

# Railways Bill

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Transport, are published separately as Bill 325—EN.

## EUROPEAN CONVENTION ON HUMAN RIGHTS

Secretary Heidi Alexander has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Railways Bill are compatible with the Convention rights.

## ENVIRONMENTAL STATEMENTS

Secretary Heidi Alexander has made the following statements under section 20(2)(a) and (3) of the Environment Act 2021.

In my view—

- (a) the Railways Bill contains provision which, if enacted, would be environmental law, and
- (b) the Bill will not have the effect of reducing the level of environmental protection provided for by any existing environmental law.



# Railways Bill

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[AS INTRODUCED]

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[AS INTRODUCED]

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# BILL

TO

Make provision about railways and railway services; and for connected purposes.

consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**B**E IT ENACTED by the King’s most Excellent Majesty, by and with the advice and

## PART 1

### THE NEW REGIME FOR THE RAILWAYS

#### CHAPTER 1

##### GREAT BRITISH RAILWAYS

###### *Designation and status*

5

#### **1 Great British Railways**

*The Secretary of State may by regulations designate a body corporate as Great British Railways,*

#### **2 Crown status etc**

- (1) Great British Railways is not to be regarded as a servant or agent of the Crown, or as enjoying any status, immunity or privilege of the Crown. 10
- (2) Great British Railways’ property is not to be regarded as property of, or property held on behalf of, the Crown.
- (3) Service as a member of staff of Great British Railways is not service in the civil service of the State. 15
- (4) Employment by Great British Railways is not Crown employment for the purposes of the Trade Union and Labour Relations (Consolidation) Act 1992 (see section 273 of that Act).

- (5) The Secretary of State, the Scottish Ministers and the Welsh Ministers are not to be regarded as shadow directors of Great British Railways for the purpose of any provision of the Companies Acts.
- (6) In this section “the Companies Acts” has the same meaning as in the Companies Act 2006 (see section 2(1) of that Act). 5

### *Functions*

## 3 Functions

- (1) *Great British Railways has the following general functions—*
- (a) *managing, operating, maintaining, renewing and improving railway infrastructure,* 10
  - (b) *providing railway passenger services,*
  - (c) *determining the fares payable for travel on the railway passenger services it provides,*
  - (d) *selling tickets for travel on railway passenger services or securing that tickets are available for sale, by promoting a thriving competitive market in the retail ticketing market and to sell all operators’ tickets impartially,* 15
  - (e) *providing services to facilitate the provision and use of railway services, including where the railway services are provided by persons other than Great British Railways whilst acting in a fair, transparent and non-discriminatory manner,* 20
  - (f) *carrying out research and development and supporting innovation in relation to railways and railway services, and*
  - (g) *publishing advice and standards on matters related to railways and railway services,*
- (2) *Great British Railways’ function under subsection (1)(a) includes—* 25
- (a) *making strategic plans as to the future provision of railway infrastructure in Great Britain and implementing those plans, and*
  - (b) *making decisions about access to, and the use of, railway infrastructure for the operation of trains,*
- (3) *The Secretary of State may by regulations confer on Great British Railways such other functions relating to railways or railway services as the Secretary of State considers appropriate,* 30
- (4) In this Act “statutory functions”, in relation to Great British Railways, means—
- (a) the functions mentioned in subsection (1),
  - (b) any functions conferred by regulations under subsection (3),
  - (c) the power under section 13 to charge and set terms and conditions, and
  - (d) any other functions conferred by this or any other Act, or by a statutory instrument, that are exercisable by Great British Railways,
- but does not include any functions under the 2016 Regulations so far as relating to service facilities or the supply of services. 35

- (5) As well as, or instead of, exercising its statutory functions itself, Great British Railways may exercise those functions through one or more GBR companies.
- (6) Nothing in this section or section 13 is to be read as limiting any powers which Great British Railways has as a result of being a body corporate.

#### 4 **Exercise of functions of Scottish and Welsh Ministers** 5

- (1) The Scottish Ministers and the Welsh Ministers may each make arrangements for any of their functions relating to railways or railway services to be exercised on their behalf by—
  - (a) Great British Railways,
  - (b) a subsidiary of Great British Railways, 10
  - (c) in the case of functions of the Scottish Ministers, a company jointly owned by the Scottish Ministers and Great British Railways, or
  - (d) in the case of functions of the Welsh Ministers, a company jointly owned by the Welsh Ministers and Great British Railways.
- (2) Before making, varying or revoking arrangements under this section the Ministers must consult—
  - (a) the Secretary of State, and
  - (b) Great British Railways. 15
- (3) The Ministers on whose behalf functions are to be exercised in accordance with arrangements under this section must publish a document setting out the terms of the arrangements. 20
- (4) Arrangements under this section do not affect the Ministers' responsibility for the exercise of their functions.
- (5) Where arrangements under this section provide for the exercise of functions by Great British Railways, section 3(5) applies in relation to the functions as it applies in relation to statutory functions of Great British Railways. 25
- (6) Where arrangements under this section provide for the exercise of functions by Great British Railways or a GBR company, the functions in question are to be treated for the purposes of sections 7 to 10, 13 and 16 to 19 as statutory functions of Great British Railways (instead of as functions of the Scottish Ministers or the Welsh Ministers). 30

#### 5 **Co-operation with relevant local government bodies**

- (1) Great British Railways may enter into arrangements with a relevant local government body about the exercise by Great British Railways of its statutory functions in relation to railways and railway services in the body's area. 35
- (2) The arrangements may include arrangements under which sums become due from the body to Great British Railways.
- (3) *A relevant local government body and Great British Railways must provide to each other such information-*

- (a) *as the other reasonably requires for the purpose of exercising its functions in relation to railways and railway services, and*
  - (b) *which it is lawful to disclose apart from this subsection,*
- (4) For the purpose of subsection (3) a reference to the functions of Great British Railways in relation to railways and railway services is to be read as a reference to its statutory functions in relation to railways and railway services in the body's area. 5
- (5) In this section "a relevant local government body" means—
  - (a) a mayoral combined authority,
  - (b) a mayoral combined county authority, or 10
  - (c) a Passenger Transport Executive for an integrated transport area.

## 6 Co-operation with Transport for London

- (1) Section 175 of the Greater London Authority Act 1999 (co-operation) is amended as follows.
- (2) For the heading substitute "Co-operation with Great British Railways". 15
- (3) In subsection (1), in the words before paragraph (a), for "the Secretary of State" substitute "Great British Railways".
- (4) In subsection (1B), for "The Secretary of State" substitute "Great British Railways".
- (5) In subsections (2) and (2A), for "the Secretary of State" substitute "Great British Railways". 20
- (6) For subsection (3) substitute—
  - "(3) For the purposes of subsections (1) and (2) a reference to the functions of Great British Railways is to be read as a reference to Great British Railways' statutory functions in relation to railways in Greater London and London railway passenger services." 25

### *Directions and guidance*

## 7 Directions by Secretary of State

- (1) The Secretary of State may give directions to Great British Railways as to the exercise of its statutory functions. 30
- (2) A direction under this section may provide, in particular, that a function is only to be exercised—
  - (a) after consulting the Secretary of State, or
  - (b) with the Secretary of State's consent.
- (3) The Secretary of State may vary or revoke a direction under this section. 35
- (4) The Secretary of State—

- (a) must obtain the consent of the Scottish Ministers before exercising powers under this section, other than powers relating to functions under Chapter 1 of Part 3, in a manner that directly affects the operation of a GBR-provided Scottish service, and
  - (b) must obtain the consent of the Welsh Ministers before exercising powers under this section, other than powers relating to functions under Chapter 1 of Part 3, in a manner that directly affects the operation of a GBR-provided Welsh service. 5
- (5) The Secretary of State must publish—
  - (a) a direction under this section, and 10
  - (b) any variation or revocation of the direction.
- (6) The duty to comply with a direction under this section is enforceable by the Secretary of State in civil proceedings—
  - (a) for an injunction,
  - (b) for specific performance of a statutory duty under section 45 of the Court of Session Act 1988, or 15
  - (c) for any other appropriate remedy or relief.
- (7) In this section—
  - “GBR-provided Scottish service” means a railway passenger service designated by the Scottish Ministers under section 26 that is being provided by Great British Railways or a GBR company— 20
    - (a) under arrangements made under section 4, or
    - (b) under a public service contract awarded as mentioned in section 31(3)(b);
  - “GBR-provided Welsh service” means a railway passenger service designated by the Welsh Ministers under section 27 that is being provided by Great British Railways or a GBR company— 25
    - (a) under arrangements made under section 4, or
    - (b) under a public service contract awarded as mentioned in section 31(4)(b). 30

## 8 Directions by Scottish Ministers

- (1) The Scottish Ministers may give directions to Great British Railways as to the exercise in Scotland of its statutory functions so far as relating to Scottish railway activities.
- (2) A direction under this section may provide, in particular, that a function is only to be exercised— 35
  - (a) after consulting the Scottish Ministers, or
  - (b) with the Scottish Ministers’ consent.
- (3) The Scottish Ministers may vary or revoke a direction under this section.
- (4) Before giving, varying or revoking a direction under this section the Scottish Ministers must consult the Secretary of State. 40

- (5) The Scottish Ministers must publish—
  - (a) a direction under this section, and
  - (b) any variation or revocation of the direction under subsection (3).
  
- (6) The duty to comply with a direction under this section is enforceable by the Scottish Ministers in civil proceedings— 5
  - (a) for an injunction,
  - (b) for specific performance of a statutory duty under section 45 of the Court of Session Act 1988, or
  - (c) for any other appropriate remedy or relief.
  
- (7) The Secretary of State may revoke a direction given under this section if— 10
  - (a) the direction is inconsistent or in conflict with a direction given under section 7,
  - (b) it appears to the Secretary of State that the direction will affect railway activities that are not Scottish railway activities, or
  - (c) it appears to the Secretary of State that the direction, or any part of it— 15
    - (i) would not be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament, and
    - (ii) does not relate to matters in relation to which the Scottish Ministers have functions. 20
  
- (8) Before revoking a direction under subsection (7) the Secretary of State must consult the Scottish Ministers.
  
- (9) The Secretary of State must publish any revocation of a direction under subsection (7). 25
  
- (10) In this section “Scottish railway activities” has the same meaning as in Schedule 2 (see paragraph 16).

## 9 **Guidance by Secretary of State**

- (1) The Secretary of State may give guidance to Great British Railways as to the exercise of its statutory functions. 30
  
- (2) The Secretary of State may vary or revoke guidance given under this section.
  
- (3) Subsection (4) of section 7 applies to the power of the Secretary of State to give guidance under this section as it applies to the power of the Secretary of State to give directions under that section.
  
- (4) The Secretary of State must publish— 35
  - (a) guidance given under this section, and
  - (b) any variation or revocation of the guidance.
  
- (5) Great British Railways must have regard to guidance given under this section.

## 10 Guidance by Scottish Ministers

- (1) The Scottish Ministers may give guidance to Great British Railways as to the exercise of its statutory functions in Scotland so far as relating to Scottish railway activities.
- (2) The Scottish Ministers may vary or revoke guidance given under this section. 5
- (3) The Scottish Ministers must publish—
  - (a) guidance given under this section, and
  - (b) any variation or revocation of the guidance.
- (4) Great British Railways must have regard to guidance given under this section.
- (5) In this section “Scottish railway activities” has the same meaning as in Schedule 2 (see paragraph 16). 10

### *Licensing*

## 11 Licensing

Schedule 1 contains provision in relation to the licensing of Great British Railways. 15

### *Financial arrangements etc*

## 12 Funding

Schedule 2 contains provision in relation to funding the activities of Great British Railways,

## 13 Charging and terms and conditions

20

- (1) Great British Railways may make such charges, and set such terms and conditions, for things done in the exercise of its statutory functions as it thinks fit.
- (2) Subsection (1) does not apply in relation to a statutory function to the extent that provision as to charges or terms and conditions for the exercise of the function is made— 25
  - (a) by or under another provision of this Act, or
  - (b) by or under any other Act.

## 14 Levy payable to ORR

- (1) The ORR may by notice require Great British Railways to pay to it a levy. 30
- (2) The notice must provide for—
  - (a) the period in respect of which the levy is payable (“the charging period”),

- (b) the amount of the levy which is payable in respect of that period, and
  - (c) how and when payments are to be made.
- (3) The amount of a levy in respect of a charging period must be such amount as the ORR reasonably expects to incur in exercising its railway functions in respect of the charging period. 5
- (4) Provision under subsection (2)(c) may, in particular, include provision for payment by instalments.
- (5) The ORR may revise a notice under this section by a further notice.
- (6) The ORR may refund any amount which, further to any revised notice under subsection (5), appears to have been overpaid to it. 10
- (7) In this section “railway functions” means the functions of the ORR relating to railways and railway services, other than its safety functions.

## CHAPTER 2

### EXERCISE OF RAILWAY FUNCTIONS

#### *Strategies and target*

15

#### 15 **Rail strategy**

- (1) The Secretary of State must prepare and publish a document that sets out the Secretary of State’s long term strategy for—
  - (a) the development and use of the railway network in Great Britain, and
  - (b) the railway services that the Secretary of State wishes to see provided in Great Britain. 20
- (2) That document is referred to in this section and section 16 as “the rail strategy”.
- (3) The rail strategy may not contain provision about functions of the Scottish Ministers. 25
- (4) The Secretary of State—
  - (a) must keep the rail strategy under review, and
  - (b) may revise or replace it.
- (5) If the Secretary of State revises or replaces the rail strategy the Secretary of State must publish the revised or replacement strategy. 30
- (6) When preparing, revising or replacing the rail strategy, the Secretary of State must consult the Welsh Ministers and the Passengers’ Council.
- (7) The requirement in subsection (6) may be satisfied in relation to the preparation of the rail strategy by consultation before this section comes into force (as well as by consultation after that time). 35



## 16 Duty of Great British Railways and ORR to have regard to strategies etc

- (1) Subsection (2) applies in relation to—
  - (a) the exercise by Great British Railways of its statutory functions, and
  - (b) the exercise by the ORR of its functions relating to railways and railway services, other than—
    - (i) its safety functions;
    - (ii) its functions relating to the licensing or certification of persons who drive trains used to provide railway services;
    - (iii) the functions exercisable by it by virtue of section 67(3) of the Railways Act 1993.
- (2) When exercising their functions they must have regard to—
  - (a) the rail strategy,
  - (b) the Wales Transport Strategy published under section 2 of the Transport (Wales) Act 2006, and
  - (c) the strategy published by the Scottish Ministers under section 5 of the Railways Act 2005.
- (3) When exercising its statutory functions, Great British Railways must have regard to—
  - (a) the local transport plan of each mayoral combined authority and each mayoral combined county authority, and
  - (b) the Mayor of London's transport strategy.

## 17 Rail freight and passenger growth target

- (1) The Secretary of State must set and publish a target to increase the use of the railway network in Great Britain for the carriage of passengers and goods.
- (2) The Secretary of State—
  - (a) must keep the target under review, and
  - (b) may revise or replace it.
- (3) If the Secretary of State revises or replaces the target the Secretary of State must publish the revised or replacement target.
- (4) Great British Railways must, when exercising its statutory functions, have regard to—
  - (a) the target set by the Secretary of State under this section, and
  - (b) any strategy or policy of the Scottish Ministers relating to the use of the railway network in Scotland for the carriage of passengers and goods.

