

# Passenger Railway Services (Public Ownership) Bill

---

## RUNNING LIST OF ALL AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

*Tabled up to and including*

*16 October 2024*

---

*[Amendments marked ★ are new or have been altered]*

### Clause 1

BARONESS SCOTT OF NEEDHAM MARKET  
BARONESS RANDERSON  
LORD MOYLAN

Clause 1, page 1, line 12, at end insert –

#### **“25B Termination of existing franchise agreements**

- (1) The Secretary of State must terminate franchise agreements for default in accordance with the terms of the agreement as soon as it is possible to do so.
- (2) Subject to subsection (1), the Secretary of State must not terminate a franchise agreement pursuant to a break clause unless –
  - (a) there are no other franchise agreements which are –
    - (i) terminable for default or may be terminable in the next three months for default, or
    - (ii) will come to the end of their term within the next three months, and
  - (b) the Secretary of State is satisfied that provision of the services by a public sector company will improve existing service provision.
- (3) In this section, “break clause” means a contractual provision in a franchise agreement which entitles the Secretary of State to terminate the franchise agreement before the end of the franchise term by notice without reason.”

#### ***Member's explanatory statement***

*This amendment would require the Secretary of State to nationalise the worst performing operators first while enabling services that are currently working well to continue.*

LORD MOYLAN

★ Clause 1, page 1, line 12, at end insert –

**“25B Report on impact of prohibition on franchise extensions and new franchises**

The Secretary of State must lay before Parliament –

- (a) within a month of the day on which the Passenger Railway Services (Public Ownership) Act 2024 is passed, a report on the anticipated impact of the prohibition on franchise extensions and new franchises under section 25A, and
- (b) after a period of three years has elapsed after the day on which the Passenger Railway Services (Public Ownership) Act 2024 is passed, a report outlining the actual impact of the prohibition on franchise extensions and new franchises under section 25A.”

***Member's explanatory statement***

*This amendment requires the Secretary of State to publish a report on the expected impact of the prohibition on franchise extensions for private sector operators within one month of the Passenger Railway Services Act 2024, and a follow-up report three years after the Act comes into force, summarising the impact of these prohibitions.*

**Clause 2**

LORD MOYLAN

★ Clause 2, page 2, line 12, leave out from “(1)” to end of line 15 and insert “only by the competitive award of a contract in the form of a concession to a private sector entity.”

LORD BERKELEY

LORD MOYLAN

Clause 2, page 2, line 15, at end insert –

- “(1AA) Before making a direct award of a public service contract to a public sector company under subsection (1A), the relevant franchising authority must publish a report on –
  - (a) the possible impact on rail network capacity used by rail freight services,
  - (b) the possible impact on the meeting of the rail freight growth target for at least 75% growth in freight carried by rail by 2050 on 2019 levels.”

LORD MOYLAN

★ Clause 2, page 2, line 15, at end insert –

- “(1AA) Before making a direct award of a public service contract to a public sector company under subsection (1A), the relevant franchising

authority must provide information to the Office of Rail and Road on the public sector company's ability to become responsible for the provision of the relevant passenger railway services.

- (1AB) The information provided under subsection (1AA) must include an overview and analysis of the capacity of the public sector company to provide, maintain and improve the existing level of service.
- (1AC) Following the receipt of the information provided under subsection (1AA), the Office of Rail and Road must publish an opinion on whether it is reasonably practicable for the public sector company to provide, or secure the provision of, the relevant passenger railway services."

***Member's explanatory statement***

*This amendment requires that the relevant franchising authority provides information to the ORR on a public sector company's capability to provide adequate railway services.*

LORD MOYLAN

- ★ Clause 2, page 2, line 15, at end insert –

- “(1AA) Every contract made in accordance with subsection (1A) must place a duty on the public sector company to publish a plan for investment for innovation across all aspects of its operations, including but not limited to –
- (a) operational efficiency;
  - (b) fares and ticketing;
  - (c) stations and onboard services;
  - (d) passenger information; and
  - (e) digital transformation.”

