

**EXPLANATORY MEMORANDUM TO THE
RAILWAYS ACT 2005 (TRANSITIONAL PROVISIONS AND SAVINGS)
ORDER 2005**

2005 No. 1738

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. **Description**

The purpose of this instrument is to make transitional provisions and savings in connection with the abolition of Rail Passengers' Committees. The instrument provides that references to Rail Passengers' Committees in the Railways Act 1993 ("the 1993 Act") provisions relating to railway closures shall be construed as references to the new Rail Passengers' Council established under section 19(1) of the Railways Act 2005 ("the 2005 Act") or, where appropriate, the London Transport Users' Committee until those provisions relating to railway closures are repealed under the 2005 Act.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

None.

4. **Legislative Background**

Section 60(3) of the 2005 Act enables the Secretary of State to make an order making transitional provisions and savings in connection with the bringing into force of (inter alia) section 21 of the 2005 Act and the repeals of sections 37 to 49 and Schedule 5 of the 1993 Act provided for under that Act.

Most provisions in the 2005 Act are to be brought into force by commencement order, pursuant to section 60(2) of that Act. Section 21 of the 2005 Act and the repeals of sections 43(4) and 47(6) of the 1993 Act are to be brought into force on 24th July 2005.

Section 21(1) of the 2005 Act provides for the abolition of the Rail Passengers' Committees established under section 2(2) of the 1993 Act. Schedule 13 Part 1 to the 2005 Act provides for the repeal of sections 43(4) and 47(6) of the 1993 Act. Article 3(3) of the Order makes a saving provision in relation to section 43(4), as a result of which the London Transport Users' Committee must still send a copy of any report which it has prepared under section 43(3)(c) to the Rail Passengers' Council and may publish such reports in such manner as it considers appropriate.

Section 19(1) of the 2005 Act provides for the establishment of a new Rail Passengers' Council. Under section 19(6) of the 2005 Act, the body of the same name established under section 3(2) of the 1993 Act shall cease to exist. Section 19(7) provides that references in enactments, instruments and other documents to the

Rail Passengers' Council established by section 3(2) of the 1993 Act shall have effect as references to the new Council established by section 19(1). Section 19 of the 2005 Act is to be brought into force on 24th July 2005. With effect from that date, the remaining references to the Rail Passengers' Council in the 1993 Act shall, by virtue of section 19(7) of the 2005 Act, have effect as references to the new Council.

5. Extent

This Order applies to Great Britain.

6. European Convention on Human Rights

Not applicable.

7. Policy background

The 2005 Act provides for the abolition of Rail Passengers' Committees. It also contains new provisions relating to railway closures in Part 4 of the 2005 Act and provides for the repeal of the provisions in sections 37 to 49 and Schedule 5 of the 1993 Act relating to railway closures.

Section 60(2) of the 2005 Act provides power for the Secretary of State to bring provisions of the Act into force at different times for different purposes. The Secretary of State intends to bring into force provisions in relation to the abolition of Rail Passengers' Committees on 24th July 2005. He intends to bring into force the 2005 Act provisions relating to railway closures (and the associated repeal of the 1993 Act provisions relating to railway closures) at a later date, likely to be around December 2005.

As the Rail Passengers' Committees have important functions under the 1993 Act provisions relating to railway closures, it is necessary to ensure that those functions are discharged by other bodies for so long as the 1993 Act provisions relating to railway closures remain in force. The Secretary of State has power to make transitional provisions and savings to this effect under section 60(3) of the 2005 Act.

This Order provides that references to the Rail Passengers' Committees in the relevant sections of the 1993 Act relating to railway closures shall be treated as references to either the London Transport Users' Committee or the Rail Passengers' Council established by section 19(1) of the 2005 Act. They shall be treated as references to the London Transport Users' Committee where they relate to the area for which that Committee was treated as Rail Passengers' Committee by virtue of section 2(9) of the 1993 Act, prior to the repeal of section 2 under the 2005 Act, which largely consists of Greater London. References to a Rail Passengers' Committee for any other area shall be treated as a reference to the Rail Passengers' Council.

8. Impact

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

There is no adverse impact on the public sector under this instrument.

9. **Contact**

Dave BATTERY at the Department for Transport, Tel: 020 7944 3048, email dave.battery@dft.gsi.gov.uk, can answer any queries regarding the instrument.