### Duties

## 18 General duties of Ministers, Great British Railways and ORR

- (1) This section applies in relation to—

- 
- (a) the exercise by the Secretary of State, the Scottish Ministers and the Welsh Ministers of their functions relating to railways and railway services,
- (b) the exercise by Great British Railways of its statutory functions, and
- (c) the exercise by the ORR of its functions relating to railways and railway services, other than—
- (i) its safety functions;
- (ii) its functions relating to the licensing or certification of persons who drive trains used to provide railway services;
- (iii) the functions exercisable by it by virtue of section 67(3) of the Railways Act 1993.
- (2) They must exercise the functions—
- (a) in the manner best calculated to promote the interests of users and potential users of railway passenger services including, in particular, to promote passenger growth and to have regard to the needs of disabled persons,
- (b) in the manner best calculated to promote the use of the railway network in Great Britain for the carriage of goods,
- (c) so as to promote high standards of railway service performance,
- (d) so as to enable persons providing railway services to plan the future of their businesses with a reasonable degree of assurance,
- (e) to support and enable the devolution of rail services,
- (f) in the manner best calculated to be in the public interest,
- and
- (g) taking into account the costs that will need to be met from public funds and the need to make efficient use of those funds provide the best value for money from those funds,
- balancing Achieving all of the requirements of paragraphs (a) to (fg) as far as possible but where this is not possible balancing these duties that—seems to them appropriate in the circumstances
- (3) In this section—
- “disabled person” means a person who is a disabled person for the purposes of the Equality Act 2010 (see section 6(2) and (4) of, and Schedule 28 to, that Act);
- “public interest” includes, in particular, the public interest in—
- (a) the social and economic benefits derived from railway services, and
- (b) the effect the provision of railway services has on the environment;
- “railway service performance” includes, in particular, performance in securing each of the following in relation to railway services—
- (a) reliability (including punctuality), and
- (b) the avoidance or mitigation of passenger overcrowding.

- (4) In its application in relation to the exercise by Great British Railways of its statutory functions, this section has effect subject to section 63 (GBR's capacity duty). 40

## 19 Safety duty of Ministers and ORR

- (1) This section applies in relation to—
  - (a) the exercise by the Secretary of State, the Scottish Ministers and the Welsh Ministers of their functions relating to railways and railway services, 5
  - (b) the exercise by the ORR of its functions relating to railways and railway services, other than—
    - (i) its safety functions;
    - (ii) its functions relating to the licensing or certification of persons who drive trains used to provide railway services; 10
    - (iii) the functions exercisable by it by virtue of section 67(3) of the Railways Act 1993.
- (2) When exercising those functions, they must take into account the need to protect all persons from dangers arising from the operation of railways.

## 20 Competition duty of ORR 15

- (1) This section applies in relation to the exercise by the ORR of its functions relating to railways and railway services, other than—
  - (a) its safety functions;
  - (b) its functions relating to the licensing or certification of persons who drive trains used to provide railway services; 20
  - (c) its functions under Schedule 2;
  - ~~(d) its functions under Chapter 1 of Part 3;~~
  - (e) its functions under sections 55 to 58 of the Railways Act 1993;
  - (f) the functions exercisable by it by virtue of section 67(3) of that Act;
  - (g) its functions under section 69A of that Act. 25
- (2) The ORR must exercise the functions in the manner which it considers best calculated to promote competition in the provision of railway services for the benefit of users of railway services.

## 21 Duty of ORR to have regard to Secretary of State's guidance

- (1) The Secretary of State may give the ORR guidance as to the exercise of its functions relating to railways and railway services. 30
- (2) But guidance given under this section may not contain provision as to the exercise by the ORR of—
  - (a) the functions exercisable by it by virtue of section 67(3) of the Railways Act 1993, 35
  - (b) its functions as an enforcing authority for the purposes of the Health and Safety at Work etc Act 1974, or
  - (c) its functions relating to the licensing or certification of persons who drive trains used to provide railway services.

- (3) The Secretary of State may vary or revoke guidance given under this section.
- (4) Before giving, varying or revoking guidance under this section the Secretary of State must consult the Welsh Ministers.
- (5) The Secretary of State must publish—
  - (a) guidance given under this section, and 5
  - (b) any variation or revocation of the guidance.
- (6) The ORR must have regard to guidance given under this section.

## **22 Duty of ORR to have regard to Scottish Ministers' guidance**

- (1) The Scottish Ministers may give guidance to the ORR as to the exercise of its functions— 10
  - (a) relating to railway services wholly or partly in Scotland, or
  - (b) otherwise relating to railways in Scotland.
- (2) But guidance given under this section may not contain provision as to the exercise by the ORR of—
  - (a) the functions exercisable by it by virtue of section 67(3) of the Railways Act 1993, 15
  - (b) its functions as an enforcing authority for the purposes of the Health and Safety at Work etc Act 1974, or
  - (c) its functions relating to the licensing or certification of persons who drive trains used to provide railway services. 20
- (3) The Scottish Ministers may vary or revoke guidance given under this section.
- (4) The Scottish Ministers must publish—
  - (a) guidance given under this section, and
  - (b) any variation or revocation of the guidance.
- (5) The ORR must have regard to guidance given under this section. 25

### *Scotland and Wales*

## **23 Memorandum of understanding: Secretary of State and Scottish Ministers**

- (1) The Secretary of State and the Scottish Ministers must prepare and publish a memorandum of understanding setting out how they will work together in the exercise of their respective functions in relation to railways and railway services. 30
- The memorandum may, in particular—
- (2)
  - (a) contain provision about the role that the Scottish Ministers are to have in relation to the governance and management of Great British Railways, 35
  - (b) set out the objectives of the Secretary of State and the Scottish Ministers in relation to the integration of the management and operation of the

railway passenger services to be provided under section 31(3) and railway infrastructure in Scotland, and any steps they intend to take in order to facilitate such integration,

- (c) set out arrangements for sharing information between the Secretary of State and the Scottish Ministers,
- (d) contain provision about the use to be made of the powers to give directions under sections 7 and 8,
- (e) set out how the memorandum is to be published, and
- (f) set out arrangements for reviewing and amending the memorandum.

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## **24 Memorandum of understanding: Secretary of State and Welsh Ministers**

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- (1) The Secretary of State and the Welsh Ministers must prepare and publish a memorandum of understanding setting out how they will work together in the exercise of their respective functions in relation to railways and railway services.

The memorandum may, in particular—

- (2)
  - (a) contain provision about the role that the Welsh Ministers are to have in relation to the governance and management of Great British Railways,
  - (b) identify those services that involve the carriage of passengers by railway in England that the Secretary of State and the Welsh Ministers would like to be provided together with services designated by the Welsh Ministers under section 27,
  - (c) set out the objectives of the Secretary of State and the Welsh Ministers in relation to the integration of the management and operation of Welsh services and the railway infrastructure required for their operation, and any steps they intend to take in order to facilitate such integration,
  - (d) set out arrangements for sharing information between the Secretary of State and the Welsh Ministers,
  - (e) set out how the memorandum is to be published, and
  - (f) set out arrangements for reviewing and amending the memorandum.

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## PART 2

### PASSENGER AND STATION SERVICES

#### CHAPTER 1

##### PASSENGER SERVICES

###### *Designation and exemption of services*

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#### **25 Designation of services by Secretary of State**

- (1) The Secretary of State must designate railway passenger services, or a description of railway passenger services, the provision of which may be secured by the Secretary of State under section 31.
- (2) The Secretary of State may not designate railway passenger services which are, or designate a description of railway passenger services which includes—
  - (a) Scotland-only services, or
  - (b) Wales-only services.
- (3) The Secretary of State is not required to designate—
  - (a) cross-border services already designated by the Scottish Ministers under section 26, or
  - (b) Welsh services so far as already designated by the Welsh Ministers under section 27.
- (4) The Secretary of State may vary or revoke a designation.
- (5) The Secretary of State must consult the Scottish Ministers before—
  - (a) designating a cross-border service, or a description of services which includes a cross-border service, or
  - (b) varying or revoking a designation of a cross-border service, or a description of services which includes a cross-border service.
- (6) The Secretary of State must publish a designation under this section, and any variation or revocation of a designation under this section, in such manner as the Secretary of State considers appropriate.

#### **26 Designation of services by Scottish Ministers**

- (1) The Scottish Ministers must designate railway passenger services, or a description of railway passenger services—
  - (a) which may be provided by the Scottish Ministers under section 31, or
  - (b) the provision of which may be secured by the Scottish Ministers under that section.
- (2) The Scottish Ministers may only designate railway passenger services, or a description of railway passenger services, if the services are—
  - (a) Scotland-only services,

- (b) cross-border services which the Scottish Ministers consider should be provided together with designated Scotland-only services, or cross-
  - (c) border services which were provided by, or the provision of which was secured by, the Scottish Ministers under section 30 of the Railways Act 1993 immediately before this section came into force. 5
- (3) The Scottish Ministers may vary or revoke a designation.
- (4) The Scottish Ministers must consult the Secretary of State before—
  - (a) designating a cross-border service, or a description of services which includes a cross-border service, or
  - (b) varying or revoking a designation of a cross-border service, or a description of services which includes a cross-border service. 10
- (5) The Scottish Ministers must publish a designation under this section, and any variation or revocation of a designation under this section, in such manner as they consider appropriate.

## **27 Designation of services by Welsh Ministers** 15

- (1) The Welsh Ministers must designate railway passenger services, or a description of railway passenger services—
  - (a) which may be provided by the Welsh Ministers under section 31, or
  - (b) the provision of which may be secured by the Welsh Ministers under that section. 20
- (2) The Welsh Ministers may only designate railway passenger services, or a description of railway passenger services, if the services are—
  - (a) Wales-only services, or
  - (b) Welsh components of Welsh services which the Welsh Ministers consider should be provided together with designated Wales-only services. 25
- (3) The Welsh Ministers may vary or revoke a designation under this section.
- (4) The Welsh Ministers must publish a designation under this section, and any variation or revocation of a designation under this section, in such manner as they consider appropriate. 30

## **28 Exemption from designation: power of Secretary of State**

- (1) The Secretary of State may by regulations provide that railway passenger services specified in the regulations are exempt from designation under this Chapter.
- (2) The Secretary of State may not specify Scotland-only services or Wales-only services in the regulations. 35
- (3) The Secretary of State must consult—
  - (a) the Scottish Ministers before making regulations under this section specifying cross-border services, and



- (b) the Welsh Ministers before making regulations under this section specifying Welsh services.

## **29 Exemption from designation: powers of Scottish and Welsh Ministers**

- (1) The Scottish Ministers may by regulations provide that Scotland-only services specified in the regulations are exempt from designation under this Chapter. 5
- (2) Regulations under subsection (1) are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).
- (3) The Welsh Ministers may by regulations made by Welsh statutory instrument provide that Wales-only services specified in the regulations are exempt from designation under this Chapter. 10
- (4) Regulations under subsection (3) are subject to the Senedd annulment procedure.

## **30 Exemption from designation: supplementary**

- (1) Regulations under section 28 or 29 may specify— 15
  - (a) passenger railway services provided by a description of persons or a particular person;
  - (b) passenger railway services generally, a description of services or a particular service, or a part of any such services or service.
- (2) Regulations under section 28 or 29 may provide that the passenger railway services specified in the regulations are exempt from designation under this Chapter— 20
  - (a) subject to compliance with conditions specified in the regulations;
  - (b) for a period specified in or determined in accordance with the regulations. 25

### *Provision of services*

## **31 Provision of railway passenger services**

- (1) *The Secretary of State may secure the provision of a railway passenger service designated under section 25,*
- (2) *The Secretary of State may do so ~~only~~ by making a direct award of a public service contract, to one or more of Great British Railways or a GBR company, in accordance with regulation 17 of the 2023 Regulations (general direct award provision for rail), or by competitively tendering a public service contract,* 30
- (3) The Scottish Ministers may—
  - (a) provide a railway passenger service designated under section 26 themselves, or 35

- (b) secure the provision of the service by making a direct award of a public service contract to one or more public sector companies in accordance with regulation 17 of the 2023 Regulations, or by competitively tendering a public service contract.
- (4) The Welsh Ministers may—
  - (a) provide a railway passenger service designated under section 27 themselves, or
  - (b) secure the provision of the service by making a direct award of a public service contract to one or more public sector companies in accordance with regulation 17 of the 2023 Regulations, or by competitively tendering a public service contract.
- (5) Where a public service contract is awarded under this section to a GBR company, sections 7 to 10, 13 and 16 to 18 have effect in relation to the exercise by the company of its functions of providing railway passenger services under the contract as they have effect in relation to the exercise by Great British Railways of its statutory functions.
- (6) For the purposes of this section—
  - (a) the Scottish Ministers and the Welsh Ministers have power—
    - (i) to provide network services, station services and light maintenance services, and
    - (ii) to store goods or consign them from a place to which they have been carried by rail,
  - (b) the Scottish Ministers have power to provide Scotland-only services and cross-border services, and
  - (c) the Welsh Ministers have power to provide Wales-only services and Welsh components of Welsh services.
- (7) An obligation to provide, or to secure the provision of, a service under this section does not give rise to any form of duty or liability enforceable by civil proceedings for breach of statutory duty.

## 32 Contracts awarded under section 31: supplementary

- (1) A public service contract awarded under section 31 may include provision requiring the person or persons to whom the contract is awarded to operate, or secure the operation of, any additional railway asset.
- (2) Subject to any requirements imposed by or under this Act, the Railways Act 1993 or the 2023 Regulations, the contract may contain any such provisions as the contracting authority thinks fit.
- (3) Regulation 22 of the 2023 Regulations (pre-award publication) does not apply in relation to an award of a public service contract under section 31.
- (4) In this section—
  - “additional railway asset” means any network, station or light maintenance depot, and a reference to an additional railway asset includes a reference to any part of an additional railway asset;
  - “contracting authority”—

- (a) in the case of a public service contract awarded by the Secretary of State, means the Secretary of State;
- (b) in the case of a public service contract awarded by the Scottish Ministers, means the Scottish Ministers;
- (c) in the case of a public service contract awarded by the Welsh Ministers, means the Welsh Ministers.

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### *Fares*

## **33    *Fares***

- (1) *A power to give a direction under section 7 or 8 may be exercised to give a direction to Great British Railways as to the general level and structure of fares for travel on railway passenger services designated under section 25 or 26 by the giver of the direction,* 10
- (2) *A power to give guidance under section 9 or 10 may be exercised to give guidance as to the general level and structure of fares for travel on railway passenger services designated under section 25 or 26 by the giver of the guidance,* 15
- (3) *A public service contract awarded under section 31 may include provision as to the general level and structure of fares for travel on the railway passenger services to which the contract relates,*

## **34    *Discount fare schemes***

- (1) *Great British Railways must provide a scheme enabling persons who are young, elderly or disabled to travel at discounted fares on railway passenger services provided by participants in the scheme,* 20
- (2) *Great British Railways may provide other schemes enabling travel at discounted fares on railway passenger services provided by participants in the schemes,*
- (3) *A scheme under this section may make the availability of discounted fares subject to compliance with any conditions imposed by or under the scheme.* 25
- (4) *The Scottish Ministers must make arrangements, in relation to railway passenger services provided under section 31(3)(a), enabling persons who are young, elderly or disabled to travel at discounted fares on the services.*
- (5) *The Welsh Ministers must make arrangements, in relation to railway passenger services provided under section 31(4)(a), enabling persons who are young, elderly or disabled to travel at discounted fares on the services.* 30
- (6) *A public service contract awarded under section 31-*
  - (a) *must require the person to whom the contract is awarded to make arrangements enabling persons who are young, elderly or disabled to travel at discounted fares on the railway passenger services to which the contract relates;* 35

- (b) *may specify the arrangements to be made, including by specifying that the person to whom the contract is awarded must participate in a scheme provided by Great British Railways under subsection (1);*
- (c) *may include other provision about enabling persons who are young, elderly or disabled to travel at discounted fares on the services,* 5
- (7) Subsection (6) does not preclude a public service contract awarded under section 31 from including other provision enabling travel at discounted fares on the railway passenger services to which the contract relates.
- (8) In this section “discounted fare”, in relation to a railway passenger service, means a lower fare than the standard fare payable for travel on the service. 10

### *Interpretation*

## **35 Interpretation of Chapter 1 of Part 2**

In this Chapter—

“the 2023 Regulations” means the Public Service Obligations in Transport Regulations 2023 (S.I. 2023/1369); 15

“direct award” has the same meaning as in the 2023 Regulations (see regulation 2(1));

“public sector company” means—

- (a) Great British Railways,
- (b) a GBR company, 20
- (c) a company that is wholly owned by the Welsh Ministers or the Scottish Ministers,
- (d) a company that is jointly owned by the Secretary of State and the Welsh Ministers, or
- (e) a company that is jointly owned by the Secretary of State and the Scottish Ministers; 25

“public service contract” has the same meaning as in the 2023 Regulations (see regulation 2(1)).

