

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 49: Removal of restrictions on provision of passenger rail services

233. This section adjusts section 10(1) of the Transport Act 1968 to enable the existing legal powers of a Passenger Transport Executive (“PTE”) in England to carry passengers by rail to be used beyond and outside its current geographic limit (that current limit being 25 miles beyond the boundary of its jurisdiction). It does so by inserting a new paragraph (ia) into section 10(1). Sub-paragraph (a) expressly empowers a PTE in England to carry passengers by railway within its area and also outside its area anywhere in Great Britain. Sub-paragraph (b) maintains the current 25 mile limit for any PTE in Wales or Scotland (although there is currently no PTE in Wales or in Scotland). Consequential on this the section adjusts section 10(1)(ii) of the Transport Act 1968 to remove rail from its scope and to reiterate that this paragraph does not confer power to carry passengers by road.
234. This section forms part of the law of England and Wales, Scotland and Northern Ireland. However it will only affect PTEs which are in England, albeit it will enable those PTEs to carry passengers by railway anywhere in Great Britain. It comes into force on a day to be appointed by the Secretary of State in a commencement order.
235. These changes follow the government’s response of November 2012 to the consultation on rail decentralisation (“*Rail Decentralisation – Devolving decision making on passenger rail services in England*” - March 2012).
236. This section also introduces Schedule 8, which makes related amendments. See commentary on Schedule 8 below.