



Railways Act 2005

2005 CHAPTER 14

PART 3

RAIL PASSENGERS' COUNCIL AND RAIL PASSENGERS' COMMITTEES

19 The Rail Passengers' Council

- (1) There shall be a body corporate to be known as the Rail Passengers' Council.
- (2) That Council shall consist of—
 - (a) a chairman appointed by the Secretary of State;
 - (b) a member appointed by the Scottish Ministers;
 - (c) a member appointed by the National Assembly for Wales;
 - (d) a member appointed by the London Assembly from the members of the London Transport Users' Committee; and
 - (e) not more than twelve other members appointed by the Secretary of State after consultation with the chairman.
- (3) The chairman and other members of that Council—
 - (a) shall each hold and vacate office in accordance with the terms and conditions of his appointment; and
 - (b) on ceasing to hold office, shall be eligible for re-appointment.
- (4) The consent of the Secretary of State is required for the terms and conditions of an appointment under subsection (2)(b) or (c).
- (5) The London Assembly must consult the Secretary of State before fixing the terms and conditions of an appointment under subsection (2)(d).
- (6) On the day appointed for the commencement of this subsection the council known as the Rail Passengers' Council that was established by section 3(2) of the 1993 Act shall cease to exist.
- (7) References in enactments, instruments and other documents to the Rail Passengers' Council established by section 3(2) of the 1993 Act shall have effect from the

commencement of this subsection as references to the Council established by subsection (1).

- (8) If the Secretary of State considers it appropriate to do so in connection with or in anticipation of the establishment of the Rail Passengers' Council by subsection (1), he may terminate the appointment of any person as chairman or member of the Council established by section 3(2) of the 1993 Act.
- (9) If a person's appointment is terminated under subsection (8) before his term of office would have expired apart from this Act, the Secretary of State may, if he thinks it appropriate to do so, pay that person such sum by way of compensation as the Secretary of State determines.
- (10) Schedule 5 (which makes provision about the Council established by subsection (1)) has effect.

20 Delegation of functions by Council

After section 76 of the 1993 Act (functions of Rail Passengers' Council)—

“76A Delegation of duties under section 76(7A)

- (1) The Rail Passengers' Council and any other public body may enter into an agreement for that other body to be responsible, in accordance with the agreement, for —
 - (a) determining what is expedient for the purposes of subsection (7A) of section 76 above in relation to an area specified in the agreement; and
 - (b) otherwise performing that Council's duties under that subsection in relation to that area.
- (2) So long as an agreement under this section is in force—
 - (a) the duties of the Rail Passengers' Council under subsection (7A) of section 76 above shall be deemed, in relation to the area specified in the agreement, to fall on the other party to it, instead of on that Council; but
 - (b) that Council is not to be prevented from doing anything mentioned in that subsection in relation to that area.
- (3) An agreement under this section—
 - (a) may be entered into on such terms and conditions as the parties to it may agree; and
 - (b) may contain provision for determining for the purposes of this section in what circumstances things done under or for the purposes of section 76(7A) are to be treated as done in relation to the area specified in the agreement.
- (4) The consent of the Secretary of State is required before the Rail Passengers' Council and another public body may enter into an agreement under this section.
- (5) In this section “public body” means any authority or other body on which functions are conferred by or under an enactment.
- (6) In subsection (5) “enactment” includes an enactment comprised in an Act of the Scottish Parliament.”

21 Rail Passengers' Committees

- (1) On the day appointed for the commencement of this subsection the Rail Passengers' Committees established under section 2(2) of the 1993 Act shall cease to exist.
- (2) In section 68(2) of the 1993 Act (power of ORR to require Rail Passengers' Committee to investigate a matter), for “a Rail Passengers' Committee” substitute “the Rail Passengers' Council”.
- (3) Schedule 6 (which provides for the London Transport Users' Committee to continue to have functions it previously had by virtue of being treated as a Rail Passengers' Committee) has effect.
- (4) If the Secretary of State considers it appropriate to do so in connection with or in anticipation of the abolition of a Rail Passengers' Committee, he may terminate the appointment of any person as chairman or member of the Committee.
- (5) If a person's appointment is terminated under subsection (4) before his term of office would have expired apart from this Act, the Secretary of State may, if he thinks it appropriate to do so, pay that person such sum by way of compensation as the Secretary of State determines.