

*Changes to legislation: There are currently no known outstanding effects
for the Railways Act 2005, SCHEDULE 6. (See end of Document for details)*

SCHEDULES

SCHEDULE 6

Section 21

FUNCTIONS RETAINED BY LONDON TRANSPORT USERS' COMMITTEE

Members of LTUC to represent users of services in London railway area

- 1 In section 247(3)(b) of the Greater London Authority Act 1999 (c. 29) (members of LTUC appointed to represent railway users in particular area), for the words from “area for which” onwards substitute “ area for which the Committee fell, immediately before the repeal of section 2 of the Railways Act 1993 (Rail Passengers' Committees), to be treated as the Rail Passengers' Committee for the purposes specified in subsection (4) of that section ”.

Commencement Information

- II** Sch. 6 para. 1 in force at 24.7.2005 by S.I. 2005/1909, art. 2, Sch.

General duty of LTUC to keep railway matters under review

- 2 Before section 253 of that Act insert—

Committee to keep railways matters under review

“252A(1) It shall be the duty of the Committee, so far as it appears to it expedient from time to time to do so—

- (a) to keep under review matters affecting the interests of the public in relation to railway passenger services provided wholly or partly within the London railway area;
- (b) to keep under review matters affecting the provision of station services within that area;
- (c) to make representations to, and to consult, such persons as it thinks appropriate about the matters mentioned in paragraphs (a) and (b); and
- (d) to co-operate with other bodies representing the interests of users of public passenger transport services provided wholly or partly within that area.

(2) In this section—

- (a) references to the London railway area are references to the area for which the Committee fell, immediately before the repeal of section 2 of the Railways Act 1993 (Rail Passengers' Committees), to be treated as the Rail Passengers' Committee for the purposes specified in subsection (4) of that section;

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- (b) references to railway passenger services include references to bus substitution services; and
- (c) subject to that, 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

I2 Sch. 6 para. 2 in force at 24.7.2005 by S.I. 2005/1909, art. 2, Sch.

Duty of LTUC to investigate matters

3 In that Act, after the section 252A inserted by paragraph 2 of this Schedule, insert—

“252B References to Committee in relation to railways

- (1) It shall be the duty of the Committee to investigate any matter relating to a relevant railway matter if—
 - (a) it is the subject of a representation made to the Committee by a user or potential user of railway passenger services;
 - (b) it is referred to the Committee by the Secretary of State, the Office of Rail Regulation, the Rail Passengers' Council, the London Assembly or Transport for London; or
 - (c) it appears to the Committee that it is a matter that it ought to investigate.
- (2) A matter is a relevant railway matter for the purposes of subsection (1) if it relates to—
 - (a) the provision of railway passenger services wholly or partly within the London railway area; or
 - (b) the provision of station services within that area in a case in which the operator of the station is authorised by a licence under Part 1 of the Railways Act 1993.
- (3) The Secretary of State may also refer the following matters to the Committee for the purpose only of requiring the Committee to prepare a report on them—
 - (a) matters relating to the quality of railway passenger services provided wholly or partly within the London railway area; and
 - (b) matters relating to the quality of station services provided in that area.
- (4) The Committee must also assist the Secretary of State, to such extent and in such manner as he may require, in ascertaining whether the franchise operator in the case of a particular franchise agreement is attaining the standards set for the provision of the franchised services.
- (5) The Committee is not required to investigate a matter in a case falling within subsection (1)(a) if it appears to the Committee that the representation is frivolous or vexatious.

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- (6) Subsection (2) of section 252A applies for the purposes of this section as it applies for the purposes of that section.

252C Action on investigation under section 252B

- (1) On investigating a matter under section 252B the Committee must, if it considers it appropriate to do so—
- (a) in every case, make appropriate representations to the person providing the service;
 - (b) in the case of a service provided under a franchise agreement by a person other than the franchisee, make appropriate representations to the franchisee; and
 - (c) in the case of a secured service (within the meaning of Part 4 of the Railways Act 2005), make appropriate representations to the Secretary of State.
- (2) In subsection (1) “appropriate representations” means representations about—
- (a) any matter appearing to the Committee to be relevant to the subject-matter of the investigation; and
 - (b) any other matter to which a matter so appearing relates.
- (3) Subject to subsection (4), where the Committee—
- (a) having made representations under subsection (1), is of the opinion that it is unable to obtain a satisfactory resolution by that means,
 - (b) on investigating a matter, has reason for believing that the holder of a licence under Part 1 of the Railways Act 1993 is contravening a condition of the licence, or is likely to do so, or
 - (c) on investigating a matter, has reason for believing that a franchisee in relation to a franchise agreement is contravening the provisions of the agreement, or is likely to do so,
- the Committee must refer the matter to the Secretary of State (or if he referred it to the Committee, back to him) with a view to his exercising such of his powers as he considers appropriate in the circumstances of the case.
- (4) Subsection (3) does not apply in a case where representations under subsection (2) have been made to the Secretary of State.
- (5) If the Secretary of State considers that it would be more appropriate for a matter referred to him by the Committee under subsection (3) to be referred to the Office of Rail Regulation, he must—
- (a) refer it to that Office, or
 - (b) if it was referred to the Committee by that Office, refer it back to that Office,
- with a view to that Office exercising such of its powers as it considers appropriate in the circumstances of the case.
- (6) The Committee must not—
- (a) include a proposal for the taking of any steps in representations made by it under this section, or

