



Transport Act 2000

2000 CHAPTER 38

PART IV

RAILWAYS

CHAPTER II

OTHER PROVISIONS ABOUT RAILWAYS

Miscellaneous

246 Passenger Transport Executives.

(1) Section 34 of the ^{M1}Railways Act 1993 (Passenger Transport Authorities and Executives: franchising) is amended as follows.

(2) After subsection (8) insert—

“(8A) The Authority shall not do anything under subsection (8) above if or to the extent that to do it would prevent or seriously hinder the Authority—

- (a) from complying with any directions given to it by the Secretary of State under section 207(5) of the Transport Act 2000 or from having regard to any guidance so given;
- (b) from complying with any directions given to it by the Scottish Ministers under section 208 of that Act with which it must comply or from having regard to any guidance so given to which it must have regard; or
- (c) from exercising any of its functions in a manner which is consistent with its financial framework.

(8B) The Authority need not do anything under subsection (8) above if or to the extent that to do it would have an adverse effect on the provision of services

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for the carriage of passengers or goods by railway (whether inside or outside the Passenger Transport Executive’s passenger transport area).

(8C) The Authority need not do anything under subsection (8) above if or to the extent that to do it would increase the amount of any expenditure of the Authority under agreements or other arrangements entered into (in accordance with a franchise agreement) with—

- (a) the franchise operator;
- (b) the franchisee; or
- (c) any servant, agent or independent contractor of the franchise operator or franchisee.”

(3) In subsection (17) (disputes between Authority and Passenger Transport Executives: directions by Secretary of State), for “with respect to the dispute” substitute “ with respect to the proposal or franchise agreement ”.

Commencement Information

II S. 246 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.

247 Standards.

- (1) The Secretary of State may by regulations make provision for the setting of standards to be complied with in relation to railway assets, railway vehicles or railway services.
- (2) The regulations may provide—
 - (a) for standards to be set (and from time to time varied), or
 - (b) for compliance with standards to be monitored,
 by persons specified in, or designated in accordance with, the regulations.
- (3) The regulations may authorise the setting of standards which involve obtaining the approval of any person.
- (4) The regulations may authorise the charging of fees in respect of—
 - (a) the monitoring of compliance with standards, or
 - (b) the seeking of approvals in connection with standards.
- (5) The regulations may impose requirements to provide information on persons who—
 - (a) are required to comply with standards, or
 - (b) set, or monitor compliance with, standards,
 and prohibit the giving of false information.
- (6) The regulations may create criminal offences in respect of failures to comply with requirements imposed by the regulations.
- (7) The regulations may provide for such offences to be triable—
 - (a) only summarily, or
 - (b) either summarily or on indictment.

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- (8) The regulations may provide for an offence triable only summarily to be punishable on conviction with a fine not exceeding—
 - (a) level 5 on the standard scale, or
 - (b) such lower amount as may be prescribed.
- (9) The regulations may provide for an offence triable either summarily or on indictment to be punishable—
 - (a) on summary conviction, with a fine not exceeding the statutory maximum or such lower amount as may be prescribed, or
 - (b) on conviction on indictment, with a fine.
- (10) The regulations may make different provision for different cases and may (in particular) include provision—
 - (a) authorising conditional or unconditional dispensation from requirements imposed by the regulations which would otherwise apply, or
 - (b) requiring compliance with requirements so imposed which would not otherwise apply,in particular cases or descriptions of case.
- (11) The regulations may include such incidental, consequential, supplementary or transitional provisions or savings as the Secretary of State may consider appropriate, including (in particular) provision modifying any provision made by or under any other enactment.
- (12) The regulations shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Commencement Information

- I2** S. 247 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)

248 Substitute services to be suitable for disabled passengers.

- (1) This section applies where—
 - (a) a person who provides services for the carriage of passengers by railway provides or secures the provision of substitute road services, or
 - [^{F1}(b) the provision of such services is secured by the Secretary of State, the Scottish Ministers or the National Assembly for Wales.]
- (2) [^{F2}In providing or securing the provision of the services, the person providing them, the Secretary of State, the Scottish Ministers or the National Assembly for Wales] shall ensure, so far as is reasonably practicable, that the substitute road services allow disabled passengers to undertake their journeys safely and in reasonable comfort.
- (3) In the event of any failure by [^{F3}a person] to comply with subsection (2), he ^{F4}... shall be liable to pay damages in respect of any expenditure reasonably incurred, or other loss sustained, by a disabled passenger in consequence of the failure.
- (4) The Secretary of State may by order grant exemption from subsection (2) to—
 - (a) any class or description of persons who provide services for the carriage of passengers by railway, or

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- (b) any particular person who provides such services,
 in respect of all substitute road services or any class or description of such services.
- (5) Before making an order under subsection (4) the Secretary of State shall consult—
- (a) the Disabled Persons Transport Advisory Committee, and
 - (b) such other representative organisations as he thinks fit.
- (6) An order under subsection (4) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section “substitute road services” means services for the carriage of passengers by road which are provided where railway services have been temporarily interrupted or discontinued.
- (8) For the purposes of this section a passenger is disabled if he has a disability, or has suffered an injury, which seriously impairs his ability to walk.

Textual Amendments

- F1** S. 248(1)(b) substituted (1.8.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 12 para. 17(4)**; S.I. 2006/1951, art. 2(2)(i)
- F2** Words in s. 248(2) substituted (1.8.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 12 para. 17(5)**; S.I. 2006/1951, art. 2(2)(i)
- F3** Words in s. 248(3) substituted (1.8.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 12 para. 17(6)(a)**; S.I. 2006/1951, art. 2(2)(i)
- F4** Words in s. 248(3) repealed (1.8.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 12 para. 17(6)(b)**, **Sch. 13 Pt. 1** (with s. 14(4)(5), **Sch. 11 para. 11(2)**); S.I. 2006/1951, art. 2(2)(i)
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Commencement Information

- I3** S. 248 in force at 1.10.2006 by S.I. 2006/1933, art. 2

^{F5}249 Freight assistance by Scottish Ministers and Welsh Assembly.

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Textual Amendments

- F5** S. 249 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.**

250 Taxation of transfers.

Schedule 26 contains provisions about tax.

^{F6}251 Abolition of requirements for Treasury approval.

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Textual Amendments

- F6** S. 251 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.

Changes to legislation:

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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](#)