



Railways Act 2005

2005 CHAPTER 14

PART 4

NETWORK MODIFICATIONS ETC.

Supplemental provisions of Part

43 Procedure relating to publication and modification of closures guidance

- (1) The Secretary of State must lay before each House of Parliament a copy of any guidance or revised guidance, or modifications of guidance, which he publishes or makes (whether or not jointly with any other person) under section 42.
- (2) The Scottish Ministers must lay before the Scottish Parliament a copy of any guidance or revised guidance, or modifications of guidance, which they publish or make (whether or not jointly with any other person) under that section.
- [^{F1}(2A) The Welsh Ministers must lay before the National Assembly for Wales a copy of any guidance or revised guidance, or modifications of guidance, which they publish or make under section 42(1A).]
- (3) Any guidance or revised guidance published under section 42 is to have effect, and any modifications of guidance made under that section are to have effect, in accordance with an order made—
 - (a) if subsection (1) applies in relation to the guidance or modifications, by the Secretary of State;
 - (b) if subsection (2) applies in relation to the guidance or modifications, by the Scottish Ministers; and
 - (c) if both subsections (1) and (2) apply in relation to the guidance or modifications, jointly by the Secretary of State and the Scottish Ministers.
- [^{F2}(3A) Guidance published by the Welsh Ministers under section 42(1A) (and any modifications of that guidance or any revised version of that guidance published by

Changes to legislation: There are currently no known outstanding effects for the Railways Act 2005, Section 43. (See end of Document for details)

the Welsh Ministers under section 42(6)) are to have effect in accordance with an order made by the Welsh Ministers.]

- (4) An order under subsection (3) which relates to guidance or revised guidance published, or modifications of guidance made, by [^{F3}the Welsh Ministers] jointly with the Secretary of State or the Scottish Ministers, or both of them, may be made only with the consent of [^{F3}the Welsh Ministers] .
- (5) An order under subsection (3) [^{F4}or (3A)] is subject to the negative resolution procedure.
- (6) If a statutory instrument containing an order under subsection (3) [^{F4}or (3A)] is annulled—
 - (a) the guidance or revised guidance, or modifications of guidance, to which it relates is, or are, treated as having been withdrawn; and
 - (b) where revised guidance or modifications is or are so withdrawn, any guidance published under section 42 which had effect before the publication of the revised guidance or the making of the modifications is to continue to have effect.
- (7) The withdrawal of guidance or revised guidance or modifications of guidance under subsection (6)—
 - (a) does not affect anything done in consequence of the guidance before the withdrawal; and
 - (b) does not preclude the publication of further guidance or revised guidance or the making of further modifications.

Textual Amendments

- F1** S. 43(2A) inserted (13.6.2018) by [The Welsh Ministers \(Transfer of Functions\) \(Railways\) Order 2018 \(S.I. 2018/631\)](#), art. 1(2)(b)(xiv), **Sch. para. 56(2)**
- F2** S. 43(3A) inserted (13.6.2018) by [The Welsh Ministers \(Transfer of Functions\) \(Railways\) Order 2018 \(S.I. 2018/631\)](#), art. 1(2)(b)(xiv), **Sch. para. 56(3)**
- F3** Words in s. 43(4) substituted (13.6.2018) by [The Welsh Ministers \(Transfer of Functions\) \(Railways\) Order 2018 \(S.I. 2018/631\)](#), art. 1(2)(b)(xiv), **Sch. para. 56(4)**
- F4** Words in s. 43(5)(6) inserted (13.6.2018) by [The Welsh Ministers \(Transfer of Functions\) \(Railways\) Order 2018 \(S.I. 2018/631\)](#), art. 1(2)(b)(xiv), **Sch. para. 56(5)**

Commencement Information

- I1** S. 43 in force at 1.8.2006 by [S.I. 2006/1951](#), **art. 2(2)(b)**

Changes to legislation:

There are currently no known outstanding effects for the Railways Act 2005, Section 43.