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- (b) make a reference under this section to the Secretary of State by reason only of the failure of a person to take any steps, unless the test in subsection (7) is satisfied.
- (7) That test is satisfied if, on the basis of the information available to the Committee, it considers that, balancing each of the following against the other—
 - (a) the costs of taking the steps, and
 - (b) the benefits that will be enjoyed by persons in consequence of the taking of those steps,
the expenditure involved represents good value for money.
- (8) In this section “franchise agreement” and “franchisee” have the same meanings as in Part 1 of the Railways Act 1993.

252D Reports on investigation etc.

- (1) Where the Committee investigates a matter under section 252B—
 - (a) it may prepare a report of its findings; and
 - (b) it must do so if required to do so by the Secretary of State in relation to any matter falling within section 252B(3) that was referred to it by him for the purposes of that requirement.
- (2) The Committee must not include a proposal for the taking of any steps in a report prepared by it under this section unless, on the basis of the information available to it, it considers that, balancing each of the following against the other—
 - (a) the costs of taking those steps, and
 - (b) the benefits that will be enjoyed by persons in consequence of the taking of those steps,
the expenditure involved represents good value for money.
- (3) The Committee—
 - (a) must send a copy of every report prepared under this section to the Rail Passengers' Council; and
 - (b) may publish the report;
but the Committee may publish a report relating to findings on a matter referred to the Committee by the Secretary of State only if required to do so by him under this section.
- (4) Where—
 - (a) the Committee prepares a report relating to a matter referred to it by the Secretary of State, but
 - (b) the report is not a report that the Secretary of State has required under subsection (1)(b),
the Committee must publish the report if it is required to do so by him.
- (5) The Secretary of State may arrange for the publication of any report by the Committee the preparation of which he has required under subsection (1)(b).

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- (6) The publication of a report by the Committee or the Secretary of State may be in any manner that the Committee or (as the case may be) the Secretary of State thinks appropriate.
- (7) References in this section to a matter referred to the Committee by the Secretary of State include references to a matter in relation to which he has required the Committee's assistance under section 252B(4)."

Commencement Information

I3 Sch. 6 para. 3 in force at 24.7.2005 by S.I. 2005/1909, art. 2, Sch.

Power of Secretary of State to exclude matters from duties of LTUC

- 4 (1) In that Act, after the section 252D inserted by paragraph 3 of this Schedule insert—

“252E Power to make exclusions from duties under sections 252A to 252D

- (1) The Secretary of State may by order—
 - (a) exclude services from one or more of the duties imposed by sections 252A to 252D;
 - (b) provide that one or more of those duties applies to services of a particular class or description, particular services or services provided by a particular person only to such extent as is specified in the order; or
 - (c) provide that one or more of those duties applies with specified modifications in the case of services of a particular class or description, particular services or services provided by a particular person.
 - (2) Before making an order under this section the Secretary of State must consult the Committee and the Rail Passengers' Council.
 - (3) The power to make exclusions by an order under this section includes—
 - (a) power to exclude services of a particular class or description, particular services or services provided by a particular person; and
 - (b) power to provide that services are excluded subject to compliance with specified conditions.
 - (4) An order under this section may not revoke an exclusion except—
 - (a) for breach of a condition; or
 - (b) in accordance with the order that made it.”
- (2) In section 420(8) of that Act (orders subject to negative resolution procedure), after “section 242(10)” insert— “ section 252E; ”.

Commencement Information

I4 Sch. 6 para. 4 in force at 24.7.2005 by S.I. 2005/1909, art. 2, Sch.

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Duty of Rail Passengers' Council to refer matters to the LTUC

5 In section 76 of the 1993 Act (duties of Rail Passengers' Council), after subsection (2) insert—

“(2A) If any matter falling within subsection (2)(a) appears to the Rail Passengers' Council to relate only to—

(a) the provision of railway passenger services wholly within the London railway area (within the meaning of section 252A of the Greater London Authority Act 1999), or

(b) the provision of station services within that area,

that Council must refer the matter to the London Transport Users' Committee.”

Commencement Information

15 Sch. 6 para. 5 in force at 24.7.2005 by S.I. 2005/1909, art. 2, Sch.

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