***Member's explanatory statement***

*This amendment requires all public sector companies awarded a contract to publish a plan for investment in every operational aspect of the railways.*

LORD MOYLAN

- ★ Clause 2, page 2, line 15, at end insert –

- “(1AA) The franchising authority may not award a contract under (1A) with a lower service level without undertaking a public consultation which focuses on passenger interests.”

***Member's explanatory statement***

*This amendment prohibits the franchising authority from awarding a contract with a lower service level without conducting a public consultation focused on passenger interests.*

LORD MOYLAN

- ★ Clause 2, page 2, leave out lines 16 to 18.

LORD BERKELEY

- ★ Clause 2, page 2, line 21, at end insert –
  - “(1D) The relevant franchising authority must ensure that any public service contract awarded under subsection (1A) includes provisions to mandate rest day working.”

LORD MOYLAN

- ★ Clause 2, page 2, line 21, at end insert –
  - “(1D) The relevant franchising authority must consult the Council of the Nations and Regions before making a direct award of a public sector contract to a public sector company for a rail service that serves destinations in two or more of England, Scotland and Wales.”

***Member's explanatory statement***

*This amendment requires the relevant franchising authority to consult the Council of the Nations and Regions before making a direct award of a public sector contract to a public sector company for a rail service that serves destinations in two or more of England, Scotland and Wales.*

LORD MOYLAN

- ★ Clause 2, page 2, line 21, at end insert –
  - “(1D) The relevant franchising authority must consult the Prime Minister’s Envoy to the Nations and Regions before making a direct award of a public sector contract to a public sector company for a rail service that serves destinations in two or more of England, Scotland and Wales.”

***Member's explanatory statement***

*This amendment requires the relevant franchising authority to consult the Prime Minister’s Envoy to the Nations and Regions before making a direct award of a public sector contract to a public sector company for a rail service that serves destinations in two or more of England, Scotland and Wales.*

LORD MOYLAN

- ★ Clause 2, page 2, line 21, at end insert –
  - “(1D) In this section “concession” means a contract under which the franchising authority specifies rail services to be provided by a private sector entity and retains the risk of fluctuations in the receipt of fares.”

***Member's explanatory statement***

*This amendment and another in the name of Lord Moylan removes from the Bill the duty placed on the Secretary of State only to make a direct award of a public service contract to a public service company with a duty only to make competitive awards to private sector companies on the basis of a concession.*

LORD MOYLAN

- ★ Clause 2, page 2, line 22, leave out “Public sector” and insert “Concession-based”

BARONESS PIDGEON  
BARONESS RANDERSON  
LORD MOYLAN

Clause 2, page 2, line 23, at end insert –

**“30ZA Exemption of passenger services: duty to consult**

- (1) Before making a direct award of a public service contract to a public sector company under section 30(1A), the relevant franchising authority must consult with relevant persons on their willingness and ability to make an application to the appropriate designating authority for the grant of an exemption from designation under section 23(1) for the purposes of applying for or being awarded a public service contract under section 30(1A).
- (2) For the purposes of subsection (1), “relevant persons” include –
  - (a) the Scottish Ministers,
  - (b) the Welsh Ministers,
  - (c) English combined authorities,
  - (d) the Greater London Authority,
  - (e) directly elected mayors, and
  - (f) any other relevant persons or bodies.”

***Member's explanatory statement***

*This amendment requires the Secretary of State to consult appropriately when awarding a public sector contract in order to encourage more services to be operated by devolved authorities like TfL or combined authorities in the future.*

BARONESS BRINTON  
 BARONESS RANDERSON  
 LORD MOYLAN

Clause 2, page 2, line 23, at end insert –

**“30ZA Statement of accessibility standards**

- (1) When making a direct award under section 30(1A) the Secretary of State must lay before Parliament a statement to the effect that they are of the view that such an award will comply with the accessibility standards.
- (2) The Secretary of State must prepare a statement of the standards that they propose to apply in assessing, for the purposes of subsection (1), that a public sector company meets the required level of accessibility.
- (3) The principles must in particular make provision for the accessibility of –
  - (a) the service;
  - (b) accommodation for individual journeys;
  - (c) booking platforms and other interactive digital services and systems used in connections with journeys on the relevant franchise.
- (4) In preparing the statement under subsection (2) the Secretary of State must consult such persons as they consider appropriate, in particular disabled people.”

