

Passenger Railway Services (Public Ownership) Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

[Amendments marked ★ are new or have been altered]

Amendment
No.

Before Clause 1

LORD GASCOIGNE
LORD MOYLAN

- 1 Before Clause 1, insert the following new Clause—
- “Purpose: improvement of passenger railway services**
- (1) The purpose of this Act is to improve the performance of passenger railway services in the United Kingdom.
- (2) The Secretary of State must, in taking any actions under the provisions of this Act, have regard to this purpose.”

Member's explanatory statement

This amendment would place a duty on the Secretary of State to have regard to the purpose of the Act, namely the improved performance of passenger railway services in the United Kingdom.

Clause 1

LORD MOYLAN

- 2★ 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) The Secretary of State must assess and rank existing franchise agreements according to performance criteria established after consultation with relevant stakeholders.
- (3) Subject to subsection (1), the Secretary of State must only terminate a franchise agreement pursuant to a break clause if—
 - (a) there are no other franchise agreements which are performing worse under the criteria in the list referenced in subsection (2), and
 - (b) the Secretary of State is satisfied that provision of the services by a public sector company will improve existing service provision.
- (4) 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 terminate franchise agreements for default and to nationalise the worst performing operators first, while enabling services that are currently working well to continue.

Clause 2

LORD LANSLEY

3 Clause 2, page 2, line 6, at end insert—

“(1A) In section 4 (general duties of the Secretary of State and the Office of Rail and Road) omit paragraph (1)(d).”

Member's explanatory statement

This amendment probes when - and in relation to which services - Ministers expect to meet their duty to promote competition.

LORD LANSLEY
LORD MOYLAN

4 Clause 2, page 2, line 12, leave out “only”

Member's explanatory statement

This probing amendment seeks to understand the circumstances where Ministers may provide services other than by direct award of a public service contract to a public sector company.

LORD MOYLAN

5★ Clause 2, page 2, line 15, after “Regulations” insert “or by the competitive award of a contract in the form of a concession to a private sector entity.”

LORD MOYLAN

6★ 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, in addition to another amendment in the name of Lord Moylan, would give the relevant franchising authority the ability and choice to secure the provision of passenger railway services through the competitive award of a concession to a private sector entity.

BARONESS PIDGEON
BARONESS RANDESON

7 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 GREY-THOMPSON
LORD HOLMES OF RICHMOND
LORD BLUNKETT

8 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, and
 - (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

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

“30ZA Annual report of public operator 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 public sector financial liabilities 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 rolling stock leasing liabilities.”

Member's explanatory statement

This amendment would require the Secretary of State to publish an annual report examining the impact of train company rolling stock liabilities transferring into the public sector.

BARONESS RANDESON
BARONESS SCOTT OF NEEDHAM MARKET
LORD YOUNG OF COOKHAM

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

“(1A) This section also applies where the Secretary of State is satisfied that it is in the best interest of passengers to continue an existing franchise agreement for a further specified period of time, to be no longer than 12 months.”

Member's explanatory statement

This amendment would provide further flexibility to the Secretary of State to enable services that are currently working well to continue.

BARONESS RANDESON
BARONESS SCOTT OF NEEDHAM MARKET

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

LORD MOYLAN

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

“30D Preliminary Report on Communication with Local Transport Authorities

The Secretary of State must, within six months of the day on which the Passenger Railway Services (Public Ownership) Act 2024 is passed, publish a preliminary report outlining the proposed framework for communication between Great British Railways (GBR) and local transport authorities across the United Kingdom.”

LORD MOYLAN
LORD BERKELEY

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

“30D Statement on the impact of the Act on rail freight target

The Secretary of State must, within six months of the day on which the Passenger Railway Services (Public Ownership) Act 2024 is passed, make a statement in each House of Parliament outlining how the Government’s plans to achieve a 75% increase in the volume of rail freight in the United Kingdom by 2050 are affected by the provisions of that Act.”

Member's explanatory statement

This amendment would require the Secretary of State to make a statement outlining the Government's plans to take all reasonable steps to achieve a 75 per cent increase in the volume of rail freight in the United Kingdom by 2050.

LORD LANSLEY

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

“(4) In regulation 17(2) of the Public Service Obligations in Transport Regulations 2023 (S.I. 2023/1369), omit “one year” and insert “three months”.”

Member's explanatory statement

This amendment would require information about the contract awarded to a public sector company to be published more quickly.

After Clause 2

LORD HENDY OF RICHMOND HILL

15 After Clause 2, insert the following new Clause –

“Application of public sector equality duty

In Part 1 of Schedule 19 to the Equality Act 2010 (authorities subject to public sector equality duty), at the appropriate place under the heading “Transport”, insert –

“A public sector company providing services for the carriage of passengers by railway under a public service contract awarded under section 30 of the Railways Act 1993 (public sector provision of services).”

Member's explanatory statement

This amendment provides for public sector companies providing train services under section 30 to be subject to the public sector equality duty.

LORD BERKELEY
LORD MOYLAN

16★ After Clause 2, insert the following new Clause –

“Future railway bills: draft bill

For four years from the day on which this Act is commenced, any proposal for a bill to be introduced by a Minister of the Crown primarily concerning the ownership or operation of passenger railways must be published in draft as a Command Paper and laid before both Houses of Parliament at least three months before that bill is introduced.”

Member's explanatory statement

This amendment proposes additional scrutiny which is required in order to obtain clarification as to the complex content of any future Bill, including ownership of assets, responsibility for operating trains, priorities on allocation of track capacity, the role of the Office of Rail and Road, the process of accounting to Parliament and the benefits and costs of proposed changes.

LORD MOYLAN

17 After Clause 2, insert the following new Clause –

“Impact on Open Access Regional Connectivity

The Secretary of State must, within twelve months of the day on which this Act comes into force, and annually thereafter, lay before Parliament a report on the impact of awarding public service contracts to public sector companies under section 30(1A) on the transport connectivity, particularly regional transport connectivity, provided by open access operators.”

Member's explanatory statement

This amendment would require the Secretary of State to lay an annual report before Parliament on the impact of awarding public service contracts to public sector companies on the transport connectivity provided by open access operators.

LORD MOYLAN

18 After Clause 2, insert the following new Clause—

“Costs of harmonising pay

- (1) The Secretary of State must, within three months of the day on which this Act comes into force, lay before Parliament a statement of the Government’s intentions concerning the terms, conditions, and pay rates of staff of existing train operating companies as they transfer to employment by public sector companies under section 30(1A).
- (2) Before the publication of the statement, the Secretary of State may consult with relevant stakeholders, including employee representatives and trade unions, to assess the implications of the proposed terms and conditions.”

Member's explanatory statement

This amendment would require the Secretary of State to make a statement of the Government’s intentions concerning the terms, conditions, and pay rates of staff of existing train operating companies as they transfer to employment by public sector companies.

LORD MOYLAN

19★ After Clause 2, insert the following new Clause—

“Report: National Insurance contributions

The Secretary of State must, within three months of the day on which this Act comes into force, lay before both Houses of Parliament a report on the impact of National Insurance employer contributions on the operational costs of public sector companies awarded a public service contract under section 30(1A).”

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