

PART 4

NETWORK MODIFICATIONS ETC.

Excluded proposals

36 Designation of experimental passenger services

- (1) The power to designate a railway passenger service as experimental for the purposes of this Part is exercisable—
 - (a) if it is a Scotland-only service, by the Scottish Ministers;
 - (b) if it is a cross-border service in respect of which more funding is provided by the Scottish Ministers than the Secretary of State, by those Ministers;
 - (c) if it is a Welsh service in respect of which more funding is provided by the National Assembly for Wales than the Secretary of State, by the National Assembly for Wales; and
 - (d) in the case of any other service, by the Secretary of State.
- (2) The designation must be in relation to a line or station on or from which the service will be provided.
- (3) A service may not be designated as experimental for a period exceeding five years.
- (4) Where a service is designated as experimental for a period of less than five years—
 - (a) the designation may subsequently be extended (on one or more occasions) by the person who made it; but
 - (b) the aggregate of the periods for which the service is designated as experimental must not exceed five years.
- (5) In determining for the purposes of this section the period or aggregate period for which a service is designated as experimental, any period before the service is introduced is to be disregarded.

Status: Point in time view as at 01/12/2006. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Railways Act 2005, Section 36. (See end of Document for details)

- (6) The person who designates a service as experimental or extends such a designation must—
- (a) send a copy of the designation or extension to the Office of Rail Regulation; and
 - (b) publish notice of the designation or extension in two successive weeks—
 - (i) in a local newspaper circulating in the area affected by the designation or extension; and
 - (ii) in two national newspapers.
- (7) Where—
- (a) a service is designated as experimental or its designation is extended, and
 - (b) the service is to be provided otherwise than in satisfaction of requirements imposed by a franchise agreement,
- the person designating must give notice of the designation or extension to the person who is to provide the service.
- (8) For the purposes of subsection (6)(b)(i) the area affected by a designation, or by the extension of a designation, is the area in which is situated the line or station in relation to which the designation is or was made.
- (9) For the purposes of subsection (6)(b)(ii) as it applies in relation to—
- (a) a Scotland-only service, or
 - (b) a Wales-only service,
- a newspaper which circulates generally in Scotland or, as the case may be, Wales is to be regarded as being a national newspaper.
- (10) Where any railway passenger service is treated immediately before the commencement of this section as an experimental passenger service for the purposes of Part 1 of the 1993 Act—
- (a) that service shall be treated as designated as experimental for the purposes of this Part; and
 - (b) the period for which it is treated as having been designated at that time shall be taken into account in determining the period or aggregate period for which it may be designated under this section.

Commencement Information

II S. 36 in force at 1.12.2006 by S.I. 2006/2911, art. 2, Sch.

Status:

Point in time view as at 01/12/2006. This version of this provision has been superseded.

Changes to legislation:

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