***Member's explanatory statement***

*This amendment places a duty on the Secretary of State to make a statement to Parliament confirming they are of the view that making an award to a public sector company will meet certain accessibility standards.*

LORD YOUNG OF COOKHAM

★ Clause 2, page 2, line 23, at end insert –

**“30ZA Independent body to advise on pay and terms and conditions of employment for employees of public sector companies**

- (1) The Secretary of State must, within three months of the day on which the Passenger Railway Services (Public Ownership) Act 2024 is passed, establish an independent body with responsibility for –
  - (a) providing advice to Government on the –
    - (i) remuneration, and
    - (ii) terms and conditions of employment,
 of employees of the public sector companies providing passenger railway services under a contract awarded in accordance with section 30(1A);
  - (b) advising the Government on value for money during the negotiation of the terms and conditions of employment of employees of the

- public sector companies providing passenger railway services under a contract awarded in accordance with section 30(1A); and
- (c) laying before Parliament an annual report on the terms and conditions of employment of employees of the public sector companies providing passenger railway services under a contract awarded in accordance with section 30(1A).
- (2) Advice provided in accordance with subsections (1)(a) and (b) must be based on annual investigations of working practices conducted by the independent body and consider –
- (a) value for money;
  - (b) affordability;
  - (c) domestic and international comparators; and
  - (d) the future of the rail network, including the modernisation of working practices.
- (3) Advice provided in accordance with subsection (1)(b) must include whether any conflicts of interest exist between any Government Minister and any union involved in the negotiation of the terms and conditions of employment, and how any such conflicts should be managed.
- (4) An annual report published under subsection (1)(c) must include a comparison with the terms and conditions of employment under the franchise which provided the relevant passenger railway services prior to the awarding of a contract in accordance with section 30(1A).
- (5) The first annual report under subsection (1)(c) must be laid before Parliament within twelve months of the first award of a public sector contract in accordance with section 30(1A).”

***Member's explanatory statement***

*This amendment requires the Secretary of State to set up an independent body responsible for pay and terms and conditions of employment for employees of public sector companies.*

LORD MOYLAN

★ Clause 2, page 2, line 23, at end insert –

**“30ZA Independent financial monitoring of public sector companies**

- (1) The Secretary of State must, within three months of the day on which the Passenger Railway Services (Public Ownership) Act 2024 comes into force, instruct an independent body to conduct monitoring of the financial management of any public sector company with whom a direct award of a public service contract is made under section 30(1A).
- (2) For the purposes of subsection (1), “monitoring of the financial management” includes the auditing of accounts, the review of spending efficiency, and the making of recommendations to improve cost-effectiveness.”

***Member's explanatory statement***

*This amendment requires that the Secretary of State instructs an independent body to conduct financial monitoring of the public sector companies.*

LORD MOYLAN

★ Clause 2, page 2, line 23, at end insert –

**“30ZA Report on cost of contracts with public sector companies**

- (1) The Secretary of State must, within three months of the day on which the Passenger Railway Services (Public Ownership) Act 2024 comes into force, instruct an independent body to report on the total cost to the Government of contracts awarded in accordance with section 30(1A).
- (2) The first report under this section must be laid before Parliament within twelve months of the first award of a public sector contract in accordance with section 30(1A), with subsequent reports to be laid annually.
- (3) Any report published under this section must include consideration of any liabilities previously held by franchises which are now public sector liabilities.”

