
STATUTORY INSTRUMENTS

2003 No. 1695

TRANSPORT

The Railways (Rail Passengers' Council and Rail Passengers' Committees) (Exemptions) Order 2003

<i>Made</i>	- - - -	<i>7th July 2003</i>
<i>Laid before Parliament</i>		<i>8th July 2003</i>
<i>Coming into force</i>	- -	<i>29th July 2003</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 76(7C) and 77(9C) of the Railways Act 1993(1), and after consultation in accordance with those sections, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Railways (Rail Passengers' Council and Rail Passengers' Committees) (Exemptions) Order 2003 and shall come into force on 29th July 2003.

Interpretation

2. In this Order—

“the Act” means the Railways Act 1993;

“International railway passenger services” has the meaning given by section 41(6) of the Channel Tunnel Act 1987(2); and

“the Metro” has the meaning given by section 2(1) of the Tyne and Wear Passenger Transport Act 1989(3).

Exemption in favour of the Rail Passengers' Council

3. Save in relation to the duties imposed by section 76(7A), exemption is granted to the Rail Passengers' Council from the duties imposed by section 76 of the Act in relation to any railway passenger service to which this article applies.

(1) 1993 c. 43; sections 76(7C) and 77(9C) were inserted by the Transport Act 2000 (c. 38), section 228.
(2) 1987 c. 53.
(3) 1989 c.xiv .

Exemption in favour of the Rail Passengers' Committees

4. Save in relation to the duties imposed by section 77(9A), exemption is granted to the Rail Passengers' Committees from the duties imposed by section 77 of the Act in relation to any railway passenger service to which this article applies.

Railway passenger services to which articles 3 and 4 apply

5.—(1) Subject to paragraph (2), articles 3 and 4 apply to the following railway passenger services—

- (a) railway passenger services which are provided by a passenger service operator which is not required under the terms of its passenger licence to provide through ticketing facilities; and
- (b) railway passenger services in respect of which the passenger service operator is exempted under section 7 of the Act from the requirement under section 6 of the Act to be authorised by licence to operate the railway assets used in the provision of those services.

(2) Articles 3 and 4 do not apply to railway passenger services specified in the Schedule to this Order.

7th July 2003

Kim Howells
Minister of State,
Department for Transport

SCHEDULE

EXCLUDED SERVICES

Railway passenger services provided by or on behalf of Docklands Light Railway Limited or London Underground Limited;

Railway passenger services provided exclusively on the Metro;

International railway passenger services.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order relates to the obligations of the Rail Passengers' Council and the Rail Passengers' Committees pursuant to sections 76 and 77 of the Railways Act 1993 ("the Act").

Articles 3 and 4 respectively provide that the Rail Passengers' Council and the Rail Passengers' Committees shall have their obligations under sections 76 and 77 to investigate matters relating to the provision of certain railway passenger services limited to their duties in sections 76(7A) and 77(9A). The duties in those subsections are the Rail Passengers' Council's and the Rail Passengers' Committees' general duties relating to the review of railway passenger services and station services.

Article 5 specifies the services to which Articles 3 and 4 are to apply. These are services whose operators are not required to provide through ticketing facilities, and services provided using railway assets whose operators are exempt from the requirement to be authorised by a licence as the operator of those railway assets, except where those services are specified in the Schedule.