



Railways Act 2005

2005 CHAPTER 14

PART 4

NETWORK MODIFICATIONS ETC.

Supplemental provisions of Part

45 Interpretation of Part 4

(1) In this Part—

“closure” means—

- (a) the discontinuance of a railway passenger service or of railway passenger services;
- (b) the discontinuance of the operation of the whole or a part of a network; or
- (c) the discontinuance of the use or operation of the whole or a part of a station;

“closure non-ratification notice” is to be construed in accordance with section 32(7);

“closure ratification notice” is to be construed in accordance with section 32(8);

“closures guidance” means the guidance published under section 42, and references to the relevant part of the closures guidance are to be construed in accordance with subsection (2);

“the end of the interim period” is to be construed in accordance with subsection (3);

“excluded proposal” is to be construed in accordance with section 38;

“experimental passenger service” means a railway passenger service which, before its introduction, was designated under section 36 as experimental;

“proposal date”, in relation to a proposal for the discontinuance of any service or services, or any network or station or part of a network or station, means the date after which, according to the proposal, the service or services

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will no longer be provided or, as the case may be, the operation or use of the network or station or part of a network or station will be discontinued;

“railway funding authority” means—

- (a) the Secretary of State;
- (b) the Scottish Ministers;
- (c) [^{F1}the Welsh Ministers];
- (d) a Passenger Transport Executive;
- (e) the Mayor of London;
- (f) Transport for London;
- (g) a person designated as such an authority by an order under subsection (4);

“secured service” means a service which is provided by or on behalf of the Secretary of State [^{F2}, the Welsh Ministers] or the Scottish Ministers under—

- (a) section 30 of the 1993 Act;
- (b) section 22(9), 23(7) or 24(7) or (8) of this Act; or
- (c) a requirement imposed under section 33(2) of this Act;

“secured”, in relation to a network or station, or a part of a network or station, means provided on behalf of the Secretary of State [^{F3}the Welsh Ministers] or the Scottish Ministers under—

- (a) section 26(9), 27(7) or 28(6) or (7) of this Act (networks);
- (b) section 29(9), 30(7) or 31(6) or (7) of this Act (stations); or
- (c) a requirement imposed under section 33(2) of this Act.

(2) In this Part “the relevant part of the closures guidance”—

- (a) in relation to a proposal to discontinue any railway passenger service or services, means the part of the closures guidance relating to the discontinuance of any such services that is applicable to that proposal;
- (b) in relation to a proposal to discontinue the operation of a network or part of a network, means the part of the closures guidance relating to the discontinuance of the operation of networks or parts of networks that is applicable to that proposal; and
- (c) in relation to a proposal to discontinue the use or operation of a station or part of a station, means the part of the closures guidance relating to the discontinuance of the use or operation of such stations or parts of such stations that is applicable to that proposal.

(3) For the purposes of this Part the interim period, in relation to a proposal for the discontinuance of any service or services, or any network or station or part of a network or station, is a period ending—

- (a) in a case where the national authority forms the opinion in accordance with the criteria set out in the relevant part of the closures guidance that the proposal should not be allowed, with the proposal date; and
- (b) otherwise, as the case may be—
 - (i) with the date on which notification is given to the person who made the proposal that the national authority has changed its opinion with respect to the proposal;
 - (ii) with the withdrawal of the proposal; or
 - (iii) four weeks after the date on which a closure ratification notice or closure non-ratification notice is issued by the [^{F4}Office of Rail and Road] on any reference to it relating to the proposal.

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- (4) The appropriate authority may by order designate a person as a railway funding authority if—
- (a) that person is a person on whom functions are conferred by or under any enactment; and
 - (b) the appropriate authority is satisfied that that person, in the carrying out of those functions, provides financial assistance for purposes that are connected with railways or the provision of railway services.
- (5) In subsection (4), “appropriate authority”—
- (a) in relation to a person who provides no financial assistance for purposes mentioned in subsection (4)(b) other than—
 - (i) funding in relation to the provision of Scotland-only services,
 - (ii) Scottish majority funding in relation to cross-border services, or
 - (iii) funding in relation to the operation or use of a network or station, or part of a network or station, that is wholly in Scotland,means the Scottish Ministers;
 - [^{F5}(aa) in relation to a person who provides no financial assistance for purposes mentioned in subsection (4)(b) other than—
 - (i) funding in relation to the provision of Wales-only services, or
 - (ii) funding in relation to the operation or use of a station, or part of a station, that is wholly in Wales and is a station to which subsection (5A) applies or part of such a station,means the Welsh Ministers;]
 - (b) in any other case, means the Secretary of State.
- [^{F6}(5A) This subsection applies to a station at which the only scheduled calls made by any railway passenger service are those made by a railway passenger service provided under a Welsh franchise agreement or secured to any extent by the Welsh Ministers.]
- (6) For the purposes of subsection (5)(a)(ii), a person provides Scottish majority funding in relation to particular services if—
- (a) the person is—
 - (i) a body established by or under an Act of the Scottish Parliament; or
 - (ii) a body which has its principal office in Scotland; and
 - (b) in relation to those services, the person provides more funding than is provided in aggregate by railway funding authorities.
- (7) An order under subsection (4) is subject to the negative resolution procedure.
- (8) In subsection (4)(a), “enactment” includes an enactment contained in an Act of the Scottish Parliament.
- (9) In this Part references to financial assistance include references to each of the following—
- (a) the making of grants or loans;
 - (b) the giving of guarantees; and
 - (c) investments in bodies corporate.

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Textual Amendments

- F1** Words in s. 45(1) substituted (13.6.2018) by [The Welsh Ministers \(Transfer of Functions\) \(Railways\) Order 2018 \(S.I. 2018/631\)](#), art. 1(2)(b)(xv), **Sch. para. 58(2)(a)**
- F2** Words in s. 45(1) inserted (14.10.2018) by [The Welsh Ministers \(Transfer of Functions\) \(Railways\) Order 2018 \(S.I. 2018/631\)](#), art. 1(3), **Sch. para. 58(2)(b)**
- F3** Words in s. 45(1) inserted (14.10.2018) by [The Welsh Ministers \(Transfer of Functions\) \(Railways\) Order 2018 \(S.I. 2018/631\)](#), art. 1(3), **Sch. para. 58(2)(c)**
- F4** Words in s. 45(3)(b)(iii) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. para. 3(p)**
- F5** S. 45(5)(aa) inserted (14.10.2018) by [The Welsh Ministers \(Transfer of Functions\) \(Railways\) Order 2018 \(S.I. 2018/631\)](#), art. 1(3), **Sch. para. 58(3)**
- F6** S. 45(5A) inserted (14.10.2018) by [The Welsh Ministers \(Transfer of Functions\) \(Railways\) Order 2018 \(S.I. 2018/631\)](#), art. 1(3), **Sch. para. 58(4)**

Commencement Information

- I1** S. 45(1) in force at 1.8.2006 for specified purposes by [S.I. 2006/1951](#), **art. 2(2)(c)**
- I2** S. 45(1) in force at 1.12.2006 in so far as not already in force by [S.I. 2006/2911](#), art. 2, **Sch.**
- I3** S. 45(2) in force at 1.8.2006 by [S.I. 2006/1951](#), **art. 2(2)(d)**
- I4** S. 45(3)-(9) in force at 1.12.2006 by [S.I. 2006/2911](#), art. 2, **Sch.**

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