## **CHAPTER 2**

### **THE PASSENGERS’ COUNCIL** 30

### *General*

## **36 General duties of the Council**

When exercising its functions relating to railways and railway services, the Passengers’ Council—

- (a) must have particular regard to the interests and needs of disabled persons, and 35

- (b) must take into account any costs that will need to be met from public funds, and the need to make efficient use of those funds.

### **37 Keeping matters under review and collecting information**

- (1) *The Passengers' Council must, so far as it appears expedient—*
- (a) *keep under review matters affecting the interests of the public in relation to railway passenger services and station services,* 5
  - (b) *make representations to, and consult, such persons as they think appropriate about those matters, and*
  - (c) *co-operate with other bodies representing the interests of users of public passenger transport services,* 10
- (2) *The Passengers' Council may, with a view to facilitating the exercise of its functions relating to railways and railway services, collect information with respect to matters affecting the interests of the public in relation to railway passenger services and station services,*

### **38 Exercise of functions under section 37** 15

- (1) The Passengers' Council and any other public body may enter into an agreement for that other body to be responsible, in accordance with the agreement, for—
- (a) determining what is expedient for the purposes of subsection (1) of section 37 in relation to an area specified in the agreement, and 20
  - (b) otherwise performing the Council's functions under that subsection in relation to that area.
- (2) While an agreement under this section is in force—
- (a) the functions of the Passengers' Council under section 37 are treated, in relation to the area specified in the agreement, as falling on the other party to it instead of on the Council, but 25
  - (b) the Council is not to be prevented from doing anything mentioned in that section in relation to that area.
- (3) An agreement under this section—
- (a) may be entered into on such terms and conditions as the parties to it may agree, and 30
  - (b) may contain provision for determining for the purposes of this section the circumstances in which things done under or for the purposes of section 37 are to be treated as done in relation to the area specified in the agreement. 35
- (4) The consent of the Secretary of State is required before the Passengers' Council and another public body may enter into, vary or terminate an agreement under this section.
- (5) In this section "public body" means any authority or other body on which functions are conferred by or under— 40

- (a) an Act,
- (b) an Act of the Scottish Parliament, or
- (c) an Act or Measure of Senedd Cymru.

### *Investigations*

## **39 Investigations 5**

- (1) *The Passengers’ Council must investigate any matter relating to the provision of railway passenger services or station services, if—*
  - (a) *the matter is the subject of a representation made to the Council by a user or potential user of railway passenger services,*
  - (b) *the matter is the subject of a representation made to the Council by an organisation representative of users or potential users of railway passenger services,* 10
  - (c) *the matter is referred to the Council for investigation by the Secretary of State, the Scottish Ministers, the Welsh Ministers or the ORR,*
  - (d) *the matter relates to an alleged infringement of Regulation (EC) No, 1371/2007 of the European Parliament and of the Council of 23rd October 2007 on rail passengers’ rights and obligations, or* 15
  - (e) *it appears to the Council that the matter is one that the Council ought to investigate,*
- (2) The Passengers’ Council is not required to investigate a matter in a case falling within subsection (1)(a) or (b) if the matter appears to the Council to be frivolous or vexatious. 20
- (3) If any matter falling within subsection (1)(a) or (b) appears to the 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,
the Council must refer the matter to the London Transport Users’ Committee instead of investigating the matter itself. 30

## **40 Power to obtain information**

- (1) If the Passengers’ Council is carrying out an investigation under section 39, it may request a person who provides or operates railway passenger services or station services to provide any information which the Council considers necessary for the purpose of carrying out the investigation. 35
- (2) The person must provide the information within a reasonable period specified by the Passengers’ Council unless—
  - (a) the person does not have the information and cannot reasonably obtain it, or

- (b) the provision of the information would impose an unreasonable burden on the person.
- (3) Before specifying a period for the purposes of subsection (2), the Passengers' Council must consult the person who is to be required to provide the information about the period that should be specified. 5
- (4) A person who relies on paragraph (a) or (b) of subsection (2) must notify the Passengers' Council in writing of that fact, stating the reason why the paragraph in question applies.
- (5) If the Passengers' Council has requested information under this section and considers that it has not received a satisfactory response to that request— 10
  - (a) the Council may refer the matter to the ORR, and
  - (b) the ORR may take such action (if any) as it thinks appropriate.

#### **41 Protection of confidential information**

- (1) This section applies to any information provided to the Passengers' Council pursuant to section 40(2) if— 15
  - (a) the person who provided the information has requested that the information be held in confidence, and
  - (b) a person would not be entitled to the information in response to a request made in accordance with the Freedom of Information Act 2000 by virtue of the exemptions in section 41 or 43 of that Act. 20
- (2) Information to which this section applies must not—
  - (a) be included in any investigation report published under section 43,
  - (b) be published under section 50, or
  - (c) be disclosed by the Passengers' Council to any other person.
- (3) Nothing in this section affects— 25
  - (a) any power of the Passengers' Council to disclose confidential information to the Secretary of State or the ORR in the course of representations or a referral made under section 42, or
  - (b) any obligation of the Council to disclose information in order to comply with an order of a court or tribunal. 30

#### **42 Representations and referrals**

- (1) Having investigated a matter under section 39—
  - (a) the Passengers' Council may make representations to such persons as it thinks appropriate for the purpose of achieving a satisfactory resolution of the matter, and 35
  - (b) where the Council has reason to believe—
    - (i) that the holder of a licence is contravening, or likely to contravene, any condition of the licence, or
    - (ii) that the holder of a railway undertaking licence which authorises the carriage of passengers by railway is contravening, 40

or likely to contravene, any condition of the licence or of a SNRP issued to the holder of the licence pursuant to the Railway (Licensing of Railway Undertakings) Regulations 2005 (S.I. 2005/3050),

it must refer the contravention or likely contravention to the ORR and inform the Secretary of State that it has done so.

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- (2) But subsection (1)(b) does not require the Passengers' Council to refer a contravention or likely contravention to the ORR if the Council exercises its power under section 47 to require the preparation of a plan in relation to the contravention or likely contravention.

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- (3) Where a contravention or likely contravention is referred to the ORR under this section, the ORR must—

- (a) take such action (if any) as it thinks appropriate for the purpose of remedying or preventing the contravention, and
- (b) inform the Passengers' Council and the Secretary of State of—
  - (i) any action it has taken, or
  - (ii) if it has decided not to take action, of that decision and the reasons for it.

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## 43 Reports

- (1) Where the Passengers' Council has investigated a matter under section 39 it may prepare a report of its findings.

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- (2) The Passengers' Council may send a copy of the report to one or more of the following—

- (a) the Secretary of State;
- (b) the Welsh Ministers;
- (c) the Scottish Ministers;
- (d) Great British Railways;
- (e) the ORR;
- (f) if the matter investigated relates to the London railway area (within the meaning of section 252A of the Greater London Authority Act 1999), the London Transport Users' Committee;
- (g) any other person the Council thinks fit.

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- (3) The Passengers' Council may publish the report.

- (4) Where the report was prepared following an investigation carried out as a result of a referral under section 39(1)(c) by the Secretary of State, the Scottish Ministers or the Welsh Ministers ("the referring authority"), the Passengers' Council must obtain the referring authority's consent before—

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- (a) exercising its power under subsection (2) to send a copy of the report to a person other than the referring authority;
- (b) exercising its power under subsection (3) to publish the report.

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- (5) Where the report was prepared following an investigation carried out as a result of a referral under section 39(1)(c) by the ORR, the Passengers' Council must inform the ORR before exercising its power under subsection (3) to publish the report.

### *Complaints and dispute resolution*

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## **44 Complaints**

*The Passengers' Council is designated as a body to which complaints may be made about an alleged infringement of Regulation (EC) No, 1371/2007 of the European Parliament and of the Council of 23rd October 2007 on rail passengers' rights and obligations in relation to-*

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- (a) *the provision of railway passenger services, or*
- (b) *the provision of station services,*

## **45 Dispute resolution**

*The Passengers' Council must establish and maintain a scheme under which an impartial person is available to resolve disputes between-*

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- (a) *users or potential users of railway passenger services or station services, and*
- (b) *providers of those services,*

### *Standards and improvement plans*

## **46 Standards**

- (1) *The Passengers' Council may set standards to be complied with-*
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- (a) *by persons providing railway passenger services and station services under a licence, and*
  - (b) *by persons providing railway passenger services under a railway undertaking licence which authorises the carriage of passengers by railway,*
- (2) The matters that may be covered by the standards include—
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- (a) access to railway passenger services and station services for disabled persons and other persons who require assistance,
  - (b) the information to be provided to users and potential users of railway passenger services to enable them to plan travel, and to rearrange it appropriately in the event of disruption to the services,
  - (c) the process for paying compensation to users of railway passenger services in the event of disruption to the services, and
  - (d) how complaints about railway passenger services are to be dealt with.
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- (3) The Passengers' Council must monitor compliance with standards set under this section.
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- (4) The Passengers' Council may vary or revoke standards set under this section.

- (5) The consent of the Secretary of State and the ORR is required before the Passengers' Council sets, varies or revokes standards under this section.
- (6) The Passengers' Council must publish—
  - (a) standards set under this section, and
  - (b) any variation or revocation of such standards.

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## 47 Improvement plans

- (1) If, in the course of carrying out an investigation under section 39, or monitoring compliance with standards set under section 46, the Passengers' Council has reason to believe that—
  - (a) a person providing railway passenger services or station services under a licence is contravening, or likely to contravene any condition of the licence, or
  - (b) a person providing railway passenger services under a railway undertaking licence which authorises the carriage of passengers by railway is contravening, or likely to contravene, any condition of the licence or of a SNRP issued to the holder of the licence pursuant to the Railway (Licensing of Railway Undertakings) Regulations 2005 (S.I. 2005/3050),

the Council may require the person to prepare a plan setting out steps the person will take to remedy the contravention, or to avoid it taking place or being repeated.
- (2) If the person fails to take the steps set out in the plan, or fails to prepare a plan within a reasonable time, the Passengers' Council must refer the matter to the ORR and inform the Secretary of State that it has done so.
- (3) Where a matter is referred to the ORR under this section, the ORR must—
  - (a) take such action (if any) as it thinks appropriate for the purpose of remedying the contravention, or avoiding it taking place or being repeated, and
  - (b) inform the Passengers' Council and the Secretary of State of—
    - (i) any action it has taken, or
    - (ii) if it has decided not to take action, of that decision and the reasons for it.

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### Other functions

## 48 Advice about railway passenger services and station services

- (1) *The Passengers' Council must consider any matter affecting the interests of the public in relation to railway passenger services or station services—*
  - (a) *that is referred to it by—*
    - (i) *the Secretary of State,*
    - (ii) *the Scottish Ministers,*

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- (iii) *the Welsh Ministers,*
    - (iv) *a mayoral strategic authority,*
    - (v) *the ORR,*
    - (vi) *Great British Railways,*
    - (vii) *a passenger service operator, or*
    - (viii) *the operator of a station, or*
  - (b) *that the Council considers it appropriate to consider without such a reference,*
- (2) *On considering a matter under this section the Passengers' Council must give such advice to such persons as it considers appropriate,*
- 49 Consultation about railway passenger services and station services**
- (1) *Great British Railways must consult the Passengers' Council when-*
- (a) *Great British Railways is developing or changing its policies or procedures relating to the matters mentioned in subsection (2), and*
  - (b) *it appears to Great British Railways that the development or change will significantly affect the interests of the public in relation to railway passenger services or station services,*
- (2) *Those matters are-*
- (a) *the rights of users and potential users of railway passenger services and station services including, in particular, disabled persons,*
  - (b) *how disruption to railway passenger services is to be dealt with,*
  - (c) *the compensation to be paid to users of railway passenger services in the event of such disruption,*
  - (d) *the information to be provided to users and potential users of railway passenger services,*
  - (e) *the determination of fares payable for travel on railway passenger services,*
  - (f) *the sale of tickets for travel on railway passenger services, and*
  - (g) *any other matter affecting users and potential users of railway passenger services and station services,*
- 50 Publication of information and advice**
- (1) *The Passengers' Council may arrange for the publication, in such form and manner as it considers appropriate, of such information and advice as may appear to it expedient to give to users or potential users of railway passenger services and station services,*
- (2) *In arranging for the publication of any such information or advice the Passengers' Council must have regard to the need for excluding, so far as is practicable—*
- (a) *any matter which relates to the affairs of an individual, where publication of that matter would or might, in the opinion of the Council, seriously and prejudicially affect the interests of that individual, and*

- (b) any matter which relates specifically to the affairs of a particular body of persons, whether corporate or unincorporate, where publication of that matter would or might, in the opinion of the Council, seriously and prejudicially affect the interests of that body.

### Miscellaneous

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## 51 Power to make exclusions

- (1) The Secretary of State may by regulations—
  - (a) exclude services from one or more of the duties imposed by sections 37 to 43, 45 and 48;
  - (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 regulations, or 10
  - (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. 15
- (2) Before making regulations under this section, the Secretary of State must consult the Passengers’ Council and the London Transport Users’ Committee.
- (3) The power to make exclusions by regulations 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 20
  - (b) power to provide that services are excluded subject to compliance with specified conditions.
- (4) Regulations under this section may not revoke an exclusion except—
  - (a) for breach of a condition, or 25
  - (b) in accordance with the regulations that made it.

## 52 Interpretation of Chapter 2 of Part 2

- (1) In this Chapter —
  - “disabled person” means a person who is a disabled person for the purposes of the Equality Act 2010 (see section 6(2) and (4) of, and Schedule 28 to, that Act); 30
  - “railway undertaking licence” and “SNRP” have the same meaning as in the Railway (Licensing of Railway Undertakings) Regulations 2005 (S.I. 2005/3050) (see regulation 2(1)).
- (2) In this Chapter, any reference to railway passenger services includes a reference to bus substitution services required to be provided in place of any such services. 35

## CHAPTER 3

### THE LONDON TRANSPORT USERS' COMMITTEE

#### 53 General duties of the LTUC

After section 252 of the Greater London Authority Act 1999 insert—

##### **252ZA General railways duties of Committee** 5

- (1) When exercising its functions relating to railways and railway services, the Committee—
  - (a) must have particular regard to the interests and needs of disabled persons, and
  - (b) must take into account any costs that will need to be met from public funds, and the need to make efficient use of those funds. 10
- (2) In this section “disabled person” means a person who is a disabled person for the purposes of the Equality Act 2010 (see section 6(2) and (4) of, and Schedule 28 to, that Act)."

