



Transport Act 2000

2000 CHAPTER 38

PART IV

RAILWAYS

CHAPTER I

THE STRATEGIC RAIL AUTHORITY

The Authority

^{F1}201 The Authority.

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Textual Amendments

- F1** Ss. 201-211 repealed (26.6.2005 for the repeal of s. 206, 1.12.2006 for the repeal of ss. 201-205, 207-211) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1444, art. 2(2), **Sch. 2**; S.I. 2006/2911, **Sch.**

^{F1}202 Membership and chairing.

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Textual Amendments

- F1** Ss. 201-211 repealed (26.6.2005 for the repeal of s. 206, 1.12.2006 for the repeal of ss. 201-205, 207-211) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1444, art. 2(2), **Sch. 2**; S.I. 2006/2911, **Sch.**

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F1203 Other senior appointments.

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Textual Amendments
F1 Ss. 201-211 repealed (26.6.2005 for the repeal of s. 206, 1.12.2006 for the repeal of ss. 201-205, 207-211) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1444, art. 2(2), **Sch. 2**; S.I. 2006/2911, **Sch.**

F1204 Further provisions.

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Textual Amendments
F1 Ss. 201-211 repealed (26.6.2005 for the repeal of s. 206, 1.12.2006 for the repeal of ss. 201-205, 207-211) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1444, art. 2(2), **Sch. 2**; S.I. 2006/2911, **Sch.**

Purposes, strategies and exercise of functions

F1205 Purposes.

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Textual Amendments
F1 Ss. 201-211 repealed (26.6.2005 for the repeal of s. 206, 1.12.2006 for the repeal of ss. 201-205, 207-211) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1444, art. 2(2), **Sch. 2**; S.I. 2006/2911, **Sch.**

F1206 Strategies.

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Textual Amendments
F1 Ss. 201-211 repealed (26.6.2005 for the repeal of s. 206, 1.12.2006 for the repeal of ss. 201-205, 207-211) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1444, art. 2(2), **Sch. 2**; S.I. 2006/2911, **Sch.**

F1207 Manner of exercise of functions.

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Textual Amendments

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F1 208 Directions, guidance and advice by Scottish Ministers.

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Textual Amendments

F1 Ss. 201-211 repealed (26.6.2005 for the repeal of s. 206, 1.12.2006 for the repeal of ss. 201-205, 207-211) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1444, art. 2(2), **Sch. 2**; S.I. 2006/2911, **Sch.**

F1 209 Directions, guidance and advice: supplementary.

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Textual Amendments

F1 Ss. 201-211 repealed (26.6.2005 for the repeal of s. 206, 1.12.2006 for the repeal of ss. 201-205, 207-211) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1444, art. 2(2), **Sch. 2**; S.I. 2006/2911, **Sch.**

F1 210 Validity of transactions.

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Textual Amendments

F1 Ss. 201-211 repealed (26.6.2005 for the repeal of s. 206, 1.12.2006 for the repeal of ss. 201-205, 207-211) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1444, art. 2(2), **Sch. 2**; S.I. 2006/2911, **Sch.**

Securing provision of railway services and assets etc.

F1 211 Financial assistance etc.

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Textual Amendments

F1 Ss. 201-211 repealed (26.6.2005 for the repeal of s. 206, 1.12.2006 for the repeal of ss. 201-205, 207-211) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1444, art. 2(2), **Sch. 2**; S.I. 2006/2911, **Sch.**

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212 Securing of services by franchising.

- (1) In section 23 of the ^{M1}Railways Act 1993, in subsection (1) (duty of Authority to designate passenger services as eligible for provision under franchise agreements), for the words after “designate” substitute “such services for the carriage of passengers by railway (other than services which are, by virtue of section 24 below, exempt from designation under this subsection) as it considers ought to be provided under franchise agreements.”
- (2) In that section, after subsection (2) insert—
- “(2A) A designation may be varied or revoked; but a variation or revocation of the designation of particular services, or services of a class or description, shall not affect any franchise agreement previously entered into with respect to those services or services of that class or description.
- (2B) The Authority shall publish designations, and any variations or revocations of designations, in such manner as it considers appropriate.”
- (3) In section 26 of that Act (invitations to tender for franchise), after subsection (3) insert—
- “(4) The directions which may be given under subsection (1) above (at any time when the Secretary of State considers it inappropriate that the person who is to be the franchisee under a franchise agreement should be selected after an invitation to tender) include—
- (a) a direction that that person is to be the person specified in the direction, and
- (b) a direction requiring the Authority to select that person in such manner as is so specified,
- (as well as a direction authorising the Authority to select that person in such other manner as it may consider appropriate).
- (5) The Secretary of State shall prepare and publish a statement of policy with respect to directions under subsection (1) above.
- (6) The statement shall (in particular) contain the Secretary of State’s policy about—
- (a) when he will consider giving a direction (including, in particular, when he will consider doing so in relation to a franchise agreement which is to replace an earlier franchise agreement before the end of its franchise term); and
- (b) the sorts of direction which he will consider giving in particular circumstances.
- (7) In deciding whether to give a direction, and (if so) what direction to give, the Secretary of State shall have regard to the statement of policy.
- (8) The Secretary of State—
- (a) may at any time alter or replace a statement of policy; and
- (b) shall publish the altered or replacement statement.
- (9) The Secretary of State shall undertake appropriate consultation when preparing, altering or replacing a statement of policy.

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(10) When a statement of policy is prepared, altered or replaced, a copy of the statement shall be laid before each House of Parliament.”

F2(4)

(5) For section 30 of that Act substitute—

“30 Duty of Authority in absence of franchise.

(1) The Authority shall provide, or secure the provision of, services for the carriage of passengers by railway where—

- (a) a direction not to seek to secure the provision of the services under a franchise agreement has been given to the Authority under section 26A or 26B above (and not revoked); or
- (b) a franchise agreement in respect of the services is terminated or otherwise comes to an end but no further franchise agreement has been entered into in respect of the services (otherwise than because of such a direction).

(2) The duty in subsection (1) above in relation to any services ceases if the services begin (or again begin) to be provided under a franchise agreement.

(3) Subsection (1) above does not—

- (a) require the Authority to provide or secure the provision of services if and to the extent that, in its opinion, adequate alternative railway passenger services are available;
- (b) preclude it from giving notice under subsection (5) of section 38 below in relation to any of the services, in which case its duty under this section to secure the provision of the services to which the notice relates will (subject to subsections (5) and (6) of that section) terminate on the day specified in the notice in pursuance of paragraph (b) of that subsection; or
- (c) preclude it from ceasing to provide or secure the provision of any of the services in any case falling within any of paragraphs (a) to (d) of subsection (2) of that section.”

(6) In section 18 of that Act (access agreements: contracts requiring approval of Regulator), after subsection (6) insert—

“(6A) The grounds on which the Regulator may reject, or approve subject to modifications, a proposed access contract submitted to him pursuant to subsection (5) above include that he considers that the use of the facility for which it provides might impede the provision of services—

- (a) under a franchise agreement; or
- (b) under an agreement entered into by the Authority pursuant to its duty under section 30 below.”

Textual Amendments

F2 S. 212(4) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

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Commencement Information

- II** S. 212 wholly in force at 1.2.2001, see s. 275(1)(2) and [S.I. 2001/57, art. 3\(1\)](#), [Sch. 2 Pt. I](#) (subject to the transitional provision and saving in [Sch. 2 Pt. II](#))

Marginal Citations

- M1** [1993 c. 43.](#)

^{F3}213 Limited additional powers to provide railway services.

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Textual Amendments

- F3** S. 213 repealed (24.7.2005) by [Railways Act 2005 \(c. 14\), s. 60\(2\)](#), [Sch. 1 para. 36\(a\)](#), [Sch. 13 Pt. 1](#) (with [s. 14\(4\)\(5\)](#), [Sch. 11 para. 11\(2\)](#)); [S.I. 2005/1909, art. 2](#), [Sch.](#)

^{F4}214 Securing provision of substitute bus and taxi services.

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Textual Amendments

- F4** S. 214 repealed (1.12.2006) by [Railways Act 2005 \(c. 14\), s. 60\(2\)](#), [Sch. 1 para. 36\(b\)](#), [Sch. 13 Pt. 1](#) (with [s. 14\(4\)\(5\)](#), [Sch. 11 para. 11\(2\)](#)); [S.I. 2006/2911, art. 2](#), [Sch.](#)

Functions of Franchising Director, Regulator and Board

215 Assumption of functions of Franchising Director.

- (1) Schedule 16 transfers to the Authority the functions of the Franchising Director.
- (2) All the property, rights and liabilities of the Franchising Director (including any rights and liabilities relating to staff appointed by him) are by virtue of this section transferred to the Authority.
- (3) Nothing in this Part affects the validity of anything done by or in relation to the Franchising Director.
- (4) There may be continued by or in relation to the Authority anything (including legal proceedings) which is in the process of being done by or in relation to the Franchising Director when his functions, property, rights and liabilities are transferred to the Authority.
- (5) Anything done by the Franchising Director which is in effect immediately before his functions, property, rights or liabilities are transferred to the Authority shall be treated as if done by the Authority.
- (6) The Authority shall be substituted for the Franchising Director in private Acts, instruments made under Acts, other documents and legal proceedings.

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- (7) For the purposes of the ^{M2}Employment Rights Act 1996, where a person employed in the civil service of the state becomes an employee of the Authority by virtue of this section—
- (a) his period of employment in the civil service of the state counts as a period of employment with the Authority, and
 - (b) the change of employment does not break the continuity of the period of employment.
- (8) In consequence of the preceding provisions of this section the office of Franchising Director is abolished.
- (9) If the Secretary of State determines that there are special circumstances which make it right that the person who is the Franchising Director immediately before the office is abolished should receive compensation, the Secretary of State shall pay to that person such compensation as may be determined by the Secretary of State.

Commencement Information

- I2** S. 215 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2 Pt. II**)

Marginal Citations

- M2** 1996 c. 18.

216 Assumption of certain functions of [^{F5}the Office of Rail and Road].

Schedule 17 makes provision for the transfer to the Authority of certain functions of [^{F6}the Office of Rail and Road] and of associated property, rights and liabilities.

Textual Amendments

- F5** Words in s. 216 heading substituted (E.W.S.) (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. para. 4(p)(ii)**
- F6** Words in s. 216 substituted (E.W.S.) (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. para. 4(p)(ii)**

Commencement Information

- I3** S. 216 wholly in force at 1.2.2001; s. 216 not in force at Royal Assent see s. 275(1)(2); s. 216 in force (30.1.2001) for certain purposes by S.I. 2001/57, art. 2, **Sch. 1**; s. 216 in force (1.2.2001) in so far as it is not already in force by S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in **Sch. 2Pt. II**)

217 Assumption of Board’s functions relating to transport police.

- (1) Schedule 18 transfers to the Authority the functions of the Board relating to the British Transport Police and associated property, rights and liabilities.

^{F7}(2)

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Textual Amendments

F7 S. 217(2) repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

Commencement Information

I4 S. 217 wholly in force at 1.2.2001, see s. 275(1)(2) and S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to the transitional provision and saving in Sch. 2 Pt. II)

F⁸218 Functions relating to Board’s property.

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Textual Amendments

F8 S. 218 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

Other powers

F⁹219 Power to make bye-laws.

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Textual Amendments

F9 S. 219 repealed (16.10.2005) by Railways Act 2005 (c. 14), s. 60(2), Sch. 1 para. 36(c), **Sch. 13 Pt. 1** (with s. 14(4)(5), 46(4), Sch. 11 para. 11(2), Sch. 13 para. 2); S.I. 2005/2812, art. 2(1), Sch. 1

F¹⁰220 Power to make transfer schemes.

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Textual Amendments

F10 Ss. 220-222 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

F¹⁰221 Power to promote and oppose Bills.

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Textual Amendments

F10 Ss. 220-222 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

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F10 222 Other incidental powers.

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Textual Amendments

F10 Ss. 220-222 repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

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Changes and effects yet to be applied to :

- s. 215 heading words substituted by [S.I. 2015/1682 Sch. para. 4\(p\)\(i\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 146(1)(defn.)(a)(b) by [2000 c. 38 s. 274 Sch. 31 Pt. 2](#)
- s. 19(2)(aa) inserted by [S.I. 2019/93, Sch. 1 para. 9\(1C\)\(b\)](#) (as inserted) by [S.I. 2019/1245 reg. 25](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 131A(2)(a) words omitted by [2017 c. 21 Sch. 2 para. 13\(a\)\(i\)](#)
- s. 131A(2)(b) omitted by [2017 c. 21 Sch. 2 para. 13\(a\)\(ii\)](#)
- s. 131A(4) omitted by [2017 c. 21 Sch. 2 para. 13\(b\)](#)
- s. 131A(5)(b) words omitted by [2017 c. 21 Sch. 2 para. 13\(c\)\(i\)](#)
- s. 131A(5)(c) words omitted by [2017 c. 21 Sch. 2 para. 13\(c\)\(ii\)](#)
- s. 132B(1)(a) omitted by [2017 c. 21 Sch. 2 para. 19](#)
- Sch. 16 para. 34(4)(a)para. 34(4)(b)(c) repealed by [2005 c. 14 Sch. 13 Pt. 1](#)