



Railways Act 2005

2005 CHAPTER 14

PART 2

PUBLIC SECTOR FUNDING AUTHORITIES FOR RAILWAYS

London

15 Duty of Secretary of State and Transport for London to co-operate

(1) Section 175 of the Greater London Authority Act 1999 (c. 29) (duty of Transport for London and the SRA to cooperate) is amended as follows.

(2) In subsection (1) (duty of co-operation)—

- (a) for “Strategic Rail Authority”, where first occurring, substitute “ Secretary of State ”; and
- (b) omit the words after paragraph (b) (which relate to the exchange of information).

(3) After that subsection insert—

“(1A) Before—

- (a) issuing an invitation to tender for a franchise agreement in a case in which the services to be provided under the agreement are or include London railway passenger services, or
- (b) entering into a franchise agreement in respect of such services in a case in which no such invitation has been issued,

the Secretary of State must consult Transport for London.

(1B) The Secretary of State and Transport for London must each provide to the other any information which—

- (a) the other reasonably requires for a purpose mentioned in subsection (1)(a) or (b); and
- (b) is information which it would have been lawful for him or (as the case may be) it to disclose apart from this subsection.”

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- (4) In subsection (2) (power of Transport for London and SRA to enter into arrangements as to how they will exercise and perform their functions), for “Strategic Rail Authority” substitute “ Secretary of State ”.
- (5) After that subsection insert—
- “(2A) Those arrangements may include arrangements under which sums become due from Transport for London to the Secretary of State—
- (a) in respect of London railway passenger services;
- (b) in respect of station services provided in connection with such services; or
- (c) in respect of bus substitution services provided as alternatives for London railway passenger services.”
- (6) In subsection (3) (references to functions of the SRA), for “Strategic Rail Authority”, “its” and “it” substitute, respectively, “ Secretary of State ”, “ his ” and “ him ”.
- (7) After that subsection insert—
- “(3A) A reference in this section to a London railway passenger service is a reference to—
- (a) a service for the carriage of passengers by railway between places in Greater London; or
- (b) a service for the carriage of passengers by railway between places in Greater London and places outside Greater London.
- (3B) Expressions used in this section and in Part 1 of the Railways Act 1993 have the same meanings in this section as in that Part.”

Commencement Information

II [S. 15](#) in force at 24.7.2005 by [S.I. 2005/1909](#), [art. 2](#), [Sch.](#)

16 Relaxation of contractual restrictions on Transport for London

- (1) Section 201 of the Greater London Authority Act 1999 (c. 29) (restriction on Transport for London entering into agreements that involve the holding of a licence under the 1993 Act) shall cease to have effect.
- (2) Transport for London may not enter into an agreement—
- (a) with a person who is a franchisee or franchise operator in relation to a franchise agreement, or
- (b) with a person who is proposing to become such a franchisee or franchise operator,
- unless the agreement is approved by the Secretary of State.
- (3) An agreement that relates exclusively to the grant of permission by a facility owner for a person to use a railway facility of his does not require the approval of the Secretary of State under subsection (2) in any case in which Transport for London or a subsidiary of its is the facility owner or the person granted permission.
- (4) The Secretary of State may—

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- (a) give a general approval for the purposes of subsection (2) in relation to a description of agreements, as well as specific approvals for particular agreements; and
 - (b) withdraw his approval in relation to any agreement at any time before the agreement is entered into.
- (5) The agreements to which Transport for London may become a party with the approval of the Secretary of State include franchise agreements under which services are provided which are or include services for the carriage of passengers by railway between places in Greater London.
- (6) In this section “subsidiary” has the meaning given to it by ^{F1}section 1159 of the Companies Act 2006].

Textual Amendments

F1 Words in s. 16(6) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 246(a)** (with art. 10)

Commencement Information

I2 S. 16 in force at 24.7.2005 by [S.I. 2005/1909](#), art. 2, **Sch.**

17 Membership of Transport for London

- (1) Paragraph 2 of Schedule 10 to the Greater London Authority Act 1999 (c. 29) (membership of Transport for London) is amended as follows.
- (2) In sub-paragraph (1) (which imposes a maximum of fifteen on the number of members appointed by the Mayor), for “fifteen” substitute “seventeen”.
- (3) In sub-paragraph (2) (which imposes a maximum of fourteen on the number so appointed where the Mayor is himself a member), for “fourteen” substitute “sixteen”.
- (4) After sub-paragraph (2) insert—

“(2A) The Mayor must exercise his powers under this paragraph so as to secure that at least two members of Transport for London are able to represent the interests of the persons living, working and studying in areas outside Greater London that are served by railway passenger services in respect of which Transport for London carries out functions, or is likely to do so.”
- (5) After sub-paragraph (3) insert—

“(3A) Before making an appointment for the purposes of sub-paragraph (2A) above, the Mayor must consult the regional planning body for each of the regions where the areas served by the services mentioned in that sub-paragraph are situated.”
- ^{F2}(6)
- (7) After sub-paragraph (7) insert—

“(8) In this paragraph—

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“railway passenger service” has the same meaning as in Part 1 of the Railways Act 1993; and

“regional planning body” and “region” have the same meanings as in Part 1 of the Planning and Compulsory Purchase Act 2004.”

- (8) It shall be the duty of the Mayor of London, within the period of six months beginning with the commencement of subsection (4)—
- (a) to review the existing membership of Transport for London; and
 - (b) to decide whether it is necessary for the purposes of the sub-paragraph inserted by that subsection for him to exercise any of his powers under paragraph 2 of Schedule 10 to the Greater London Authority Act 1999.
- (9) Before making that decision the Mayor must consult the same regional planning bodies (within the meaning of that paragraph) as he is required to consult before making an appointment for the purposes of that sub-paragraph.

Textual Amendments

- F2** S. 17(6) repealed (E.W.) (21.1.2008) by [Greater London Authority Act 2007 \(c. 24\), s. 59\(7\), Sch. 2;](#)
[S.I. 2008/113, art. 2\(m\)](#)

Commencement Information

- I3** S. 17 in force at 8.8.2007 by [S.I. 2007/1993, art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Railways Act 2005, Cross Heading:
London.