***Member's explanatory statement***

*This amendment requires the Secretary of State to ensure an independent body to report on the cost of government contracts awarded to companies.*

LORD MOYLAN

★ Clause 2, page 2, line 23, at end insert –

**“30ZA Annual reporting of performance of publicly owned train operating companies**

- (1) The Secretary of State must lay before Parliament an annual report on the performance of public sector companies to whom public service contracts are made under section 30(1A).
- (2) An annual report published under subsection (1) must include details of a company’s –
  - (a) financial performance;
  - (b) revenue growth;
  - (c) cost control;
  - (d) innovation;
  - (e) service quality metrics;
  - (f) customer satisfaction metrics; and
  - (g) value for money.



- (3) The first annual report under this section must be laid before Parliament within twelve months of the first award of a public sector contract in accordance with section 30(1A).”

*Member's explanatory statement*

*This amendment requires the Secretary of State to produce an annual report on the performance of public sector companies.*

LORD MOYLAN

★ Clause 2, page 2, line 23, at end insert –

**“30ZA Performance-based assessment of publicly-owned train operating companies**

- (1) Public sector companies with whom public service contracts are made in accordance with section 30(1A) are to be subject to performance-based assessments in relation to their management of the relevant passenger railway services.
- (2) Performance-based assessments of public sector companies under subsection (1) are to be conducted by an independent body instructed by the Secretary of State.
- (3) In conducting a performance-based assessment the independent body must assess the public sector company against published targets in relation to –
  - (a) the punctuality of services,
  - (b) customer satisfaction,
  - (c) revenue and passenger growth, and
  - (d) operational efficiency.
- (4) Every contract made in accordance with section 30(1A) must place duties on relevant public sector companies –
  - (a) to prepare performance improvement plans where published targets are assessed under this section as not being met;
  - (b) to place limitations on the remuneration of senior managers while a performance improvement plan is in force.”

*Member's explanatory statement*

*This amendment requires an independent body to conduct performance-based assessment of public sector companies.*

LORD MOYLAN

★ Clause 2, page 2, line 23, at end insert –

**“30ZA Annual report of pension liabilities**

- (1) The Secretary of State must lay before Parliament, within six months of the day on which this Act comes into force, and on each anniversary of that date

thereafter, a report on the financial and other impacts of pensions liabilities (and other liabilities associated with retired railway personnel) arising from the award of public service contracts to public sector companies under subsection 30(1A).

- (2) The report published under subsection (1) must include details of—
- (a) any cost to the taxpayer associated with those pension schemes,
  - (b) ongoing expected liabilities arising from those pension schemes,
  - (c) financial performance of those pension schemes and the sections of those pension schemes associated with each operator, and
  - (d) the provision of free travel and any other benefits to qualifying active and retired railway personnel.”

***Member's explanatory statement***

*This amendment would require the Secretary of State to publish an annual report examining the impact of this Bill on ongoing pension liabilities and their impact to the taxpayer.*

LORD MOYLAN

★ Clause 2, page 2, line 23, at end insert—

**“30ZA Impact on open access operators**

The Secretary of State must, within twelve months of the day on which the Passenger Railway Services (Public Ownership) Act 2024 comes into force, and annually thereafter, lay before Parliament a report on the impact of the awarding of public service contracts to public sector companies under subsection 30(1A) on open access operators in the United Kingdom.”

LORD YOUNG OF COOKHAM  
LORD MOYLAN

Clause 2, page 2, line 24, leave out “Temporary”

***Member's explanatory statement***

*This amendment, along with another in the name of Lord Young of Cookham to Clause 2, would allow the Secretary of State to renew an existing franchise or enter into a new contract with a private service operator who is providing a satisfactory service.*

LORD YOUNG OF COOKHAM  
LORD MOYLAN

Clause 2, page 2, line 29, leave out from “that” to end of line 32 and insert “a new contract can be provided by the existing service operator, where that operator is providing a satisfactory service.”

