

2006 No. 1935

TRANSPORT

**The Railways (Substitute Road Services) (Exemptions) Order
2006**

<i>Made</i> - - - -	<i>17th July 2006</i>
<i>Laid before Parliament</i>	<i>20th July 2006</i>
<i>Coming into force</i> - -	<i>1 October 2006</i>

The Secretary of State, makes this Order in exercise of the powers conferred upon him by section 248(4) of the Transport Act 2000 (a).

In accordance with section 248(5) of that Act he has consulted the Disabled Persons Transport Advisory Committee and with such other representative organisations as he thinks fit.

Citation and commencement

1. This Order may be cited as the Railways (Substitute Road Services) (Exemptions) Order 2006 and shall come into force on 1 October 2006.

Interpretation

2. In this Order—

“the Act” means the Transport Act 2000;

“the Railways Act” means the Railways Act 1993(b);

“network” has the meaning given in section 83 of the Railways Act;

“passenger licence” has the meaning given in section 83 of the Railways Act;

“relevant operator” has the meaning given in article 4;

“railway asset” has the meaning given in section 6 of the Railways Act;

“railway passenger services” has the meaning given in section 83 of the Railways Act;

“SNRP” means a statement of national regulatory provisions, issued pursuant to regulation 10 of the Railway (Licensing of Railway Undertakings) Regulations 2005(c); and

“through ticketing” has the meaning given in section 83 of the Railways Act(d).

(a) 2000 c.38; section 248 was amended by the Railways Act 2005 (c. 14), Schedule 12, paragraph 17(1) and (4) to (6).

(b) 1993 c.43.

(c) S.I. 2005/3050.

(d) The definition of “through ticketing” was inserted by the Transport Act 2000 (c.38), Schedule 27, paragraph 39.

Exemption in favour of Relevant Operators

3. Exemption is granted to every relevant operator from section 248(2) of the Act in respect of all substitute road services other than those provided in relation to the railway passenger services specified in the Schedule.

Relevant Operators

4.—(1) Subject to paragraph 2, a relevant operator is an operator of railway passenger services who is—

- (a) not required under the terms of its passenger licence or SNRP to provide through ticketing facilities; or
- (b) exempted under section 7 of the Railways Act(a) from the requirement under section 6 of the Railways Act to be authorised by licence to operate the railway assets used in the provision of those services.

(2) Where the provision of railway passenger services is secured by the Secretary of State or the Scottish Ministers pursuant to section 30 of the Railways Act(b) the operator providing such services is not a relevant operator.

Signed by the authority of the Secretary of State for Transport

G. Merron
Parliamentary Under Secretary of State
Department for Transport

17th July 2006

SCHEDULE

Article 3

1. Services provided by a person on any network constructed in consequence of the making of any of the works authorised by—

- (1) the Tyne and Wear Passenger Transport Acts 1973 to 1989(c);
- (2) the Midland Metro Acts 1989 to 1993(d).

2. Services provided by—

- (1) the Concessionaire as defined in Article 2 of the Greater Manchester (Light Rapid Transit System) (Exemptions) Order 2004(e); or
- (2) the Greater Manchester Passenger Transport Executive.

3. Services provided by a person on—

- (1) any network constructed in consequence of the making of any of the works authorised by section 5 of the Heathrow Express Railway Act 1991(f); or
- (2) any network which extends or connects any such network as is mentioned in sub-paragraph (1) above to any part of Heathrow Airport.

4. Services provided by a person on any network comprised in the tunnel system within the meaning of section 1(7) of the Channel Tunnel Act 1987(g).

(a) Section 7 was amended by the Transport Act 2000 (c.38), Schedule 17, paragraphs 1 and 2, Schedule 27, paragraphs 17 and 18 and Schedule 31, Part IV, by the Railways and Transport Safety Act 2003 (c.20), Schedule 2, paragraph 1, 3 and 4 and by the Railways Act 2005 (c.14) Schedule 1, paragraph 1 and Schedule 13.

(b) Section 30 was substituted by the Transport Act 2000 (c.38), section 212 and has been amended by the Railways Act 2005, (c.14) section 18, Schedule 1, paragraph 20 and Schedule 13.

(c) 1973 c.xxxii, 1979 c.i, 1989 c.xiv.

(d) 1989 c.xv, 1992 c.vii, 1992 c.viii, 1993 c.v, 1993 c.vi.

(e) S.I. 2004/1072.

(f) 1991 c.vii.

(g) 1987 c.53.

5. Services provided by Transport for London or any subsidiary of theirs on any network on which regular scheduled railway passenger services are provided only by Transport for London or any subsidiary of theirs.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order relates to the obligations of operators of railway passenger services pursuant to section 248 of the Transport Act 2000 (“the Act”). Section 248(2) requires such operators, so far as is reasonably practicable, to ensure that any substitute road services allow disabled passengers to travel safely and in reasonable comfort.

Article 3 exempts relevant operators from their obligations under section 248(2) in respect of all substitute road services other than those relating to the railway passenger services listed in the Schedule.

Article 4 defines the relevant operators who are exempted from section 248(2) of the Act.

A full regulatory impact assessment has not been prepared for this instrument as it only has a negligible impact on the costs of business.

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