

# RAILWAYS BILL

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## Public Bill Committee submission

December 2025

Campaign for Better Transport is the UK's leading organisation advocating for sustainable, integrated transport across all modes. We work closely with government departments, regional and local authorities, the transport industry, and elected politicians from all parties. Our research and advocacy work has informed government transport policies since 1973, including protection and expansion of the rail network.

The Railways Bill represents a significant opportunity to create a simpler, more affordable, more accountable and better-integrated rail system. Campaign for Better Transport has long argued for the creation of an Integrated Rail Body. Establishing Great British Railways (GBR) as a single directing mind for tracks, trains, fares and timetables is a positive step and we welcome this and many of the provisions in the Bill. However, for the reforms to succeed, the Bill needs clearer duties, stronger safeguards and a firmer legislative foundation.

Greater clarity is also needed on the many other processes and documents that will need to follow passage of the Bill (e.g. the licence, Long-Term Rail Strategy, code of practice) and will, in combination, determine how and how successfully GBR will act in the interests of passengers, freight operators and the wider economy and society. We have set out in Annex 1 the processes and documents we have identified that will need to be in place to give practical effect to the Bill.

We outline below the areas we encourage the Committee to interrogate.

### 1. Passenger growth

Clause 18 (General duties of Ministers, Great British Railways and ORR), subsection 2 lists the general duties GBR needs to consider when exercising its statutory functions. However, we are concerned that there is no hierarchy between the various duties listed in Clause 18(2). Instead, the Bill states that the Secretary of State, Scottish and Welsh Ministers, GBR and the ORR must exercise the functions in Clause 3 “balancing the requirements of paragraphs (a) to (f) as seems to them appropriate in the circumstances” (emphasis added). For example, service performance is defined in Clause 18(3) specifically and exclusively in relation to reliability, punctuality and avoidance or mitigation of overcrowding. But this duty could be met by reducing service frequency to improve reliability and increasing fares to reduce overcrowding (as has been suggested may occur on the West Coast Mainline).<sup>1</sup>

In addition, there is no duty on GBR to grow passenger demand, unlike in the case of freight. Clause 18 includes a statutory duty for GBR and ORR to “promote the use of” the network for rail freight. Clause 17 (Rail freight target) requires the Secretary of State to set and publish a target “to increase the use of the railway network” for freight and for GBR to have regard to this target.

There is no duty on the Secretary of State to set and publish a target to increase passenger use of the network, equivalent to the one set out in Clause 17 for freight. Clause 18 includes a duty to “promote the interests of users and potential users”, including disabled passengers, but this is a weaker duty in relation to growing passenger demand than the one applying to freight. It is also subject to Clause 63 (Capacity duty) that GBR must ensure it retains sufficient capacity for its own current and future services.

Growing passenger demand should be an essential ambition for GBR to drive up passenger revenue and sustainably reduce the proportion of GBR's revenue that needs to come from taxpayer investment. Attracting more rail passengers will also directly support GBR in meeting its

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<sup>1</sup> <https://www.theguardian.com/uk-news/article/2024/jul/23/shorter-hs2-could-mean-higher-west-coast-rail-fares-watchdog-warns>

public interest duty and wider strategic goals such as tackling congestion, increasing economic productivity, supporting town and city regeneration and reducing carbon emissions. This was recognised by the Government in opposition, in the rail reform report *Getting Britain Moving*, which committed a Labour government to setting “targets for modal shift to lower emissions from the transport sector”.<sup>2</sup> It also ensures the rail network can accommodate future population growth and sustainably support new housing developments.

We fully expect GBR to have the commercial incentive to increase ridership, but the Bill should include duties equivalent to those applying to freight. Without a stronger duty to promote passenger use of the network and for the Secretary of State to set a passenger growth target, there is a risk that GBR may prioritise efficiency and cost control over attracting new users and supporting vital mode shift to rail.

**Recommendation:** Amend Clause 18(2)(a) to include a statutory duty to promote passenger use of the railways by both current and future passengers, including in particular disabled persons (mirroring provision (2)(b) for freight), with a new corresponding duty on the Secretary of State to set clear targets for increased passenger demand, consistent with the approach to freight. Clause 18(2) should also be amended to specify that, in balancing the requirements of this paragraph, (a) and (b) should take primary consideration over the remaining considerations. The Bill should also require GBR to publish its reasoning for decisions or actions where duties conflict, enabling effective scrutiny and preventing perverse outcomes.