**Member's explanatory statement**

*This amendment, along with another in the name of Lord Young of Cookham to Clause 2, would allow the Secretary of State to renew an existing franchise or enter into a new contract with a private service operator who is providing a satisfactory service.*

LORD MOYLAN

- ★ Clause 2, page 2, line 29, leave out “reasonably”

BARONESS JONES OF MOULSECOOMB  
LORD MOYLAN

Clause 2, page 3, line 23, after the second “Ministers” insert “or an elected public body”

**Member's explanatory statement**

*This amendment and others in the name of Baroness Jones of Moulsecoomb would expand the definition of “public sector company” to enable public service contracts to run passenger railway services to be awarded to public sector companies owned by local elected public bodies.*

BARONESS JONES OF MOULSECOOMB  
LORD MOYLAN

Clause 2, page 3, line 25, after “Ministers” insert “or an elected public body”

**Member's explanatory statement**

*This amendment and others in the name of Baroness Jones of Moulsecoomb would expand the definition of “public sector company” to enable public service contracts to run passenger railway services to be awarded to public sector companies owned by local elected public bodies.*

BARONESS JONES OF MOULSECOOMB  
LORD MOYLAN

Clause 2, page 3, line 27, after “Ministers” insert “or an elected public body”

**Member's explanatory statement**

*This amendment and others in the name of Baroness Jones of Moulsecoomb would expand the definition of “public sector company” to enable public service contracts to run passenger railway services to be awarded to public sector companies owned by local elected public bodies.*

LORD YOUNG OF COOKHAM  
LORD MOYLAN

Clause 2, page 3, line 27, at end insert —

“(iv) owned by a local transport authority;”

***Member's explanatory statement***

*This amendment would enable a public service contract for the railways to be awarded by a local transport authority, as well as by Secretaries of State, to promote devolution.*

LORD LIDDLE

★ Clause 2, page 3, line 27, at end insert –

- “(iv) a public private partnership that brings additional investment to the railway,
- (v) a cooperative venture involving employees and passengers that seeks to improve local services;”

BARONESS JONES OF MOULSECOOMB  
LORD MOYLAN

Clause 2, page 3, line 27, at end insert –

- “(ba) “elected public body” means a body which is –
  - (i) a mayoral combined authority,
  - (ii) a combined authority, or
  - (iii) a unitary, county, district or borough council,
 or which is composed of more than one of the bodies listed above.”

***Member's explanatory statement***

*This amendment and others in the name of Baroness Jones of Moulsecoomb, would expand the definition of “public sector company” to enable public service contracts to run passenger railway services to be awarded to public sector companies owned by local elected public bodies.*

BARONESS RANDERSON  
LORD BRADSHAW

Clause 2, page 3, line 32, at end insert –

**“30D Annual report on ticketing effects of public service contracts**

- (1) The Secretary of State must lay before Parliament an annual report on the effect of public sector contracts awarded in accordance with section 30(1A) on –
  - (a) ticket pricing;
  - (b) tap-in, tap-out options;
  - (c) single-leg pricing;
  - (d) digital season tickets;
  - (e) ticket purchasing options;
  - (f) compensation for delays and cancellations;
  - (g) ticketing interoperability with –
    - (i) other train operators, and

- (ii) bus and light rail system operators.
- (2) The Secretary of State must consult other franchising authorities before finalising a report under subsection (1).
- (3) The first annual report under this section must be laid before Parliament within twelve months of the first award of a public sector contract in accordance with section 30(1A).
- (4) Each subsequent annual report must be laid before Parliament before the end of July in each subsequent calendar year.”

***Member's explanatory statement***

*This amendment would require the Secretary of State to publish an annual report on the effect on ticketing of public service contracts.*

BARONESS SCOTT OF NEEDHAM MARKET  
BARONESS RANDERSON

Clause 2, page 3, line 32, at end insert –

**“30D Passenger Standards Authority**

- (1) The Secretary of State must, within three months of the coming into force of the Passenger Railway Services (Public Ownership) Act 2024, establish an independent body (the Passenger Standards Authority) with responsibility for monitoring the impact of that Act on passenger standards.
- (2) In fulfilling its duty under subsection (1), the Passenger Standards Authority must in particular monitor the impact of the Act on –
  - (a) standards of passenger assistance, having particular regard to the needs of disabled passengers,
  - (b) standards of passenger information,
  - (c) the adequacy of accommodation for individual journeys, and
  - (d) complaints and compensation codes of practice and compliance of public sector companies with such codes.
- (3) The Passenger Standards Authority may also provide advice to the Secretary of State on such measures that may be taken to –
  - (a) improve passenger experience, and
  - (b) enhance passenger rights.”