#### 54 Collection of information by the LTUC 15

- (1) Section 252A of the Greater London Authority Act 1999 (committee to keep railways matters under review) is amended as follows.
- (2) After subsection (1) insert—
 

“(1A) *The Committee may, with a view to facilitating its functions under this section and sections 252B to 252DB, collect information with respect to matters affecting the interests of the public in relation to-*

  - (a) *railway passenger services provided wholly or partly within the London railway area, and*
  - (b) *station services provided within that area,”*
- (3) In the heading, after “review” insert “and collect information”. 20

#### 55 Investigations by the LTUC

- (1) The Greater London Authority Act 1999 is amended as follows.
- (2) In section 252B (references to Committee in relation to railways), in subsection (1)—
  - (a) after paragraph (a) insert— 30

“(aa) it is the subject of a representation made to the Committee by an organisation representative of users or potential users of railway passenger services;”,
  - (b) omit the “or” at the end of paragraph (b), and

(c) after that paragraph insert—

“(ba) it relates to an alleged infringement of Regulation (EC) No. 1371/2007 of the European Parliament and of the Council of 23rd October 2007 on rail passengers’ rights and obligations, or”.

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(3) In subsection (2) of that section, omit the words from “in a case” to the end of the subsection.

(4) In subsection (5) of that section, for “subsection (1)(a)” substitute “subsection (1)(a) or (aa)”.

(5) After that section insert—

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# **252BA Power to obtain information**

(1) If the Committee is carrying out an investigation under section 252B, it may request a person who provides or operates railway passenger services or station services to provide any information which the Committee considers necessary for the purpose of carrying out the investigation.

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(2) The person must provide the information within a reasonable period specified by the Committee unless—

(a) the person does not have the information and cannot reasonably obtain it, or

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(b) the provision of the information would impose an unreasonable burden on the person.

(3) Before specifying a period for the purposes of subsection (2), the Committee must consult the person who is to be required to provide the information about the period that should be specified.

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(4) A person who relies on paragraph (a) or (b) of subsection (2) must notify the Committee in writing of that fact, stating the reason why the paragraph in question applies.

(5) If the Committee has requested information under this section and considers that it has not received a satisfactory response to that request—

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(a) the Committee may refer the matter to the Office of Rail and Road, and

(b) the Office of Rail and Road may take such action (if any) as it thinks appropriate.

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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.

### **252BB Protection of confidential information**

- (1) This section applies to any information provided to the Committee pursuant to section 252BA(2) if—
  - (a) the person who provided the information has requested that the information be held in confidence, and 5
  - (b) a person would not be entitled to the information in response to a request made in accordance with the Freedom of Information Act 2000 by virtue of the exemptions in section 41 or 43 of that Act.
- (2) Information to which this section applies must not— 10
  - (a) be included in any investigation report published under section 252D,
  - (b) be published under section 252DB, or
  - (c) be disclosed by the Committee to any other person.
- (3) Nothing in this section affects— 15
  - (a) any power of the Committee to disclose confidential information to the Secretary of State or the Office of Rail and Road in the course of representations or a referral made under section 252C, or
  - (b) any obligation of the Committee to disclose information in order to comply with an order of a court or tribunal.” 20
- (6) For section 252C substitute—

### **252C Action on investigation under section 252B**

- (1) Having investigated a matter under section 252B—
  - (a) the Committee may make representations to such persons as it thinks appropriate for the purpose of achieving a satisfactory resolution of the matter, and 25
  - (b) where the Committee has reason to believe—
    - (i) that the holder of a licence under Part 1 of the Railways Act 1993 is contravening, or likely to contravene, any condition of the licence, or 30
    - (ii) that the holder of a railway undertaking licence which authorises the carriage of passengers by railway is contravening, or likely to contravene, any condition of the licence or of a SNRP issued to the holder of the licence pursuant to the Railway (Licensing of Railway Undertakings) Regulations 2005 (S.I. 2005/3050), 35
 it must refer the contravention or likely contravention to the Office of Rail and Road and inform the Secretary of State that it has done so. 40
- (2) Where a contravention or likely contravention is referred to the Office of Rail and Road under this section, the Office of Rail and Road must—

- (a) take such action (if any) as it thinks appropriate for the purpose of remedying or preventing the contravention, and
    - (b) inform the Committee and the Secretary of State of—
      - (i) any action it has taken, or
      - (ii) if it has decided not to take action, of that decision and of the reasons for it.
  - (3) In this section “railway undertaking licence” and “SNRP” have the same meaning as in the Railway (Licensing of Railway Undertakings) Regulations 2005 (S.I. 2005/3050) (see regulation 2(1)).”
  - (7) For section 252D substitute—
- 252D Reports on investigation**
- (1) Where the Committee has investigated a matter under section 252B it may prepare a report of its findings.
  - (2) The Committee may send the report to one or more of the following—
    - (a) the Secretary of State;
    - (b) Great British Railways;
    - (c) the Office of Rail and Road;
    - (d) the Passengers' Council;
    - (e) any other person the Committee thinks fit.
  - (3) The Committee may publish the report.
  - (4) Where the report was prepared following an investigation carried out as a result of a referral under section 252B(1)(b) by the Secretary of State, the Committee must obtain the Secretary of State's consent before—
    - (a) exercising its power under subsection (2) to send a copy of the report to a person other than the Secretary of State;
    - (b) exercising its power under subsection (3) to publish the report.
  - (5) Where the report was prepared following an investigation carried out as a result of a referral under section 252B(1)(b) by the Office of Rail and Road, the Passengers' Council must inform the ORR before exercising its power under subsection (3) to publish the report.”

## 56 Complaints to the LTUC

After section 252D of the Greater London Authority Act 1999 (substituted by section 55(7) of this Act) insert—

### 252DA Complaints

- (1) *The Committee is designated as a body to which complaints may be made about an alleged infringement of Regulation (EC) No, 1371/2007 of the European Parliament and of the Council of 23rd October 2007 on rail passengers' rights and obligations in relation to-*



- (a) *railway passenger services provided wholly or partly within the London railway area, or*
  - (b) *station services provided within that area,*
- (2) Subsection (2) of section 252A applies for the purposes of this section as it applies for the purposes of that section.”

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## 57 Publication of information and advice by the LTUC

After section 252DA of the Greater London Authority Act 1999 (inserted by section 56 of this Act) insert—

### **252DB Publication of information and advice**

- (1) *The Committee may arrange for the publication, in such form and manner as it considers appropriate, of such information and advice as may appear to it expedient to give to users or potential users of-*
  - (a) *railway passenger services provided wholly or partly within the London railway area, and*
  - (b) *station services provided within that area,*
- (2) In arranging for the publication of any such information or advice the Committee must have regard to the need for excluding, so far as that is practicable—
  - (a) any matter which relates to the affairs of an individual, where publication of that matter would or might, in the opinion of the Committee, seriously and prejudicially affect the interests of that individual, and
  - (b) any matter which relates specifically to the affairs of a particular body of persons, whether corporate or unincorporate, where publication of that matter would or might, in the opinion of the Committee, seriously and prejudicially affect the interests of that body.”

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## 58 Restrictions on disclosure of information by the LTUC

After section 252DB of the Greater London Authority Act 1999 (inserted by section 57 of this Act) insert—

### **252DC Restrictions on disclosure of information**

Section 145 of the Railways Act 1993 (general restrictions on disclosure of information) applies in relation to information obtained by the Committee under or by virtue of section 252A or 252BA of this Act as it applies in relation to information obtained by the Passengers' Council under or by virtue of the Railways Act 2026.”

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## PART 3

### MISCELLANEOUS PROVISIONS

#### CHAPTER 1

##### ACCESS TO INFRASTRUCTURE AND SERVICES

##### *Access to and use of GBR infrastructure* 5

#### **59 Access and use policy**

- (1) Great British Railways must issue one or more documents setting out its policy about, and procedures for, access to and the use of GBR infrastructure for the operation of trains.
- (2) The document or documents must— 10
  - (a) set out the procedure for applications to Great British Railways for access to and the use of GBR infrastructure for the operation of trains other than GBR passenger services,
  - (b) set out the criteria that Great British Railways intends to apply— 15
    - (i) when making decisions on such applications, and
    - (ii) when dealing with competing demands for access to and the use of GBR infrastructure,
  - (c) set out a procedure for resolving disputes relating to the working timetable (see section 61(2)),
  - (d) include provision about the carrying out of work to maintain and improve GBR infrastructure and the effect of such work on the operation of trains, 20
  - (e) include provision about the procedure for allowing access to and the use of GBR infrastructure by trains that cross the border between the United Kingdom and France, and 25
  - (f) include provision about how disruption affecting GBR infrastructure or the operation of trains that use GBR infrastructure is to be dealt with.
- (3) The document or documents may also set out the terms on which access to, and the use of, GBR infrastructure for the operation of trains is to be permitted. 30
- (4) Great British Railways may revise or replace a document issued under this section.
- (5) Great British Railways must publish—
  - (a) any document issued under this section, and
  - (b) any revision or replacement of such a document. 35
- (6) A person aggrieved by provision contained in a document issued under this section, or in a revision or replacement of it, may appeal to the ORR.

## **60 Infrastructure capacity plan**

- (1) Great British Railways must issue one or more documents setting out how, in its view, the best use can be made of GBR infrastructure for the operation of trains.
- (2) A document issued under this section must specify the period for which it is to have effect. 5
- (3) Great British Railways may at any time revise or replace a document issued under this section.
- (4) When preparing, revising or replacing the document or documents Great British Railways must have regard to the need to accommodate— 10
  - (a) GBR passenger services,
  - (b) other railway passenger services,
  - (c) services for the carriage of goods by railway, and
  - (d) the maintenance and improvement of GBR infrastructure.
- (5) Great British Railways must publish— 15
  - (a) any document issued under this section, and
  - (b) any revision or replacement of such a document.
- (6) A person aggrieved by provision contained in a document issued under this section, or in a revision or replacement of it, may appeal to the ORR.

## **61 The working timetable 20**

- (1) Great British Railways must, at such intervals as it considers appropriate, issue—
  - (a) a timetable defining all planned train movements which will take place on GBR infrastructure during the period for which it is in force, or
  - (b) two or more timetables which, taken together, define all such movements. 25
- (2) A timetable issued under subsection (1) is referred to as a “working timetable”.
- (3) Great British Railways may revise a working timetable so as to—
  - (a) add a train movement to the timetable,
  - (b) change or remove a planned train movement, 30
  - (c) allow for the carrying out of work to maintain or improve GBR infrastructure,
  - (d) deal with disruption affecting GBR infrastructure or the operation of trains, or
  - (e) change the period for which the timetable is in force. 35
- (4) A planned train movement that is not a GBR passenger service may be changed or removed under subsection (3)(b) only if the operator of the train agrees.

- (5) A person who applies to Great British Railways for a train movement to be added to the working timetable under subsection (3)(a) may appeal to the ORR against—

- (a) a decision not to add the movement to the timetable, or
- (b) any conditions subject to which the movement is added to the timetable.

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## 62 Preparation of working timetable

- (1) Great British Railways must take the following steps before issuing a working timetable under section 61(1).
- (2) Great British Railways must invite applications for the inclusion of train movements other than GBR passenger services in the working timetable.
- (3) The invitation is to be issued by publishing a notice, which must specify—
- (a) the period within which applications may be made, and
  - (b) the information that must accompany applications.
- (4) Great British Railways must prepare a draft of the working timetable, and when doing so must consider applications for the inclusion of train movements made before the end of the period specified under subsection (3)(a).
- (5) Great British Railways must send the draft it has prepared to any person who made such an application, stating the period within which representations may be made with respect to the timetable.
- (6) Great British Railways must consider any representations made by such a person before the end of that period, and must make any revisions it considers appropriate.
- (7) A person who makes an application under subsection (2) may appeal to the ORR against a decision made on the application by Great British Railways.

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## 63 Capacity duty

- (1) This section applies to Great British Railways when exercising the following functions—
- (a) deciding whether to permit any person to access or use GBR infrastructure for the operation of trains other than GBR passenger services;
  - (b) preparing a draft of a working timetable;
  - (c) issuing or revising a working timetable.
- (2) Great British Railways must exercise the functions so as to ensure that it allocates capacity over GBR infrastructure in a non-discriminatory manner to benefit customers and communities to the best effect. If Great British Railways reserves capacity for its own services, it must state the specific purpose for which capacity is reserved. Great British Railways must utilise the reserved capacity within six months.

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## 64 Charging scheme

- (1) Great British Railways must make a scheme setting out the charges to be made by Great British Railways—
    - (a) for access to and the use of GBR infrastructure for the operation of trains, ~~and~~ 5
    - ~~(b) in relation to trains which are planned to use GBR infrastructure but do not operate, or do not operate in full.~~
  - (2) Subject as follows, the charges set out in the scheme under subsection (1)(a) in relation to the operation of a train must be set at the efficient cost that is directly incurred as a result of the operation of the train. 10
  - (3) The scheme may provide for a higher amount to be charged in particular circumstances provided that it does not exceed the amount that Great British Railways considers is the amount that ~~an efficient operator~~ market would be able to pay in those circumstances. 15
  - (4) The scheme may provide for a lower amount to be charged in circumstances in which Great British Railways considers that to be appropriate—
    - (a) in order to encourage the use of GBR infrastructure where there is spare capacity,
    - (b) in order to promote new services for the carriage of passengers or goods by railway, 20
    - (c) in order to give effect to directions under section 7 or 8,
    - (d) as a result of having had regard to guidance under section 9 or 10, or
    - (e) for any other reason.
  - (5) The scheme may not provide for charges to be made in relation to GBR passenger services, but must include sufficient information as to the costs for the access to and use of GBR infrastructure for the operation of those services to explain how the charges set out in the scheme have been calculated. 25
  - (6) Great British Railways may at any time revise or replace a scheme made under this section. 30
- Great British Railways must publish—
- (7)
    - (a) any scheme made under this section, and
    - (b) any revision or replacement of the scheme.
  - (8) A person aggrieved by provision contained in a scheme made under this section, or in a revision or replacement of it, because it is not in accordance with the functions and duties of GBR, may appeal to the ORR. 35

## 65 Performance scheme

- (1) Great British Railways must make a scheme which contains provision designed to encourage—
  - (a) Great British Railways to take appropriate steps to minimise disruption that is caused to the operation of trains by problems affecting GBR infrastructure, and 40

- (b) persons who operate trains that use GBR infrastructure to take appropriate steps to minimise disruption to that infrastructure and to the operation of other trains using it.
  - (2) The scheme may, in particular, include provision for Great British Railways and persons who operate trains that use GBR infrastructure— 5
    - (a) to be required to pay penalties for causing disruption to the operation of trains,
    - (b) to receive compensation for disruption caused to the operation of trains, and
    - (c) to receive bonuses that reward better than planned performance of trains or GBR infrastructure. 10
  - (3) But the scheme may not provide for penalties or compensation—
    - (a) in relation to any disruption caused to the operation of a train by another train operated by the same person, ~~or—~~
    - (b) ~~to be paid by Great British Railways in relation to any disruption that is outside its control.~~ 15
  - (4) The scheme may—
    - (a) require information of a description specified in the scheme to be provided to Great British Railways at times and in a manner so specified, and 20
    - (b) provide for such persons not to be entitled to receive compensation and bonuses under the scheme if they fail to comply with the requirement.
  - (5) Great British Railways may at any time revise or replace a scheme made under this section. 25
- Great British Railways must publish—
- (6)
    - (a) any scheme made under this section, and
    - (b) any revision or replacement of the scheme.
  - (7) A person aggrieved by provision contained in a scheme made under this section, or in a revision or replacement of it, because it is not in accordance with the functions and duties of GBR, may appeal to the ORR. 30

## 66 Consultation

- (1) Great British Railways must consult the ORR, the Scottish Ministers, the Welsh Ministers and such other affected persons ~~as it considers appropriate~~ before issuing, revising or replacing a document under section 59. 35
- (2) Great British Railways must consult ~~such~~affected persons ~~as it considers appropriate~~ before—
  - (a) issuing, revising or replacing a document under section 60,
  - (b) issuing a working timetable under section 61, and
  - (c) before making, revising or replacing a scheme under section 64 or 65.