## 2. Network capacity

Growing passenger and freight demand requires continued investment in service and infrastructure improvements to increase network capacity over time. GBR’s strategic and funding framework and its internal management processes should include incentives to expand the rail network to accommodate future growth through better use of existing paths, line extensions, new and upgraded stations, and alignment with local transport and growth plans.

Our [research](#) on Left Behind Neighbourhoods makes clear the negative impact of lost rail connectivity in exacerbating disadvantage in marginalised communities.<sup>3</sup> Demand on the Elizabeth Line and the reopened Northumberland Line has far exceeded original estimations, which is clear evidence of the need for and benefit of new and reopened lines to connect more communities.

Network capacity expansion should therefore be a central consideration in dispensing GBR’s revised duty to promote the use of the network by current and potential passengers. Clause 60 (Infrastructure Capacity Plan) sets out that GBR must publish an infrastructure capacity plan outlining how best to accommodate services and enable the maintenance of existing infrastructure but no mention is made of upgrades and capacity expansion. Clause 63(2) (Capacity Duty) requires GBR to ensure that there is sufficient network capacity to allow for “the operation of GBR passenger services and of railway passenger services that it expects will in future will be GBR passenger services” (emphasis added).

**Recommendation:** The revised duty to promote the use of the network for current and potential passengers in Clause 18(2) should specify that this should include a consideration for network capacity expansion. This should be linked to Clause 60(4), which should add (e) network capacity expansion as one of the factors GBR must have regard to the need to accommodate. This would be consistent with the requirement in Clause 63(2) to ensure sufficient capacity for future (expanded) GBR passenger services. The Bill should also include a new provision that GBR should retain the benefits of revenue growth to reinvest, rather than it leading to an adjustment through the Funding Period Review process.

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<sup>2</sup> Labour Party (2024), *Getting Britain Moving: Labour’s Plans to Fix Britain’s Railways*, p. 16. <https://labour.org.uk/wp-content/uploads/2024/04/GETTING-BRITAIN-MOVING-Labours-Plan-to-Fix-Britains-Railways.pdf>

<sup>3</sup> Campaign for Better Transport (2021), *Connecting communities: improving transport to get ‘left behind’ neighbourhoods back on track*, [https://bettertransport.org.uk/research/back\\_on\\_track\\_report\\_mar\\_2021-pdf/](https://bettertransport.org.uk/research/back_on_track_report_mar_2021-pdf/)

### 3. Fares and affordability

As Clause 3 (Functions) sets out, fare setting will be one of GBR's statutory functions. The Government's response to the consultation states that the Secretary of State will determine "the overall parameters for rail fares to ensure that fares balance the need for taxpayer and passenger funding alongside ensuring they are affordable for passengers" (emphasis added).<sup>4</sup> However, there is no detail about how the right balance between passenger and taxpayer affordability will be determined, or what considerations the Secretary of State must take into account when determining passenger affordability.

We believe passenger affordability needs to be the primary consideration, not least because it will contribute to meeting the "public interest" duty in 18(2)(e) and a growth in passenger demand needed to meet the amended duty on the Secretary of State to set a passenger growth target. Our research has found that 44% of people see high costs as the main factor that is stopping them from travelling by rail more or at all.

We welcome the fact that affordability is recognised as one of the Secretary of State's six objectives for a reformed railway (as set out in government's response to the Bill consultation). The Autumn Budget announcement of a rail fares freeze for the first time in thirty years – something Campaign for Better Transport has long called for – is a welcome sign that affordability for passengers is being taken seriously by HM Treasury and the Department for Transport. However, this should be the first step towards the root-and-branch reform needed of fare structures, how fares are set and how 'affordability' is defined.

Clause 33 (Fares) sets out that the Secretary of State can give directions or issue guidance to GBR on the level and structure of fares. It is also positive that Clause 49 (Consultation about railways passenger services) subsection (2e) says that GBR must consult the Passengers' Council on the determination of fares. However, a more explicit reference to affordability is needed.

**Recommendation:** Clause 33 should be strengthened to clarify what factors must be considered by the Secretary of State in setting the "parameters and guardrails" for setting and regulating fares, and to determine how passenger affordability should be defined and taken into account.

### 4. Funding stability

Funding certainty is of paramount importance for cost effective rail infrastructure investment and the supply chain pipeline. The Department for Transport's factsheet setting out "how the government plans to fund GBR" points out that the current Periodic Review funding process led by the ORR "is intentionally hard to change, providing certainty for industry and resulting in value for money overall due to the greater efficiencies from being able to confidently plan spending over longer periods of time".

Yet, contrary to this logic, Schedule 2 (Funding Great British Railways) gives the Secretary of State and the other railway funders the ability to reduce or remove funding during the five years of the new Funding Period Review with minimal safeguards. They would only be required to notify ORR if they deem this change in funding to be "material", with the Government intending to define a "material impact" in forthcoming guidance. This would undermine long-term investment and supply-chain confidence. The long-established principle of secure five-year funding settlements should be maintained for continued stability, for the reasons adduced in the Government's factsheet.

**Recommendation:** Amend Schedule 2 to set statutory limits on mid-period funding reductions, which should be permitted only in exceptional circumstances and subject to transparent criteria and external scrutiny by the Office for Rail and Road (ORR). The ORR should be tasked with independently assessing and reporting on the reduction's impact on railway costs, performance and safety.

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<sup>4</sup> A Railway Fit for Britain's Future – Government Response, p. 86

## 5. Network access

In addition to GBR running passenger services, the Bill makes provisions for services to be run by devolved operators (such as ScotRail, Transport for London or Transport for Wales), open access operators and rail freight operators.

Clause 59 (Access and Use Policy) establishes a new access regime that gives greater control for GBR over network access and centralises access allocation and charging powers within GBR. Furthermore, Clause 69 (Access agreements) would amend the Railways Act 1993 to weaken the powers of the ORR in agreeing and managing network access, limiting its ability to independently adjudicate access disputes.

This arrangement may simplify decision-making, but it introduces a significant risk because GBR will decide on access for services that compete with its own, without sufficient independent scrutiny from an independent regulatory body. GBR's control over capacity and charging may restrict open-access growth, particularly if GBR prioritises services that maximise its own revenue. This risks unintentionally limiting full use of network capacity, including through open access, which experience suggests can benefit passengers through competition, innovation and through reaching new markets. The Government indicates that GBR will act in the public interest and that ORR will operate as an appeals body. However, ORR's reduced role weakens its ability to independently adjudicate access disputes.

**Recommendation:** Clause 18(2) should include a statutory duty of fairness and non-discrimination in access decisions to ensure GBR treats all operators equitably. Clause 69 should restore stronger ORR powers allowing it to make access decisions rather than merely hear appeals.

## 6. Accessibility

We welcome the Government's commitment to improving accessibility across the rail network, including the Bill's proposed duty to promote the interests of disabled passengers (Clause 18 (2) (a)). However, the duty is vague and unenforceable, and it does not provide the statutory basis for measurable improvements to the accessibility of the network over time. Similarly, the Passengers' Council duty to "have particular regard to the interests and needs of disabled persons" when undertaking its rail functions (Clause 36: General duties of the Council) is too weak.

Disabled persons representation on the GBR Board, Passengers' Council board and advisory panel would also be needed. Members of the Council should be appointed independently, rather than by GBR or the Government and should include representatives of rail passenger interests.

**Recommendation:** Strengthen the current wording in Clause 18 with a dedicated, standalone statutory duty on GBR to actively and continuously improve accessibility across the rail network. Similarly, the Passengers' Council duty to have regard in Clause 36 should be strengthened to a statutory duty to proactively drive improvements in accessibility.

## 7. Station design

Under Clause 46 (Standards), the Passengers' Council can set minimum standards for station services, and Clause 47 (Improvement plans) allows it to require improvement plans where standards are not met. However, these powers do not ensure a consistent, high-quality approach to station design, including architecture, accessibility, layout, and local context. Without oversight of station design, such as was covered previously by the Design Panel of the British Railways Board, station design can be neglected to the detriment of passenger experience, durability and accessibility.

Responsibilities for station design, durability and accessibility are currently shared between Network Rail and Train Operating Companies, leading to fragmented decision-making and an inconsistent approach to maintenance and upgrades. GBR's integration of infrastructure and operations should help reduce this fragmentation, but there is no national body responsible for ensuring stations meet consistent, modern design standards to enable and attract more people to use the rail network.

As GBR takes shape, there is an opportunity to create a national independent advisory body. Establishing a Station Design Council will provide expert oversight and ensure consistent, high-quality station design across the network. It could play a role in aligning station improvements with local context and community needs, supporting the contribution of Community Rail Partnerships and reinforcing the value of stations as civic assets.

Practical considerations, such as adequate seating and shelter, accessible toilets, legible wayfinding, appropriate materials, and respectful treatment of historic fabric, should be part of an integrated design code applicable to all station categories. Embedding design governance of this kind would help GBR deliver stations that are accessible, attractive, resilient, and responsive to local identity, ensuring that accessibility improvements sit within a broader framework of passenger-centred design.

**Recommendation:** Clause 46(2) should be strengthened to state that the standards for railway stations must include design quality, accessibility, durability, layout and architectural quality of stations, and the processes for engaging local communities in station design. It should also specify that, to discharge this duty, the Secretary of State must establish a Station Design Council, and that the Passengers' Council must have regard to the Design Council's standards when setting statutory standards.

## 8. Ticket retail

The Bill allows GBR to retail tickets directly – at stations, through a single web and app platform and on board – bringing welcome simplification and reassurance for passengers. The Government's response to the consultation also gave welcome recognition of the "significant value in the role of independent retailers, as they help to innovate and drive up standards for passengers....[C]ompetition in on-line retail has helped drive up standards to the benefit of passengers and this should continue".<sup>5</sup> However, the provisions in the Bill need to be strengthened to ensure a level playing field for independent retailers.

Provision 5 of Schedule 1, subsection (1b) requires GBR to comply with documents produced by the ORR. Subsection 2 of this provision refers to an ORR document that may determine the "sale of tickets by persons other than Great British Rail". The explanatory notes specify the Government expects this to include a new Code of Practice setting out how GBR will interact with all market participants to ensure fairness. The accompanying "tickets and retail factsheet" states that GBR's licence "will require it to comply with the code" in terms of how it will interact with market participants.

However, it is not clear whether GBR's own ticketing retail operations will be subject to the Code. Including GBR Retail within the scope of the Code would help ensure that all retailers operate under the same expectations and ensure parity of market access, genuine economic fairness, and a consistent retail offering that ultimately delivers better outcomes for passengers.

**Recommendation:** The Bill should include a specific provision confirming that the Code of Practice applies equally to GBR Retail as well to independent retailers, ensuring that all parties operate under the same expectations and that access to fares, systems, data and products is provided on an equal, transparent basis.

## 9. Rail freight

We welcome the duty to promote the use of rail freight (Clause 18) alongside a requirement for the Secretary of State to set a rail freight growth target (Clause 17). Clause 59 (Access and use policy) proposes the creation of new capacity allocation and timetabling processes, but it does not yet provide sufficient details to judge whether these processes will be fair, transparent and offer long-term certainty for rail freight customers and operators. There is a risk that strategic freight paths may be diluted, as rail freight, like open access and devolved rail, will not be part of GBR. Clause

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<sup>5</sup> *A Railway Fit for Britain's Future – Government Response*, p. 87-88

60 (Infrastructure capacity plan) also makes no reference to rail freight needs when making decisions on network capacity upgrades.

**Recommendation:** Clauses 59 and 60 should provide stronger statutory protections for freight to ensure GBR provides fair, transparent, and consistent network access for freight operators.

## 10. Role of Mayoral Strategic Authorities

The Bill creates of a formal statutory role for combined authorities, moving beyond informal engagement. Clause 5 (Co-operation with relevant local government bodies) creates a process for partnerships between GBR and Mayoral Strategic Authorities (MSAs). Under Clauses 81 and 82, GBR must also consult with MSAs and Transport for London before making a decision that "will significantly affect the interests of the economy" or population in their areas. In addition, Clause 16(3) establishes a duty on GBR to have regard to mayoral combined authorities' local transport plans (including the London Mayor's Transport Strategy) when exercising its statutory functions. This is welcome and should strengthen coordination between local and regional strategies. However, this consultative wording is too weak to guarantee that local strategic priorities will carry meaningful weight in GBR's decisions.

As the Railways Bill factsheet on "Introducing and designing Great British Railways" explains, the GBR structure will include a central body ensuring whole-system planning aligned to the government's long-term rail strategy, alongside "geographic business units, each bringing together infrastructure management and passenger operations into a single local team, providing a locally focused face of the railway". Local leaders are best placed to integrate rail services with other transport modes and with housing, regeneration, and local transport strategies. The new "geographic business units" should therefore be tasked with coordinating infrastructure investment, service planning and day-to-day operations with local leaders to ensure they are aligned with local needs and priorities.

**Recommendation:** Amend Clauses 16(3), 81 and 82 with stronger wording on the role of Mayoral Combined Authorities as central partners to ensure that local strategic priorities carry meaningful weight in GBR's decisions.

## 11. Rail devolution

The explanatory notes to the Bill outline that existing mechanisms to devolve passenger services will remain in place, with the process for MSAs to exercise a "right to request" further devolution of rail responsibilities set out in new non-legislative guidance.

However, this means that central detail on how rail devolution will work in practice – including the procedure for requesting devolved powers, the criteria for approval, how funding would transfer, or the rights of appeal if a request is rejected – are lacking at this stage. Effective devolution needs clear processes, access to data, meaningful control over local rail services, and integration with wider transport networks. Not including the "right to request" process in the Bill creates uncertainty for authorities with ambitions for deeper control over local rail services.

In addition, Clause 5 enables MSAs to fund GBR for specific local services but contains no corresponding provisions for devolving rail-related funding to MSAs. Without further fiscal devolution and local investment levers, authorities will lack the capacity to invest in the railway, commission services, or take on commercial risk, rendering new powers potentially ineffective.

**Recommendation:** Include a new provision in the Bill establishing the "right to request" further rail devolution to establish a clear, statutory pathway for the process. Clause 5 should be amended to devolve appropriate funding settlements to MSAs that are on a path to rail devolution.

## **Annex 1: Creating a successful and effective Great British Railways**

### **GBR ancillary documents and processes**

The Railways Bill provides the legal “foundation” for the creation, establishment, development and operation of Great British Rail. But a significant proportion of the processes and documents that will determine how and how successfully GBR operates in the interests of passengers, freight operators and wider society will lie outside the Parliamentary processes. These include the process of establishing and “consolidating” both GBR and the reformed versions of Transport Focus (the new Passenger Watchdog), the ORR and the Rail Ombudsman. It will take a considerable time for these processes and documents to be in place. And they will also all intersect with each other in a complex system of strategy, planning, investment, delivery, operation, scrutiny, oversight and regulation. It is difficult to predict in advance a) when this system will be in place and b) whether and how successfully it will operate.

We have set out below the main documents and processes we believe will need to be in place to determine whether and how successfully GBR can realise the government’s ambitions for a reformed railway, fully integrated into the wider transport system and supporting a more productive and less unequal economy.

### **Policies, regulation, guidance and processes**

- Long Term Rail Strategy (“the rail strategy”) – Clause 15
- GBR Licence – Clause 11/Schedule 1
- ORR process and timetable for governing the GBR funding process – Schedule 2, part 1 (1)
- Secretary of State’s Statement of Objectives – Schedule 2, part 1 (2)
- Secretary of State’s Statement of Funds Available – Schedule 2, part 1 (3)
- GBR approved Business Plan – Schedule 2, part 1 (4)
- Secretary of State’s guidance on threshold for “material” impact of SOS/funders decision to postpone, reduce or withdraw financial assistance mid-control period<sup>6</sup> - Notification of financial assistance to be provided, Schedule 2, part 1 (7)
- GBR Access and Use Policy – Clause 59
- GBR Infrastructure Capacity Plan – Clause 60
- GBR Working Timetable – Clause 61
- GBR Charging Scheme – Clause 64
- Non-legislative procedures and controls governing the Secretary of State’s power to issue directions - Clause 7<sup>7</sup>
- Secretary of State’s MOUs with counterparts in Scotland and Wales - Clauses 23 and 24
- Framework for MSA Partnerships – Clause 5<sup>8</sup>
- Guidance on MSA “right to request” full rail devolution<sup>9</sup>
- Secretary of State’s guidance to GBR on fares “parameters and guardrails and parameters” – Clauses 7, 8 and 33<sup>10</sup>
- Passengers Council customer service standards - Clause 46
- ORR Code of Practice on ticket retailing - Schedule 1, (5) (2)
- Development and publication of a freight growth target – Clause 17