***Member's explanatory statement***

*This probing amendment would require the Secretary of State to establish an independent body to monitor the impact of the Act on passenger standards.*

BARONESS PIDGEON  
BARONESS RANDERSON  
LORD MOYLAN

Clause 2, page 3, line 32, at end insert –

**“30D Impact on British Transport Police**

The Secretary of State must, within twelve months of the coming into force of the Passenger Railway Services (Public Ownership) Act 2024, lay before Parliament a report on the impact of the awarding of public service contracts to public sector companies under subsection 30(1A) on the British Transport Police.”

***Member's explanatory statement***

*This probing amendment would require the Secretary of State to report to Parliament on the impact of this Act on the British Transport Police.*

BARONESS RANDERSON  
LORD BRADSHAW  
LORD MOYLAN

Clause 2, page 3, line 32, at end insert –

**“30D Impact on freight**

The Secretary of State must, within twelve months of the day on which the Passenger Railway Services (Public Ownership) Act 2024 comes into force, lay before Parliament a report on the impact of the awarding of public service contracts to public sector companies under subsection 30(1A) on freight operators in the UK.”

***Member's explanatory statement***

*This probing amendment would require the Secretary of State to report to Parliament on the impact of this Act on freight operators.*

LORD YOUNG OF COOKHAM  
LORD MOYLAN

Clause 2, page 3, line 32, at end insert –

**“30D Annual report of public operator liabilities**

- (1) The Secretary of State must lay before Parliament, within six months of the day on which the Passenger Railway Services (Public Ownership) Act 2024 is passed, and annually thereafter, a report on the public sector financial liabilities arising from the award of public service contracts to public sector companies under section 30(1A).
- (2) The report published under subsection (1) must include details of –
  - (a) rolling stock leasing liabilities;

- (b) pension scheme liabilities;
- (c) property leasing liabilities;
- (d) other financial liabilities such as debt.”

***Member's explanatory statement***

*This amendment would require the Secretary of State to publish an annual report examining the impact of train company liabilities transferring onto the public sector balance sheet under nationalisation.*

LORD SNAPE  
LORD BERKELEY  
LORD LIDDLE

Clause 2, page 3, line 32, at end insert –

**“30D Assessment: devolution of passenger rail services**

- (1) The Secretary of State must publish an assessment before a public service contract is awarded under section 30 or a franchise is extended under section 30A.
- (2) The assessment must include analysis of whether those services or parts of those services could be provided by a body set out in section 24A(4)(a).”

***Member's explanatory statement***

*This amendment seeks to place a requirement on the Secretary of State to produce an assessment of whether a rail service could be devolved when it awards a service agreement to a public operator or renews a private franchise.*

LORD SIKKA

★ Clause 2, page 3, line 32, at end insert –

**“30D Review of relationship between provisions of section 30(1A) and the leasing of rolling stock**

The Secretary of State must, within twelve months of the day on which the Passenger Railway Services (Public Ownership) Act 2024 comes into force, lay before Parliament a report on the relationship between public sector contracts awarded under section 30(1A) and the leasing of rolling stock to public sector companies.”

***Member's explanatory statement***

*This amendment would require the Secretary of State to publish an annual report on the relationship between the provisions of the Bill and the leasing of rolling stock to public sector companies.*

**After Clause 2**

LORD LIDDLE

★ After Clause 2, insert the following new Clause—

**“Termination of Franchises**

Nothing in this Act limits or weakens the power of the Secretary of State to terminate immediately existing franchises where performance falls below the standard expected.”





# **Passenger Railway Services (Public Ownership) Bill**

---

---

## RUNNING LIST OF ALL AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

*Tabled up to and including*

*16 October 2024*

---

*16 October 2024*

---

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS