



Transport Act 2000

2000 CHAPTER 38

PART IV

RAILWAYS

CHAPTER II

OTHER PROVISIONS ABOUT RAILWAYS

Closures

234 Transfer of Regulator's functions to Secretary of State

- (1) In sections 37(6), 38(5), 39(7), 40(5), 41(6) and 42(4) of the Railways Act 1993 (lodging of objections to proposed closures with Regulator), for "Regulator" substitute "Secretary of State".
- (2) In sections 37(9), 38(7), 39(10), 40(7), 41(9) and 42(6) of that Act, in the definition of "the final decision on the closure question", for paragraphs (a) and (b) substitute "the Secretary of State's decision under section 43(9) below with respect to the proposed closure;".
- (3) In section 43 of that Act (notification to, and functions of, Regulator)—
 - (a) for "Regulator" (in each place except subsection (11)) substitute "Secretary of State",
 - (b) omit subsection (11) (time limit for making of decisions by Regulator), and
 - (c) in subsection (12), for "Secretary of State" substitute "Regulator".
- (4) Omit section 44 of that Act (reference of Regulator's decisions to Secretary of State).
- (5) In section 46 of that Act (variation of closure conditions)—
 - (a) in subsection (1), for "Regulator" substitute "Secretary of State" and omit the words from " , other than " to the end,

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- (b) in subsection (2), for “Regulator” substitute “Secretary of State” and for “Secretary of State” substitute “Regulator”, and
 - (c) omit subsection (3).
- (6) In section 48 of that Act (experimental services)—
- (a) in subsection (1), for “, 43 and 44” substitute “and 43”, and
 - (b) in subsection (7), for “Regulator” substitute “Secretary of State”.
- (7) In section 68 of that Act (investigatory functions of Regulator), omit subsection (1) (b) (duty to investigate contravention of condition of closure consent).

235 Publication of proposed closures at stations

- (1) In section 43 of the Railways Act 1993 (notification of proposed closures), after subsection (1) insert—
- “(1A) The Authority shall also—
- (a) send a copy of the notice to every person who is the operator of a station within the area affected; and
 - (b) require him to publish it at the station.”
- (2) After subsection (12) of that section insert—
- “(12A) The Secretary of State shall also—
- (a) send a copy of the decision to every person who is the operator of a station within the area affected; and
 - (b) require him to publish it at the station.”
- (3) In Schedule 5 to that Act (alternative closure procedure), renumber paragraph 2 as sub-paragraph (1) of that paragraph and after that sub-paragraph insert—
- “(2) The operator shall also—
- (a) send a copy of the notice to every person who is the operator of a station within the area affected; and
 - (b) require him to publish it at the station.”
- (4) After paragraph 3 of that Schedule insert—

“Publication of consent at stations

- 3A Where the Secretary of State has given his consent under paragraph 3(2) (b) above, he shall—
- (a) send a copy of it to every person who is the operator of a station within the area affected; and
 - (b) require him to publish it at the station.”
- (5) In paragraph 5A of that Schedule (services in and around Greater London), insert at the end—
- “(10) The Secretary of State shall also—
- (a) send a copy of his decision to every person who is the operator of a station within the area affected; and
 - (b) require him to publish it at the station.”

- (6) In sub-paragraph (1) of paragraph 6 of that Schedule (interpretation), for “in which the station or the line, or any part of the line, affected by the proposed closure is situated” substitute “affected”.
- (7) After that sub-paragraph insert—
- “(1A) In this Schedule “the area affected” means the area in which the station or line, or any part of the line, affected by the proposed closure is situated.”

236 Conditions

- (1) In section 37(1) of the Railways Act 1993 (notice of proposed closure of non-franchised passenger services except where closure is minor closure), after “minor closure” insert “and the service operator has agreed to comply with any conditions imposed by the Authority”.
- (2) In sections 39(1) and 41(1) of that Act (notice of proposed closure of whole or part of network or facility except where closure is minor closure), after “minor closure” insert “and the operator has agreed to comply with any conditions imposed by the Authority”.
- (3) In section 55(10) of that Act (enforcement), in the definition of “relevant condition or requirement”, after paragraph (c) insert—
- “(d) in the case of a person (other than the Authority) who is required to comply with closure conditions or has agreed to comply with conditions under section 37(1), 39(1) or 41(1) above, any of those conditions;”,
- and, in the definition of “relevant operator”, for “or person under closure restrictions” substitute “, person under closure restrictions or person who is required to comply with closure conditions or has agreed to comply with conditions under section 37(1), 39(1) or 41(1) above”.
- (4) In sections 37(8)(b), 38(6)(b), 39(9)(b), 40(6)(b), 41(8)(b) and 42(5)(b) of that Act (securing compliance with closure conditions), after “secure” insert “(in accordance with sections 55 to 58 below)”.

237 Closure of unnecessary track to be minor closure

In section 39(10) of the Railways Act 1993 (proposals to close part of network used or previously used for or in connection with provision of services for carriage of passengers), in the definition of “minor closure”, after paragraph (a) insert—

- “(aa) any part of a network which consists of a stretch of track, or installations associated with a stretch of track, doing no more than serve a station or light maintenance depot, or some part of it, where the circumstances are such that—
- (i) that part of the network is not necessary for the use of the station or light maintenance depot, or that part of it, for the purpose of or in connection with the provision of services for the carriage of passengers by railway; or
- (ii) the use of the station or light maintenance depot, or that part of it, has been or is proposed to be subject to termination

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constituting a minor closure within the meaning of section 41 below; or”.

238 General determinations of minor closures

In the Railways Act 1993, after section 46 insert—

“46A General determinations of minor closures

- (1) The Authority may make a general determination for the purposes of any or all of sections 37(1), 38(2), 39(1), 40(2), 41(1) and 42(2) above that closures of a particular class or description are minor closures.
- (2) Where the Authority makes or revokes a general determination under subsection (1) above, it shall—
 - (a) give a copy of the determination or revocation to the Regulator; and
 - (b) publish it in such manner as it considers appropriate.
- (3) The revocation of a general determination made under subsection (1) above shall not affect any closure if its status as a minor closure by virtue of the general determination has been relied on before the revocation as the ground for not giving a notice or for discontinuing any services or the operation of the whole or part of any network or facility.”

239 Operator’s duty to continue

- (1) In section 37 of the Railways Act 1993 (closures of non-franchised passenger services) —
 - (a) in subsections (1) and (3)(b), for “will” substitute “proposes to”, and
 - (b) in subsection (6), for the words following the paragraphs substitute “and the service operator shall not discontinue the services to which the proposed closure relates before the end of the interim period.”
- (2) In section 39(7) of that Act (closures of operational passenger networks), for the words following the paragraphs substitute “and the operator shall not discontinue the operation of the network, or the part of the network, to which the proposed closure relates before the end of the interim period.”
- (3) In section 41(6) of that Act (closures of railway facilities used in connection with passenger services), for the words following the paragraphs substitute “and the operator shall not terminate the use of the relevant facility, or the part of the relevant facility, to which the proposed closure relates before the end of the interim period.”
- (4) In section 55(10) of that Act (enforcement), in the definition of “relevant condition or requirement”, in paragraph (c)(i), for the words after “under” substitute “section 37(1) or (6), 39(1) or (7) or 41(1) or (6) above not to discontinue a railway passenger service or the operation of the whole or part of a network or not to terminate the use of the whole or part of a station or light maintenance depot; and”.