### **Organisational changes**

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<sup>6</sup> “the government intends to issue guidance setting out how it will determine the circumstances in which the threshold for a ‘material impact’ on GBR’s ability to deliver the funded activities will be met” (*Railways Bill Factsheet how the government plans to fund GBR*)

<sup>7</sup> “Directions are intended to be used as a responsive tool for necessary course correction, rather than as a proactive tool to set requirements on GBR (i.e. they are a last resort). A set of non-legislative procedures and controls will ensure that the directions power is used proportionately and with justification”, Railways Bill Explanatory Notes, p. 14

<sup>8</sup> Railways Bill Factsheet: Devolved and Local Government

<sup>9</sup> Railways Bill Factsheet: Devolved and Local Government

<sup>10</sup> “[W]e envisage that the Transport Secretary will set one or more parameters for fares which are aligned to GBR’s financial settlement, and which GBR must work within. These will be defined in due course, and it is intended that these are strategic in nature, providing GBR with freedom to manage fares on a day-to-day basis to meet operational and local requirements”, Government response to rail consultation, p. 86.

Creation/establishment of GBR and independent oversight and regulation:

- Design of GBR (guiding mind plus “geographic business units”)<sup>11</sup>
- Appointment of Board, CEO and executive leadership team
- Transfer into/consolidation within Network Rail Infrastructure Limited:
  - Former NR employees (40,000)
  - RDG
  - DFTO
  - Other parts of DFT
  - 14 separate TOCs
- Establishment and developing role and remit of the new Passenger Watchdog (including significant transfer of powers and people from ORR)
- Establishment and developing role and remit of the reformed ORR
- Definition of lines of accountability between Secretary of State, GBR, ORR, Passenger Watchdog and Rail Ombudsman.<sup>12</sup>

### **Two sets of objectives**

The Bill requires the Secretary of State to set out a Statement of Objectives for the new funding period (Schedule 2, part 1 (2)). The Government has defined two distinct sets of strategic objectives for GBR and a reformed railway. The first were defined in response to the consultation and engagement on the Whole Industry Strategic Plan (WISP) under the previous government in 2022. These are being carried forward into the emerging Long Term Rail Strategy (LTRS), which the Secretary of State must publish. The second were set out in the GBR consultation document and reiterated in the government’s response to the consultation.

The WISP/LTRS strategic objectives for railway are<sup>13</sup>:

- Meeting customers’ needs
- Financial sustainability
- Long-term economic growth
- Reducing regional and national inequality
- Environmental sustainability

The Government’s response to the GBR consultation says these strategic objectives “will support delivery of the SOS objectives for a reformed railway”<sup>14</sup>:

The Secretary of State’s objectives for a reformed railway are that it should be:

- Reliable
- Affordable
- Efficient
- High quality
- Accessible
- Safe<sup>15</sup>

Logically this should be the other way round, i.e. a reformed railway achieving the “narrower” set of operational objectives will help the government deliver its wider “societal” objectives. The Government will need to set out how the LTRS strategic objectives (Clause 15), the Secretary of State’s objectives for a reformed railway (Consultation document) and the Secretary of State’s Statement of Objectives (Schedule 2, part 1 (2)) will relate to and reinforce each other.

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<sup>11</sup> “GBR design is being progressed separately to legislation and detail regarding the regional structure will be confirmed ahead of GBR operation” – Government response to consultation, p. 9

<sup>12</sup> “The government is clear the watchdog should reduce the fragmentation of the current passenger focused functions in the industry and clear lines of accountability should be established between the roles of the Transport Secretary, GBR, the ORR and the Passenger Watchdog”, Government response to consultation, p. 51

<sup>13</sup> Government response to consultation, p. 42

<sup>14</sup> Government response to consultation, p. 42

<sup>15</sup> Government response to consultation, p. 8