- (3) The requirements in this section in relation to issuing a document or timetable or making a scheme may be satisfied by consultation before this section comes into force (as well as by consultation after that time).

## 67 Appeals against access, charging and performance decisions

- (1) This section applies in relation to a decision made by Great British Railways— 5
- (a) as to access to or the use of GBR infrastructure for the operation of trains, or
  - (b) under a scheme made under section 64 or 65.
- (2) A person aggrieved by the decision may appeal to the ORR.

## 68 Appeal procedure

- ~~(1) When determining an appeal under this Chapter the ORR must apply the same principles as would be applied—~~ 10
- ~~(a) by the High Court on an application for judicial review, or~~
  - ~~(b) in Scotland, on an application to the supervisory jurisdiction of the Court of Session,~~ 15
- (2) The ORR may—
- (a) allow the appeal in whole or in part, or
  - (b) dismiss the appeal,
- (3) If the ORR allows the appeal in whole or in part it may—
- (a) in the case of an appeal under section 59(6), 60(6), 64(8) or 65(7), remit all or part of the provision appealed against to Great British Railways for reconsideration, and 20
  - (b) in the case of an appeal under section 61(5), 62(7) or 67, quash all or part of the decision appealed against,
- (4) If the ORR quashes all or part of a decision under subsection (3)(b) it may, in addition— 25
- (a) remit all or part of the decision to Great British Railways for reconsideration, or
  - (b) substitute its own decision for the decision in question, but only if the quashing is on the ground that there has been an error of law and, without the error, there would have been only one decision which Great British Railways could have reached, 30
- (5) If the ORR remits a matter to Great British Railways for reconsideration it may give Great British Railways directions as to that reconsideration,
- ~~(6) The Secretary of State may by regulations—~~ 35
- ~~(a) make provision about steps that must be taken before an appeal can be brought under this Chapter,—~~
  - ~~(b) set fees and time limits for appeals under this Chapter, and~~

- (e) ~~make provision governing the practice and procedure to be followed in the case of appeals under this Chapter,~~
- (7) ~~Before making the regulations the Secretary of State must consult-~~
- (a) ~~Great British Railways,~~
  - (b) ~~the ORR~~ 5
  - (c) ~~the Scottish Ministers,~~
  - (d) ~~the Welsh Ministers, and~~
  - (e) ~~any other persons the Secretary of State considers appropriate to consult,~~
- (8) The ORR ~~may~~must issue a document setting out the practice and procedure to be followed 10  
on appeals under this Chapter. It should set out how it will continue to promote competition for the benefit of users of the railway, whilst having regard to the funds available to the Secretary of State, so far as not covered by regulations under subsection  
~~(6),~~
- (9) The ORR may revise or replace the document,
- (10) Before issuing, revising or replacing the document, the ORR must consult- 15
- (a) Great British Railways,
  - (b) the Secretary of State,
  - (c) the Scottish Ministers,
  - (d) the Welsh Ministers, and
  - (e) any other persons the ORR considers appropriate to consult,
- (11) The ORR must publish- 20
- (a) any document issued under subsection (8), and
  - (b) any revision or replacement of such a document,

### Access agreements and rights

#### ~~69 Access agreements~~

- (1) ~~The Railways Act 1993 is amended as follows.~~
- (2) In section 17(1) (directions requiring facility owners to enter into access agreements), after “a facility owner” insert “other than Great British Railways”. 25
- (3) In section 18 (access agreements requiring approval of ORR)——
- (a) ~~in subsection (1), after “A facility owner” insert “other than Great British Railways”, and~~
  - (b) ~~after that subsection insert——~~ 30
- ~~“(1A) Great British Railways may not, as a facility owner, enter into an access contract to which this section applies.”~~
- (4) In section 19(1) (installation access contracts)——
- (a) ~~in subsection (1), after “an installation owner” insert “other than Great British Railways”,~~
  - (b) ~~in subsection (3), after “An installation owner” insert “other than Great British Railways”, and~~ 35



~~(c) after that subsection insert—~~

~~“(3A) Great British Railways may not, as an installation owner, enter into an installation access contract to which subsection (3) applies.”~~

~~(5) In section 22 (amendment of access agreements), after subsection (1) insert—~~ 5

~~“(1A) Subsection (1) does not apply in relation to an access agreement if the facility owner or installation owner is Great British Railways.”~~

~~(6) In section 22A (directions to require amendment permitting more extensive use), after subsection (5) insert—~~

~~“(5A) No directions are to be given under this section in relation to a railway facility or network installation if the facility owner or installation owner is Great British Railways.”~~ 10

## 70 Access rights

(1) The 2016 Regulations are amended as follows.

(2) In regulation 3 (interpretation) in the definition of “infrastructure manager”, after “undertaking” insert “, other than Great British Railways,”. 15

(3) In regulation 5 (access rights)—

(a) in paragraph (1), for “A railway undertaking must be granted,” substitute “An infrastructure manager must grant to a railway undertaking,”, and 20

(b) omit paragraph (8).

## 71 Operation of existing agreements and rights

(1) The Secretary of State may by regulations make provision about the operation of—

(a) access agreements that were entered into before the date on which this section comes into force, and 25

(b) access rights granted under the 2016 Regulations, so far as the agreements or rights have effect in relation to GBR infrastructure.

(2) The regulations ~~may, in particular,~~ must only provide for—

(a) the amendment of access agreements so that they continue to be legally operable, ~~or termination of access agreements and access rights,~~ 30

~~(b) the imposition and exclusion of obligations or of liability,~~

~~(c) the resolution of disputes,~~

~~(d) the payment of compensation, and~~

~~the consent of the Secretary of State to be required in circumstances specified in the regulations.~~ 35

~~(3) No regulations may be made under this section after the end of the period of 15 years beginning with the day on which this Act is passed.~~

*Supplementary*

**72 Regulations about non-GBR infrastructure, facilities and services**

- (1) The Secretary of State may by regulations make provision about—
  - (a) the management and operation of non-GBR infrastructure,
  - (b) rights to operate trains between places using non-GBR infrastructure, 5
  - (c) co-operation and co-ordination between Great British Railways, GBR companies and persons who manage or operate non-GBR infrastructure,
  - (d) the provision and supply of facilities and services which facilitate the operation of trains, and
  - (e) competition in the market or markets for the provision and supply of such facilities and services. 10
- (2) The regulations may, in particular—
  - (a) make provision relating to non-GBR infrastructure that corresponds or is similar to, or consequential on, the provision relating to GBR infrastructure made by and under this Chapter; 15
  - (b) permit functions of a person who manages or operates non-GBR infrastructure to be performed by a person who operates trains that use that infrastructure;
  - (c) make provision about terms, conditions and charges for the use of non-GBR infrastructure and for the provision and supply of facilities and services; 20
  - (d) make provision as to circumstances in which Great British Railways is to be treated as a railway undertaking for the purposes of the 2016 Regulations, or any restatement or replacement of those regulations, despite any contrary provision made by this Act; 25
  - (e) restate, or replace with such alternative provision as the Secretary of State considers appropriate, the 2016 regulations.
- (3) The regulations may—
  - (a) include provision as to their enforcement, including by means of criminal offences punishable by a fine, civil sanctions (including penalties) or civil proceedings; 30
  - (b) include provision for appeals in relation to anything done under or by virtue of the regulations;
  - (c) confer functions (including discretions) on a person specified, or of a description specified, in the regulations; 35
  - (d) confer power to make provision about matters arising out of or related to the regulations in a document issued by a person specified, or of a description specified, in the regulations.
- (4) The power to make regulations under this section includes power to make consequential provision which amends or repeals provision contained in this or any other Act. 40

- (5) Before making regulations under this section the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (6) In this section “non-GBR infrastructure” means any network, station or track that is not operated by or on behalf of Great British Railways.

### **73 Interpretation of Chapter 1 of Part 3** 5

- (1) In this Chapter—
  - “GBR infrastructure” means railway infrastructure operated by or on behalf of Great British Railways;
  - “GBR passenger service” means a railway passenger service provided by Great British Railways or a subsidiary of Great British Railways—
    - (a) under arrangements made under section 4, or
    - (b) under a public service contract awarded under section 31;
  - “working timetable” has the meaning given by section 61(2).
- (2) The Secretary of State may by regulations amend the definition of “GBR infrastructure”. 10

## **CHAPTER 2**

### OTHER PROVISIONS

#### *The ORR*

### **74 Monitoring Great British Railways** 20

- (1) The Railways Act 1993 is amended as follows.
- (2) After section 69 insert—

#### **69A Additional function: monitoring Great British Railways**

- (1) *The Office of Rail and Road—*
  - (a) *must monitor the exercise of—*
    - (i) *Great British Railways’ statutory functions, and* 25
    - (ii) *any functions under arrangements made under section 4 of the Railways Act 2026, and*
  - (b) *may carry out such investigations as it thinks appropriate for the purpose of monitoring the exercise of the functions,*
- (2) When monitoring the exercise of Great British Railways’ statutory functions the Office of Rail and Road must, in particular, consider—
  - (a) whether and how the activities set out in the business plans provided by Great British Railways to the Office of Rail and Road under Schedule 2 to the Railways Act 2026 are being carried out, 35

- (b) how the cost of carrying out those activities and the income received compares with the estimates set out in the plan, and
  - (c) whether, and the extent to which, Great British Railways' statutory functions are being exercised in a way that furthers the railway safety purposes. 5
- (3) In this section—
  - “railway safety purposes” has the same meaning as in Schedule 3 to the Railways Act 2005;
  - “statutory functions”, in relation to Great British Railways, has the same meaning as in the Railways Act 2026 (see section 3(4) of that Act).” 10
- (3) In section 69 (general functions), after subsection (3) insert—
  - “(3A) The Office of Rail and Road may arrange for the publication, in such form and in such manner as it considers appropriate, of any information or advice given to the Secretary of State under subsection (3) in connection with its function under section 69A (monitoring Great British Railways).” 15

## 75 Miscellaneous functions of ORR

- (1) The Railways Act 1993 is amended as follows.
- (2) In section 16A (provision, development and improvement of railway facilities), after subsection (3) insert— 20
  - “(3ZA) A direction may not be given under this section to Great British Railways.”
- (3) In section 57A (penalties), after subsection (7) insert—
  - “(8) The Office of Rail and Road may not impose a penalty under this section on Great British Railways.” 25
- (4) In section 69(3) (general functions of ORR), after “this Part” insert “or the Railways Act 2026”.

### *Publication of information*

## 76 Publication of information by ORR

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- (1) The Railways Act 1993 is amended as follows.
- (2) After section 72 insert—

### **72A Duty of Office of Rail and Road to publish information**

- (1) *The Office of Rail and Road must publish, in such manner and form as it considers appropriate, such documents and other information relating to the matters listed in subsection (2) as it considers appropriate,* 35

- 
- (2) The matters are—
- (a) licences and railway undertaking licences;
  - (b) access agreements and installation access contracts;
  - (c) access contracts, other than those for the use of GBR infrastructure; 5
  - (d) experimental passenger services;
  - (e) closures;
  - (f) railway administration orders and their discharge.
- (3) When publishing documents or information under this section, the Office of Rail and Road must have regard to the need for excluding, so far as practicable— 10
- (a) any matter which relates to the affairs of an individual, where publication of that matter would or might, in the opinion of the Office of Rail and Road, seriously and prejudicially affect the interests of that individual, and 15
  - (b) any matter which relates specifically to the affairs of a particular body of persons, whether corporate or unincorporate, where publication of that matter would or might, in the opinion of the Office of Rail and Road, seriously and prejudicially affect the interests of that body. 20
- (4) The Secretary of State may direct the Office of Rail and Road not to publish particular information or documents under this section if it appears to the Secretary of State that publication of that information or those documents would be against the public interest or the commercial interests of any person. 25
- (5) In this section—
- “experimental passenger service” has the same meaning as in Part 4 of the Railways Act 2005 (see section 45(1));
  - “GBR infrastructure” has the same meaning as in Chapter 1 of Part 2 of the Railways Act 2026 (see section 73(1)).” 30
- (3) In section 72 (keeping of register by ORR)—
- (a) omit subsections (1) to (4) and (7) to (11),
  - (b) for the heading substitute “Duty to send access agreements to Office of Rail and Road”, and
  - (c) for the italic heading before that section substitute “Information and reporting duties”. 35
- (4) *The ORR may publish anything that, immediately before this section came into force, was contained in the register maintained under section 72 of the Railways Act 1993,*
- (5) Section 72A of the Railways Act 1993 does not require the ORR to publish— 40
- (a) any document created before the day on which this section comes into force, or
  - (b) any information recorded, or relating to a time, before that day.

## 77 Publication of information by Secretary of State

- (1) For section 73 of the Railways Act 1993 substitute—

### **6673 Duty of Secretary of State to publish information**

- (1) *The Secretary of State must publish, in such manner and form as the Secretary of State considers appropriate, such documents and other information relating to the matters listed in subsection (2) as the Secretary of State considers appropriate,* 5
- (2) The matters are—
- (a) determinations made by the Secretary of State under section 34 of the Railways Act 2005; 10
  - (b) the exercise of the Secretary of State's powers under sections 55 and 57A of this Act.
- (4) When publishing documents or information under this section, the Secretary of State must have regard to the need for excluding, so far as practicable— 15
- (a) any matter which relates to the affairs of an individual, where publication of that matter would or might, in the opinion of the Secretary of State, seriously and prejudicially affect the interests of that individual, and
  - (b) any matter which relates specifically to the affairs of a particular body of persons, whether corporate or unincorporate, where publication of that matter would or might, in the opinion of the Secretary of State, seriously and prejudicially affect the interests of that body. 20
- (5) The Secretary of State may not publish particular information or documents under this section if it appears to the Secretary of State that publication of that information or those documents would be against the public interest or the commercial interests of any person.” 25
- (2) *The Secretary of State may publish anything that, immediately before this section came into force, was contained in the register maintained under section 73 of the Railways Act 1993,* 30

## 78 Publication of information by Scottish Ministers

- (1) For section 73A of the Railways Act 1993 substitute—

### **6673A Duty of Scottish Ministers to publish information**

- (1) The Scottish Ministers must publish, in such manner and form as they consider appropriate, such documents and other information relating to the matters listed in subsection (2) as they consider appropriate. 35
- (2) The matters are—
- (a) determinations made by the Scottish Ministers under section 34 of the Railways Act 2005; 40

- (b) the exercise of their powers under sections 55 and 57A of this Act.
- (3) When publishing documents or information under this section, the Scottish Ministers must have regard to the need for excluding, so far as practicable— 5
  - (a) any matter which relates to the affairs of an individual, where publication of that matter would or might, in the opinion of the Scottish Ministers, seriously and prejudicially affect the interests of that individual, and
  - (b) any matter which relates specifically to the affairs of a particular body of persons, whether corporate or unincorporate, where publication of that matter would or might, in the opinion of the Scottish Ministers, seriously and prejudicially affect the interests of that body. 10
- (4) The Scottish Ministers may not publish particular information or documents under this section if it appears to them that publication of that information or those documents would be against the public interest or the commercial interests of any person.” 15
- (2) The Scottish Ministers may publish anything that, immediately before this section came into force, was contained in the register maintained under section 73A of the Railways Act 1993. 20

## **79 Publication of information by Welsh Ministers**

- (1) For section 73B of the Railways Act 1993 substitute—

### **~~66~~73B Duty of Welsh Ministers to publish information**

- (1) The Welsh Ministers must publish, in such manner and form as they consider appropriate, such documents and other information relating to the matters listed in subsection (2) as they consider appropriate. 25
- (2) The matters are—
  - (a) determinations made by the Welsh Ministers under section 34 of the Railways Act 2005; 30
  - (b) the exercise of their powers under sections 55 and 57A of this Act.
- (3) When publishing documents or information under this section, the Welsh Ministers must have regard to the need for excluding, so far as practicable— 35
  - (a) any matter which relates to the affairs of an individual, where publication of that matter would or might, in the opinion of the Welsh Ministers, seriously and prejudicially affect the interests of that individual, and
  - (b) any matter which relates specifically to the affairs of a particular body of persons, whether corporate or unincorporate, where 40

publication of that matter would or might, in the opinion of the Welsh Ministers, seriously and prejudicially affect the interests of that body.

- (4) The Welsh Ministers may not publish particular information or documents under this section if it appears to them that publication of that information or those documents would be against the public interest or the commercial interests of any person.” 5
- (2) The Welsh Ministers may publish anything that, immediately before this section came into force, was contained in the register maintained under section 73B of the Railways Act 1993. 10

### *Co-operation etc*

## **80 Duty to consult Scottish and Welsh Ministers**

- (1) Great British Railways must consult the Scottish Ministers before making a decision within subsection (2) if it appears to Great British Railways that the decision will significantly affect the interests of Scotland’s economy or of persons living in, working in or visiting Scotland. 15
- (2) A decision is within this subsection if it relates to—
  - (a) a cross-border service designated under section 25;
  - (b) additions to a part of the railway network operated by Great British Railways which is situated in Scotland. 20
- (3) Great British Railways must consult the Welsh Ministers before making a decision within subsection (4) if it appears to Great British Railways that the decision will significantly affect the interests of Wales’ economy or of persons living in, working in or visiting Wales.
- (4) A decision is within this subsection if it relates to— 25
  - (a) a railway passenger service designated under section 25 which is provided in Wales;
  - (b) additions to a part of the railway network operated by Great British Railways which is situated in Wales.
- (5) Subsections (1) or (3) do not apply in relation to a decision where consultation is not reasonably practicable, in which case Great British Railways must notify the Scottish Ministers or the Welsh Ministers of the decision as soon as reasonably practicable. 30

## **81 Duty to consult mayoral combined authorities**

- (1) Great British Railways must consult a mayoral combined authority or a mayoral combined county authority before making a decision within subsection (2) if it appears to Great British Railways that the decision will significantly affect the interests of the economy of the authority’s area or of persons living in, working in or visiting the area. 35



- (2) A decision is within this subsection if it relates to—
- (a) a railway passenger service designated under section 25 which is provided in the authority's area;
  - (b) additions to a part of the railway network operated by Great British Railways which is situated in the authority's area. 5
- (3) The Scottish Ministers must consult a mayoral combined authority or a mayoral combined county authority before making a decision relating to a railway passenger service designated under section 26 if—
- (a) the service is provided in the authority's area, and
  - (b) it appears to the Scottish Ministers that the decision will significantly affect the interests of the economy of the area or of persons living in, working in or visiting the area. 10
- (4) The Welsh Ministers must consult a mayoral combined authority or a mayoral combined county authority before making a decision relating to a railway passenger service designated under section 27 if— 15
- (a) the service is provided in the authority's area, and
  - (b) it appears to the Welsh Ministers that the decision will significantly affect the interests of the economy of the area or of persons living in, working in or visiting the area.
- (5) Subsections (1), (3) or (4) do not apply in relation to a decision where consultation is not reasonably practicable, in which case Great British Railways, the Scottish Ministers or the Welsh Ministers must notify the authority of the decision as soon as reasonably practicable. 20

## **82 Duty to consult Transport for London**

- (1) Great British Railways must consult Transport for London before making a decision within subsection (2) if it appears to Great British Railways that the decision will significantly affect the interests of Greater London's economy or of persons living in, working in or visiting Greater London. 25
- (2) A decision is within this subsection if it relates to—
- (a) a railway passenger service designated under section 25 which is provided in Greater London;
  - (b) additions to a part of the railway network operated by Great British Railways which is situated in Greater London. 30
- (3) Subsection (1) does not apply in relation to a decision where consultation is not reasonably practicable, in which case Great British Railways must notify Transport for London of the decision as soon as reasonably practicable. 35

## **83 Advice from relevant local government bodies**

- (1) *A relevant local government body must provide the Secretary of State with such advice as the Secretary of State may reasonably require about a matter connected*

*with the exercise by the Secretary of State of a function in relation to railways or railway services,*

- (2) The reference in subsection (1) to a function of the Secretary of State in relation to railways or railway services does not include a reference to any functions of the Secretary of State so far as they are exercisable for or in connection with the railway safety purposes (within the meaning given by Schedule 3 to the Railways Act 2005). 5
- (3) *A relevant local government body must provide Great British Railways with such advice as Great British Railways may reasonably require about a matter connected with the exercise by Great British Railways of a statutory function in relation to railways or railway services in the body's area,* 10
- (4) In this section "a relevant local government body" means—
  - (a) a mayoral combined authority,
  - (b) a mayoral combined county authority, or
  - (c) a Passenger Transport Executive for an integrated transport area. 15

## 84 Advice from Transport for London

After section 176 of the Greater London Authority Act 1999 insert—

### 176A Duty to advise Secretary of State and GBR

- (1) *Transport for London must provide the Secretary of State with such advice as the Secretary of State may reasonably require about a matter connected with the exercise by the Secretary of State of a function in relation to railways or railway services,* 20
- (2) The reference in subsection (1) to a function of the Secretary of State in relation to railways or railway services does not include a reference to any functions of the Secretary of State so far as they are exercisable for or in connection with the railway safety purposes (within the meaning given by Schedule 3 to the Railways Act 2005). 25
- (3) *Transport for London must provide Great British Railways with such advice as Great British Railways may reasonably require about a matter connected with the exercise by Great British Railways of a statutory function in relation to railways or railway services in Greater London,"* 30

*Licensing etc of train drivers*

## 85 Licensing etc of train drivers

- (1) *The Secretary of State may by regulations make provision about the licensing or certification of persons who drive trains used to provide railway services,* 35
- (2) *The provision that may be made by regulations under this section includes, among other things, provision-*

- (a) prohibiting a person from driving a train unless the person is authorised to do so by a licence, or a certificate, of a description specified in the regulations; as
- (b) to who may issue licences or certificates;
- (c) as to conditions which a person must meet in order to hold a licence or a certificate; 5
- (d) about the procedure for obtaining a licence or a certificate, including provision for the payment of fees;
- (e) about the form or content of licences or certificates;
- (f) for licences or certificates to include conditions, including conditions as to the making of payments to persons specified in the regulations; 10
- (g) about the validity of licences or certificates;
- (h) for the suspension, revocation or withdrawal of a licence or a certificate;
- (i) about appeals against a decision relating to the issuance, suspension, revocation or withdrawal of a licence or a certificate; 15
- (j) about keeping or sharing information in relation to-
  - (i) licences or certificates;
  - (ii) a person who holds, or has previously held, a licence or certificate,
- (3) The regulations may include provision about-
  - (a) the training, skills, assessment and examination of persons who drive trains;
  - (b) the steps which may be taken by the ORR in cases where it considers that a person who drives trains is a serious threat to the safety of the railway, 20
- (4) The regulations may confer power to make provision about matters arising out of or related to the regulations in a document issued by a person specified, or of a description specified, in the regulations,
- (5) Regulations under this section- 25
  - (a) may make provision for the enforcement of a right or duty provided for in the regulations, including by creating criminal offences;
  - (b) may not, in the case of an offence triable either way, make provision for the offence to be punishable, on conviction on indictment, by imprisonment for a period exceeding 2 years, 30
- (6) Before making regulations under this section the Secretary of State must consult-
  - (a) such organisations appearing to the Secretary of State to be representative of persons who drive trains as they think fit, and
  - (b) any other persons whom the Secretary of State considers appropriate to consult, 35

*International interests in railway rolling stock*

### **Cape Town Convention and Luxembourg Protocol**

- (1) The Secretary of State may by regulations make provision for giving effect to—

- (a) the Convention on International Interests in Mobile Equipment signed at Cape Town on 16 November 2001 (“the Cape Town Convention”), so far as it relates to international interests in railway rolling stock, and the Luxembourg Protocol to the Cape Town Convention on Matters
- (b) Specific to Railway Rolling Stock signed in Luxembourg on 23 February 2007 (“the Luxembourg Protocol”). 5
- (2) Regulations under this section may, in particular—
  - (a) make provision to deal with any matter arising out of or related to the Cape Town Convention or the Luxembourg Protocol; 10
  - (b) make provision for enabling the enforcement of a right or duty arising out of the Cape Town Convention or the Luxembourg Protocol;
  - (c) make provision which refers to an instrument made by the body established by virtue of Article 12 of the Luxembourg Protocol, as that instrument has effect from time to time; 15
  - (d) make provision for conferring jurisdiction on a court or tribunal;
  - (e) make provision for conferring functions on the Secretary of State or any other person;
  - (f) make provision for imposing duties on persons to cooperate with a person exercising a function under the Cape Town Convention, the Luxembourg Protocol or the regulations; 20
  - (g) make provision about the enforcement of judgments.
- (3) Regulations under this section may amend or repeal provision contained in primary legislation.
- (4) In this section— 25
  - “international interest” has the meaning given in Article 1(o) of the Cape Town Convention;
  - “primary legislation” means—
    - (a) an Act,
    - (b) an Act of the Scottish Parliament, 30
    - (c) an Act or Measure of Senedd Cymru, or
    - (d) Northern Ireland legislation;
  - “railway rolling stock” has the meaning given in Article 1(2)(e) of the Luxembourg Protocol.

## PART 4

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### GENERAL

## 87 Minor and consequential amendments

Schedule 3 contains minor and consequential amendments (including the repeal of some provisions which are spent).

**88 Power of Secretary of State to make consequential provision**

- (1) The Secretary of State may by regulations make provision that is consequential on this Act.
- (2) Regulations under this section may amend or repeal provision contained in an Act passed— 5
  - (a) before this Act, or
  - (b) later in the same session of Parliament as this Act,
(as well as provision made under such an Act).

**89 Regulations**

- (1) A power to make regulations under any provision of this Act includes power to make— 10
  - (a) consequential, supplementary, incidental, transitional or saving provision;
  - (b) different provision for different purposes or areas;
  - (c) the full provision to which the power extends or any less provision (whether by way of exception or otherwise). 15
- (2) Regulations made by the Secretary of State under this Act are to be made by statutory instrument.
- (3) A statutory instrument containing any of the following (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament— 20
  - (a) regulations under section 3(3);
  - (b) regulations under section 72;
  - (c) regulations under section 73(2)
  - (d) regulations under section 85; 25
  - (e) regulations under section 86;
  - (f) regulations under section 88 that amend or repeal provision contained in an Act;
  - (g) regulations under paragraph 6 of Schedule 2.
- (4) Any other statutory instrument containing regulations made by the Secretary of State under this Act, except a statutory instrument containing regulations under section 92, is subject to annulment in pursuance of a resolution of either House of Parliament. 30
- (5) If a draft of an instrument containing regulations under section 72 or 88 would, apart from this subsection, be treated as a hybrid instrument for the purposes of the standing orders of either House of Parliament, it is to proceed in that House as if it were not a hybrid instrument. 35

**90 General interpretation**

- (1) In this Act—

“the 2016 Regulations” means the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 (S.I. 2016/645);

“GBR company” means—

- (a) a subsidiary of Great British Railways;
- (b) a company jointly owned by Great British Railways and the Scottish Ministers, or
- (c) a company jointly owned by Great British Railways and the Welsh Ministers;

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“mayoral combined authority”, “mayoral combined county authority” and “mayoral strategic authority” have the same meanings as in the English Devolution and Community Empowerment Act 2026;

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“the ORR” means the Office of Rail and Road;

“railway infrastructure” has the meaning given by the 2016 Regulations (see regulation 3);

“safety functions”, in relation to the ORR, means functions assigned or transferred to the ORR—

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- (a) under Part 1 of the Railways Act 1993,
- (b) under or by virtue of the Railways Act 2005, or
- (c) under or by virtue of the Health and Safety at Work etc. Act 1974,

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so far as they are being exercised for railway safety purposes (within the meaning of Schedule 3 to the Railways Act 2005) or for purposes connected with those purposes;

“statutory functions”, in relation to Great British Railways, has the meaning given by section 3(4).

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(2) An expression which is given a meaning by any provision of the Railways Act 1993 for the purpose either of that Act or of Part 1 of it has the same meaning in this Act as in that Act or Part.

(3) Subsections (4) and (5) of section 58 of the Railways Act 2005 (meaning of “wholly owned” and “jointly owned”) apply for the purposes of this Act as they apply for the purposes of that Act.

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## 91 Extent

(1) An amendment, repeal or revocation made by this Act has the same extent as the provision amended, repealed or revoked.

(2) Subject to that—

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- (a) this Act extends to England and Wales and Scotland, and
- (b) section 86 and this Part extend also to Northern Ireland.

## 92 Commencement

(1) Sections 85, 86, 88 to 91, this section and section 93 come into force on the day on which this Act is passed.

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- (2) The remaining provisions of this Act come into force—
- (a) for the purposes of making regulations, on the day on which this Act is passed;
  - (b) for remaining purposes, on such day or days as the Secretary of State may by regulations appoint.
- (3) The Secretary of State may by regulations make transitional or saving provision (in addition to any such provision made by this Act) in connection with the coming into force of any provision of this Act.

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**93 Short title**

This Act may be cited as the Railways Act 2026.

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## SCHEDULES

### SCHEDULE 1

Section 11

#### LICENSING OF GREAT BRITISH RAILWAYS

- 1 The Railways Act 1993 is amended in accordance with paragraphs 2 to 8.
- 2 In section 7 (exemption from licensing requirements), after subsection (12) insert—  
“(12A) A licence exemption may not be granted to Great British Railways.”
- 3 For section 8 substitute—  
**7B Grant of licence to Great British Railways**
  - (1) The Secretary of State may, after consultation with the Office of Rail and Road and the Passengers’ Council, grant Great British Railways a licence under this section authorising Great British Railways to be the operator of the railway assets specified or described in the licence. 10
  - (2) A licence under this section must be in writing. 15
  - (3) A licence under this section continues in force for such period as may be specified in or determined by or under it unless revoked or surrendered before the end of that period.
  - (4) A licence under this section may not be surrendered without the consent of the Secretary of State. 20
  - (5) The consultation requirements in subsection (1) may be satisfied by consultation before Schedule 1 to the Railways Act 2026 comes into force (as well as by consultation after that time).
- 8 Grant of licence to persons other than Great British Railways**
  - (1) The Secretary of State may, after consultation with the Office of Rail and Road and any consultation required by subsection (3), grant a person other than Great British Railways a licence under this section authorising the person to be the operator of the railway assets specified or described in the licence. 25
  - (2) The Office of Rail and Road may, after any consultation required by subsection (3), grant a person other than Great British Railways a licence under this section authorising the person to be the operator of the railway assets specified or described in the licence. 30
  - (3) This subsection requires consultation with the Passengers’ Council if the licence is a passenger licence or station licence. 35



- (4) The Secretary of State or the Office of Rail and Road may grant a person a licence under this section only on an application by the person made in accordance with regulations under section 8B.
  - (5) The Office of Rail and Road may not grant a licence under this section unless—5
    - (a) the Secretary of State consents to the grant, or
    - (b) the licence is granted in accordance with a general authority given to the Office of Rail and Road by the Secretary of State.
  - (6) The terms of a general authority may include a requirement for the Office of Rail and Road to consult the Secretary of State, or obtain their approval, before granting a licence under this section; but a failure to comply with such a requirement in relation to the grant of a licence does not affect the validity of the licence.10
  - (7) A licence under this section must be in writing.
  - (8) A licence under this section continues in force for such period as may be specified in or determined by or under it unless revoked or surrendered before the end of that period.15
  - (9) A licence under this section may not be surrendered without the consent of the Office of Rail and Road.
- 8A Licences: notification requirements**20
- (1) Before the Secretary of State or the Office of Rail and Road grants a licence to a person under section 7B or 8, they must publish a notice—
    - (a) stating that they propose granting a licence under that section to the person,25
    - (b) stating the reasons for proposing to do so, and
    - (c) specifying a period of not less than 28 days beginning with the date of publication of the notice during which representations or objections with respect to the proposed licence may be made.30
  - (2) The notice must be published in such manner as they consider appropriate for bringing it to the attention of persons likely to be affected by the grant of the licence.
  - (3) They must consider any representations or objections which are made before the end of the period specified in the notice and not withdrawn.35
  - (4) As soon as possible after granting a licence they must send a copy—
    - (a) in the case of a licence granted by the Secretary of State, to the Office of Rail and Road;
    - (b) in the case of a licence granted by the Office of Rail and Road, to the Secretary of State;40

- (c) in the case of a licence granted under section 7B or a passenger or station licence granted under section 8, to the Passengers' Council.

- (5) A requirement in subsection (1) to (3) may be satisfied, in relation to the first licence granted under section 7B, by equivalent steps taken before Schedule 1 to the Railways Act 2026 comes into force (as well as by things done after that time). 5

## 8B Licences: applications

- (1) The Secretary of State may by regulations—
  - (a) prescribe the manner in which an application for a licence under section 8 must be made; 10
  - (b) require the application to be accompanied by such fee as the Secretary of State may prescribe;
  - (c) require the application to be published in the prescribed manner and before the end of such period as may be notified to the applicant by the Secretary of State. 15
- (2) The regulations may provide for different application fees to be payable in respect of licences of different descriptions.
- (3) Before making regulations under this section the Secretary of State must consult the Office of Rail and Road. 20
- (4) Any sums received by the Secretary of State or the Office of Rail and Road in connection with an application for a licence must be paid into the Consolidated Fund."

- 4 In section 9(1) (conditions of licences: general), after paragraph (b) insert—
  - (a) after paragraph (b) insert— 25
    - "(c) in the case of a licence under section 7B, provision that an authorisation by the licence has effect from a date specified in or determined under or in accordance with the licence.";
  - (b) at the end of paragraph (a) omit "and". 30

- 5 After section 9 insert—

## 669A Conditions of Great British Railways' licence

- (1) A licence under section 7B may include a condition requiring Great British Railways to comply with provisions—
  - (a) in relation to the exercise by Great British Railways of its functions under section 3(1)(d) and (e) of the Railways Act 2026, and 35
  - (b) which are contained in a document, as updated from time to time, which is made by the Office of Rail and Road and

approved by the Secretary of State (an “approved document”).

- (2) An approved document ~~may~~must contain, in particular, provision about Great British Railways’ activities, and the manner in which it carries on those activities, relating to the sale of tickets by persons other than Great British Railways for travel on railway passenger services, including requirements to promote a fair and competitive retail market, treating all market participants, including GBR’s retailing function, on a fair and non-discriminatory basis.

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- (3) Where a licence under section 7B includes a condition requiring Great British Railways to comply with provisions set out in an approved document, the Office of Rail and Road must keep the document under review and agree any updates to it with the Secretary of State.

- (4) The Office of Rail and Road must publish as soon as reasonably practicable—

- (a) an approved document, and
- (b) where an approved document is updated under subsection (3), the approved document as updated.”

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6 Before section 12 insert—

**6611A Modification of Great British Railways’ licence by the Secretary of State**

- (1) The Secretary of State may, after consultation with the Office of Rail and Road and any consultation required by subsection (2), modify the conditions of a licence held by Great British Railways.
- (2) This subsection requires consultation with the Passengers’ Council if the proposed modifications relate to functions of the Council.
- (3) Before making modifications under this section, the Secretary of State must give notice—
- (a) stating that the Secretary of State proposes to make the modifications and setting out their effect,
  - (b) stating the reasons for proposing to do so, and
  - (c) specifying a period of not less than 28 days from the date of publication of the notice during which representations or objections with respect to the proposed modifications may be made.
- (4) A notice under subsection (3) is given—
- (a) by publishing the notice in such manner as the Secretary of State considers appropriate for the purpose of bringing the notice to the attention of persons likely to be affected by the making of the modifications, and
  - (b) by serving a copy of the notice on Great British Railways.
- (5) The Secretary of State must consider any representations or

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ade before the end of  
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withdrawn.

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- (6) As soon as practicable after modifying the conditions of a licence under this section, the Secretary of State must send a copy of the modifications to the Office of Rail and Road and the Passengers' Council."
- 7 In section 12 (modification by agreement)— 5
- (a) before subsection (2) insert—
- “(1D) If the licence is a passenger licence or station licence and the proposed modifications relate to functions of the Passengers' Council, the Office of Rail and Road must consult the Council before making the modifications.”, and 10
- (b) after subsection (3) insert—
- “(3A) As soon as practicable after modifying the conditions of a licence under this section, the Office of Rail and Road must send a copy of the modifications to the Passengers' Council.”
- 8 In section 13(1)(a) (modification references to the CMA), after “licence” insert “under section 8”. 15
- 9 A licence under section 8 of the Railways Act 1993 which is in force immediately before paragraph 3 of this Schedule comes into force continues in force for such period as may be specified in or determined by or under the licence unless revoked or surrendered before the end of that period. 20

## SCHEDULE 2

Section 12

### FUNDING GREAT BRITISH RAILWAYS

#### PART 1

#### FUNDING BY THE SECRETARY OF STATE

*ORR to set timetable governing funding process* 25

- 1 (1) Before the start of a funding period, the ORR must give a notice to the persons within sub-paragraph (3) specifying—
- (a) the day on or before which the Secretary of State is required to provide to the Welsh Ministers, the ORR and Great British Railways a statement under paragraph 2 in relation to the funding period; 30
- (b) the day on or before which the Secretary of State is required to provide to the ORR and Great British Railways a statement under paragraph 3 in relation to the funding period,
- (c) the day on or before which Great British Railways is required to provide to the ORR an approved business plan under paragraph 4, and 35
- (d) the day on or before which the Secretary of State is required to notify the ORR and Great British Railways of the amount of financial

assistance to be provided to Great British Railways under paragraph 6 in relation to the funding period.

- (2) The notice must also set out the day on which the funding period starts.
- (3) The following persons are within this sub-paragraph—
  - (a) the Secretary of State, 5
  - (b) the Scottish Ministers,
  - (c) the Welsh Ministers,
  - (d) Great British Railways, and
  - (e) the Passengers' Council.
- (4) The ORR may at any time vary a notice under this paragraph to specify a later day on or before which a requirement referred to in sub-paragraph (1) is to be met (including where a day specified in relation to the requirement has passed without the requirement being met). 10
- (5) The ORR must notify a person to whom a notice under this paragraph is given of any such variation, as soon as reasonably practicable. 15
- (6) A day specified for the purpose of paragraph (b) to (d) must fall after the day specified for the purpose of the preceding paragraph of that sub-paragraph.
- (7) The ORR must consult the Secretary of State, the Scottish Ministers, the Welsh Ministers and Great British Railways as to the days to be specified in the notice. 20
- (8) Each day specified in a notice under this paragraph must fall before the start of the funding period to which the notice relates.
- (9) In this Schedule “funding period” means—
  - (a) the period of five years beginning with such day as the Secretary of State may determine;
  - (b) each subsequent period of five years. 25

*Secretary of State's statement of objectives*

- 2 (1) The Secretary of State must provide the Welsh Ministers, the ORR and Great British Railways with a statement, in relation to a funding period, which—
  - (a) sets out the Secretary of State's objectives for the funding period in relation to railways and railway services, and
  - (b) specifies which of those objectives Great British Railways is capable of contributing to meeting. 30
- (2) The objectives set out under sub-paragraph (1)(a) may include objectives as to standards to be achieved when carrying on activities in relation to railways and railway services.
- (3) The objectives set out under sub-paragraph (1)(a) may include, in particular, objectives relating to—
  - (a) the carriage of passengers or goods; 35

- (b) the railway network or railway assets (including objectives relating to the provision of the railway network or railway assets after the end of the funding period);
  - (c) fares;
  - (d) the accessibility of railway services to people with disabilities;
  - (e) the protection of persons from dangers arising from the operation of railways.
- (4) The statement must be provided on or before the day specified by the ORR under paragraph 1(1)(a) in relation to the statement.
- (5) The Secretary of State must publish the statement as soon as reasonably practicable after providing it.
- (6) The Secretary of State must consult the following persons when preparing the statement—
  - (a) the Scottish Ministers,
  - (b) the Welsh Ministers,
  - (c) the ORR,
  - (d) Great British Railways,
  - (e) the Passengers' Council, and
  - (f) each mayoral strategic authority.

*Statement of funds available*

- 3 (1) The Secretary of State must provide the ORR and Great British Railways with a statement, in relation to a funding period, indicating the amount of financial assistance that the Secretary of State reasonably considers may be made available to Great British Railways by the Secretary of State (whether under this Act or under any other power) for the purpose of funding the activities of Great British Railways during the funding period.
- (2) The statement must be provided on or before the day specified by the ORR under paragraph 1(1)(b) in relation to the statement.
- (3) The Secretary of State must publish the statement as soon as reasonably practicable after providing it.
- (4) When preparing a statement under this section, the Secretary of State must have regard to the likely costs to Great British Railways of meeting, or contributing to meeting, the objectives specified by the Secretary of State under paragraph 2(1)(b) in relation to the funding period.
- (5) The Secretary of State must consult the ORR when preparing the statement.

*Business plan and approval by the Secretary of State*

- 4 (1) Great British Railways must provide the ORR with an approved business plan, in relation to a funding period, on or before the date specified by the ORR under paragraph 1(1)(c) in relation to the period.

- 
- (2) In this Schedule “approved business plan” means a business plan which is approved by the Secretary of State.
- (3) The plan must set out—
- (a) the activities Great British Railways proposes are carried on during the funding period (whether by Great British Railways or another GBR company), 5
  - (b) Great British Railways’ estimate of the costs of carrying on those activities, and
  - (c) how Great British Railways proposes to meet those costs.
- (4) The plan must explain, in particular— 10
- (a) how those activities will contribute to meeting the objectives specified by the Secretary of State in a statement under paragraph 2(1)(b) in relation to the funding period;
  - (b) whether, and if so how, those activities will contribute to meeting any other objectives set out in the statement. 15
- (5) The Secretary of State may not approve a business plan unless they have obtained advice from the ORR as to—
- (a) how the activities Great British Railways proposes to carry on during the funding period will contribute to meeting the objectives mentioned in sub-paragraph (4), and 20
  - (b) whether the estimated costs of carrying on those activities represent good value for money.
- (6) The ORR must publish a summary of the advice as soon as reasonably practicable after the approved business plan is published under subsection (7). 25
- (7) Great British Railways—
- (a) must publish so much of the approved business plan as it considers appropriate to publish, and
  - (b) must do so as soon as reasonably practicable.
- (8) When preparing a business plan for the purposes of this paragraph, Great 30 British Railways—
- (a) must have regard to the statement provided by the Secretary of State under paragraph 3 in relation to the funding period, and
  - (b) must consult the Secretary of State, the ORR and the Passengers’ Council. 35

*Keeping the approved business plan up to date*

- 5 (1) Great British Railways must keep an approved business plan up to date.
- (2) Where Great British Railways proposes updating information in an approved business plan which is required to be included in the plan under paragraph 4(3), the information is to not to be taken as updated unless— 40
- (a) Great British Railways consults the ORR and the Passengers’ Council about the proposed update, and



- (b) the Secretary of State approves the proposed update.
- (3) Great British Railways—
  - (a) must publish so much of the approved business plan as updated as it considers appropriate to publish, and
  - (b) must do so as soon as reasonably practicable. 5

*Secretary of State's power to provide financial assistance*

- 6 (1) *The Secretary of State may at any time provide financial assistance to Great British Railways for the purpose of enabling it to carry on, or assisting it with carrying on, activities set out in an approved business plan,*
- (2) *The financial assistance may be provided only for the purpose of activities-* 10
  - (a) *carried on in exercise of Great British Railways' function under section 3(1)(a), or*
  - (b) *specified by the Secretary of State in regulations,*
- (3) *Regulations under this paragraph may specify activities generally, activities of a particular description or particular activities,* 15
- (4) *Where the activities are to be carried on by a GBR company, the Secretary of State may provide the assistance directly to them,*
- (5) *The financial assistance may be provided in any form and in particular may be provided-*
  - (a) *by way of grant, loan, guarantee or indemnity,* 20
  - (b) *by the acquisition of any undertaking or of any assets,*
  - (c) *pursuant to a contract, or*
  - (d) *by incurring expenditure for the benefit of Great British Railways or a GBR company,*
- (6) *The financial assistance may be provided on such terms, and subject to such conditions, as the Secretary of State considers appropriate,* 25
- (7) *The power to provide financial assistance under this paragraph does not limit the circumstances in which the Secretary of State may provide financial assistance to Great British Railways, or a GBR company, under any other power,*

*Notification of financial assistance to be provided* 30

- 7 (1) The Secretary of State must notify the ORR and Great British Railways, on or before the day specified by the ORR under paragraph 1(1)(d) in relation to a funding period, of—
  - (a) the financial assistance to be provided under paragraph 6 for the purpose of enabling Great British Railways to carry on, or assisting it with carrying on, activities set out in an approved business plan; 35
  - (b) the activities for which purpose the assistance is to be provided.
- (2) The Secretary of State must publish details of the financial assistance, and the activities, notified under sub-paragraph (1) as soon as reasonably practicable. 40

- (3) If the Secretary of State proposes to vary the financial assistance to be provided under paragraph 6, the Secretary of State must notify Great British Railways of the proposed variation.
- (4) The Secretary of State must notify the ORR if—
- (a) the proposed variation is to financial assistance to be provided for the purpose of carrying on activities in exercise of Great British Railways' function under section 3(1)(a), 5
  - (b) the proposed variation is a proposal to postpone or withdraw the provision of financial assistance or to reduce the amount of assistance to be provided, and 10
  - (c) the Secretary of State considers that the proposed postponement, withdrawal or reduction is likely to have a material impact on the ability of Great British Railways to carry on the activities specified in a notification under sub-paragraph (1) in relation to the assistance.
- (5) If the Secretary of State decides to vary the financial assistance to be provided under paragraph 6, the Secretary of State must— 15
- (a) notify Great British Railways of the variation, and
  - (b) publish details of the variation if the Secretary of State considers that the variation is likely to have a material impact on the ability of Great British Railways to carry on the activities specified in a notification under sub-paragraph (1) in relation to the assistance. 20

## PART 2

### FUNDING BY THE SCOTTISH MINISTERS

#### *ORR to set timetable: Scotland*

- 8 (1) Before the start of a funding period, the ORR must give a notice to the persons within sub-paragraph (3) specifying— 25
- (a) the day on or before which the Scottish Ministers are required to provide to the ORR and Great British Railways a statement under paragraph 9 in relation to the funding period,
  - (b) the day on or before which the Scottish Ministers are required to provide to the ORR and Great British Railways a statement under paragraph 10 in relation to the funding period, 30
  - (c) the day on or before which Great British Railways is required to provide to the ORR an approved Scottish business plan under paragraph 11, and 35
  - (d) the day on or before which the Scottish Ministers are required to notify the ORR and Great British Railways of the amount of financial assistance to be provided to Great British Railways under paragraph 13 in relation to the funding period.
- (2) The notice must also set out the day on which the funding period starts. 40
- (3) The following persons are within this sub-paragraph—

- (a) the Secretary of State,
  - (b) the Scottish Ministers,
  - (c) Great British Railways, and
  - (d) the Passengers' Council.
- (4) The ORR may at any time vary a notice under this paragraph to specify a later day on or before which a requirement referred to in sub-paragraph (1) is to be met (including where a day specified in relation to the requirement has passed without the requirement being met). 5
- (5) The ORR must notify a person to whom a notice under this paragraph is given of any such variation, as soon as reasonably practicable. 10
- (6) A day specified for the purpose of paragraph (b) to (d) must fall after the day or days specified for the purpose of the preceding paragraph of that sub-paragraph.
- (7) The ORR must consult the Secretary of State, the Scottish Ministers and Great British Railways as to the days to be specified in the notice. 15
- (8) Each day specified in a notice under this paragraph must fall before the start of the funding period to which the notice relates.

*Scottish Ministers' statement of objectives*

- 9 (1) The Scottish Ministers must provide the ORR and Great British Railways with a statement, in relation to a funding period, which— 20
- (a) sets out the Scottish Ministers' objectives for the funding period in relation to Scottish railway activities, and
  - (b) specifies which of those objectives Great British Railways is capable of contributing to meeting.
- (2) The objectives set out under sub-paragraph (1)(a) may include objectives as to standards to be achieved when carrying on Scottish railway activities. 25
- (3) The objectives set out under sub-paragraph (1)(a) may include, in particular, objectives relating to—
- (a) the carriage of passengers or goods;
  - (b) the railway network in Scotland or railway assets situated in Scotland (including objectives relating to the provision of the railway network or railway assets after the end of the funding period); 30
  - (c) fares;
  - (d) the accessibility of railway services to people with disabilities;
  - (e) the protection of persons from dangers arising from the operation of railways. 35
- (4) The statement must be provided on or before the day specified by the ORR under paragraph 8(1)(a) in relation to the statement.
- (5) The Scottish Ministers must publish the statement as soon as reasonably practicable after providing it. 40

- (6) The Scottish Ministers must consult the following persons when preparing the statement—
- (a) the Secretary of State,
  - (b) the ORR,
  - (c) Great British Railways, and
  - (d) the Passengers' Council.
- 5

*Statement of funds available: Scotland*

- 10 (1) The Scottish Ministers must provide the ORR and Great British Railways with a statement, in relation to a funding period, indicating the amount of financial assistance that the Scottish Ministers reasonably consider may be made available to Great British Railways by the Scottish Ministers (whether under this Act or any other power to provide financial assistance) for the purpose of funding the Scottish railway activities of Great British Railways during the funding period.
- 10
- (2) The statement must be provided on or before the day specified by the ORR under paragraph 8(1)(b) in relation to the statement.
- 15
- (3) The Scottish Ministers must publish the statement as soon as reasonably practicable after providing it.
- (4) When preparing a statement under this section, the Scottish Ministers must have regard to the likely costs to Great British Railways of meeting, or contributing to meeting, the objectives specified by the Scottish Ministers in a statement under paragraph 9(1)(b) in relation to the funding period.
- 20
- (5) The Scottish Ministers must consult the ORR when preparing the statement.

*Scottish business plan and approval by the Scottish Ministers*

- 11 (1) Great British Railways must provide the ORR with an approved Scottish business plan, in relation to a funding period, on or before the date specified by the ORR under paragraph 8(1)(c) in relation to the period.
- 25
- (2) In this Schedule “approved Scottish business plan” means a business plan which is approved by the Scottish Ministers.
- (3) The plan must set out—
- 30
- (a) the Scottish railway activities Great British Railways proposes are carried on during the funding period (whether by Great British Railways or another GBR company),
  - (b) Great British Railways' estimate of the costs of carrying on those activities, and
  - (c) how Great British Railways proposes to meet those costs.
- 35
- (4) The plan must explain, in particular—
- (a) how those activities will contribute to meeting the objectives specified by the Scottish Ministers in a statement under paragraph 9(1)(b) in relation to the funding period;
- 40

- (b) whether, and if so how, those activities will contribute to meeting any other objectives set out in the statement.
- (5) The Scottish Ministers may not approve a business plan unless they have obtained advice from the ORR as to—
  - (a) how the activities Great British Railways proposes to carry on during the funding period will contribute to meeting the objectives mentioned in sub-paragraph (4), and 5
  - (b) whether the estimated costs of carrying on those activities represent good value for money.
- (6) The ORR must publish a summary of the advice as soon as reasonably practicable after the approved Scottish business plan is published under subsection (7). 10
- (7) Great British Railways—
  - (a) must publish so much of the approved Scottish business plan as it considers appropriate to publish, and 15
  - (b) must do so as soon as reasonably practicable.
- (8) When preparing a business plan for the purposes of this paragraph, Great British Railways—
  - (a) must have regard to the statement provided by the Scottish Ministers under paragraph 10 in relation to the funding period, and 20
  - (b) must consult the Scottish Ministers, the ORR and the Passengers' Council.

*Keeping the approved Scottish business plan up to date*

- 12 (1) Great British Railways must keep an approved Scottish business plan up to date. 25
- (2) Where Great British Railways proposes updating information in an approved Scottish business plan which is required to be included in the plan under paragraph 11(3), the information is to not to be taken as updated unless—
  - (a) Great British Railways consults the ORR and the Passengers' Council about the proposed update, and 30
  - (b) the Scottish Ministers approve the proposed update.
- (3) Great British Railways—
  - (a) must publish so much of the approved Scottish business plan as updated as it considers appropriate to publish, and 35
  - (b) must do so as soon as reasonably practicable.

*Scottish Ministers' power to provide financial assistance*

- 13(1) The Scottish Ministers may at any time provide financial assistance to Great British Railways for the purpose of enabling it to carry on, or assisting it with carrying on, Scottish railway activities set out in an approved Scottish business plan. 40

- 
- (2) Where the activities are to be carried on by a person within sub-paragraph (3), the Scottish Ministers may provide the assistance directly to them.
- (3) The following are within this sub-paragraph—
- (a) a subsidiary of Great British Railways, or
  - (b) a company jointly owned by Great British Railways and the Scottish Ministers. 5
- (4) The financial assistance may be provided in any form and in particular may be provided—
- (a) by way of grant, loan, guarantee or indemnity,
  - (b) by the acquisition of any undertaking or of any assets, 10
  - (c) pursuant to a contract, or
  - (d) by incurring expenditure for the benefit of Great British Railways or a person within sub-paragraph (3).
- (5) The financial assistance may be provided on such terms, and subject to such conditions, as the Secretary of State considers appropriate. 15
- (6) The power to provide financial assistance under this paragraph does not limit the circumstances in which the Scottish Ministers may provide financial assistance to Great British Railways, or a person within sub-paragraph (3), under any other power.
- Notification of financial assistance to be provided* 20
- 14 (1) The Scottish Ministers must notify the ORR and Great British Railways, on or before the day specified by the ORR under paragraph 8(1)(d) in relation to a funding period, of—
- (a) the financial assistance to be provided under paragraph 13 for the purpose of enabling Great British Railways to carry on, or assisting it with carrying on, Scottish railway activities set out in an approved Scottish business plan; 25
  - (b) the activities for which purpose the assistance is to be provided.
- (2) The Scottish Ministers must publish details of the financial assistance, and the activities, notified under sub-paragraph (1) as soon as reasonably practicable. 30
- (3) If the Scottish Ministers propose to vary the financial assistance to be provided under paragraph 13, they must notify Great British Railways of the proposed variation.
- (4) The Scottish Ministers must notify the ORR if— 35
- (a) the proposed variation is a proposal to postpone or withdraw the provision of financial assistance or reduce the amount of assistance to be provided, and
  - (b) the Scottish Ministers consider that the proposed postponement, withdrawal or reduction is likely to have a material impact on the ability of Great British Railways to carry on the activities specified in a notification under sub-paragraph (1) in relation to the assistance. 40

(5) If the Scottish Ministers decide to vary the financial assistance to be provided under paragraph 13, they must—

- (a) notify Great British Railways of the variation, and
- (b) publish details of the variation if they consider that the variation is likely to have a material impact on the ability of Great British Railways to carry on the activities specified in a notification under sub-paragraph (1) in relation to the assistance.

5

### PART 3

#### SUBSIDY CONTROL

##### *Subsidy control*

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15 Financial assistance given to Great British Railways or a GBR company (whether under this Act or any other power) is not a subsidy for the purposes of the Subsidy Control Act 2022 if it is given for the primary purpose of enabling Great British Railways to exercise a function under section 3(1)(a).

15

### PART 4

#### INTERPRETATION

##### *Interpretation*

16 In this Schedule—

“approved business plan” has the meaning given by paragraph 4(2);

20

“approved Scottish business plan” has the meaning given by paragraph 11(2);

“funding period” has the meaning given by paragraph 1(9);

“railway activities” means activities involving any of the following—

- (a) providing railway services;
- (b) making available railway facilities;
- (c) making use of such facilities;
- (d) using railway assets;
- (e) allowing others to use such assets.

25

“Scottish railway activities” means railway activities which relate to— (a) passenger railway services designated by the Scottish Ministers under section 26,

30

- (b) Scotland-only services not so designated,
- (c) railway facilities situated in Scotland, or
- (d) railway assets so situated.

35

## SCHEDULE 3

Section 83

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *Public Records Act 1958*

- |   |   |   |
|---|---|---|
| 1 | In Part 2 of the Table at the end of paragraph 3 of Schedule 1 to the Public Records Act 1958—  | 5 |
|   | <ul style="list-style-type: none"> <li>(a) omit the entry for the Rail Passengers' Committees, and</li> <li>(b) at the appropriate place insert—</li> </ul> |   |
|   | “The London Transport Users' Committee.”  |   |

#### *Insolvency Act 1986*

- |   |   |    |
|---|---|----|
| 2 | In Schedule 2A to the Insolvency Act 1986, in paragraph 10(1)(j), after “section” insert “7B or”. | 10 |
|---|---|----|

#### *Railways Act 1993*

- |    |  |    |
|----|--|----|
| 3  | The Railways Act 1993 is amended as follows.   |    |
| 4  | Omit section 4.  |    |
| 5  | (1) Section 9 is amended as follows.   | 15 |
|    | (2) In subsection (1), omit from “having regard” to “above”.   |    |
|    | (3) In subsection (3), after paragraph (a) insert—   |    |
|    | “(aa) to comply with standards set by the Passengers' Council under section 46 of the Railways Act 2026;”.   |    |
| 6  | In section 13, for subsection (7) substitute—  | 20 |
|    | “(7) In exercising a function for the purpose of this section, the duties imposed on the Office of Rail and Road by Chapter 2 of Part 1 of the Railways Act 2026 are to be treated as imposed on the CMA.”   |    |
| 7  | In section 15B, for subsection (2) substitute—   |    |
|    | “(2) In exercising a function for the purpose of subsection (1), the duties imposed on the Office of Rail and Road by Chapter 2 of Part 1 of the Railways Act 2026 are to be treated as imposed on the CMA.” | 25 |
| 8  | Omit section 19A.  |    |
| 9  | Omit sections 23 to 31 and the italic cross-heading before section 23.   |    |
| 10 | Omit section 50.   | 30 |
| 11 | Omit the italic cross-heading after section 50.  |    |
| 12 | Omit section 54.   |    |
| 13 | (1) Section 55 is amended as follows.  |    |
|    | (2) In subsection (1), for “(5C)” substitute “(5B)”.   |    |



- (3) In subsections (2) and (4), for “(5) to (5C) below” substitute “subsections (5ZA) to (5B)”.
- (4) Omit subsections (5) and (5C).
- (5) In subsection (5D)—
  - (a) in paragraph (a), omit “(5) or”; 5
  - (b) in paragraph (b), omit “(5),”.
- (6) In subsection (10)—
  - (a) in paragraph (aa) of the definition of “the appropriate authority”, for the words from “of—” to the end substitute “of a person under Scottish closure restrictions, the Scottish Ministers;”; 10
  - (b) omit paragraphs (ab) to (ad) of that definition;
  - (c) omit paragraph (b) of the definition of “relevant condition or requirement”;
  - (d) omit paragraphs (b) and (c) of the definition of “relevant operator”.
- 14 In section 59(6), omit paragraphs (za), (c) and (d). 15
- 15 (1) Section 61 is amended as follows.
  - (2) In subsection (1), for paragraph (a) substitute—

“(a) notice of the petition has been served on the Secretary of State, and”.
  - (3) In subsection (2), for the words from “presented—” to “may” substitute “presented, the Secretary of State may”. 20
- 16 (1) Section 62 is amended as follows.
  - (2) In subsection (2), for paragraph (a) substitute—

“(a) notice of the application has been served on the Secretary of State, and”. 25
  - (3) In subsection (3), for the words from “company—” to “may” substitute “company, the Secretary of State may”.
  - (4) In subsection (5), for paragraph (a) substitute—

“(a) notice of the application has been served on the Secretary of State, and”. 30
  - (5) In subsection (6), for the words from “company—” to “may” substitute “company, the Secretary of State may”.
  - (6) In subsection (7), for the words from “on—” to the end substitute “on the Secretary of State.”
- 17 (1) Section 63 is amended as follows. 35
  - (2) In subsection (1) omit “other than a Scottish protected railway company or a Welsh protected railway company”.
  - (3) In subsection (2) omit from “and” at the end of paragraph (a) to the end.

- 
- 18 Omit section 64A.
- 19 Omit section 66.
- 20 In section 67 (competition functions of the ORR), after subsection (6A) insert—
- “(6B) When exercising functions of the CMA by virtue of subsection (3), the Office of Rail and Road may have regard to any matter in respect of which a duty is imposed on it by Chapter 2 of Part 1 of the Railways Act 2026 if it is a matter to which the CMA could have regard when exercising those functions.” 5
- 21 Omit sections 76 and 76A. 10
- 22 (1) Section 83(1) is amended as follows.
- (2) Omit the entries for the following defined terms—
- “the 1973 Act”
- “additional railway asset”
- “appropriate designating authority” 15
- “appropriate franchising authority”
- “franchise agreement”
- “franchise assets”
- “franchise operator”
- “franchise period” 20
- “franchise term”
- “franchised services”
- “franchisee”
- “Scottish franchise agreement”
- “through ticket” and “through ticketing” 25
- “Welsh franchise agreement”
- “Welsh protected railway company”.
- (3) In the definition of “licence”, after “section” insert “7B or”.
- 23 (1) Section 135 is amended as follows.
- (2) Omit subsections (4) and (8). 30
- (3) For subsection (9) substitute—
- “(9) Nothing in this section is to be read as limiting the conditions which may be included in licences, whether or not with respect to free or concessionary travel.”
- 24 (1) Section 145 is amended as follows. 35
- (2) In subsection (1)(a), after “this Act” insert “or the Railways Act 2026”.
- (3) In subsection (2)—

- (a) before paragraph (a) insert—
    - “(za) for the purpose of facilitating the carrying out by Great British Railways of its statutory functions (within the meaning of the Railways Act 2026);”, and
  - (b) in paragraph (a), for “or the Railways Act 2005” substitute “, the Railways Act 2005 or the Railways Act 2026”. 5
- (4) In subsection (2), after paragraph (gc) insert—
  - “(gd) for the purpose of facilitating the carrying out by the Passengers’ Council of any of its functions under the Railways Act 2026;”. 10
- (5) At the end of subsection (5)(a) insert “or under any provision of the Railways Act 2026”.
- 25 Omit Schedule 4A.
- 26 (1) Paragraph 2 of Schedule 7 is amended as follows.
  - (2) In sub-paragraph (2), for “appropriate national authority” substitute “Secretary of State”. 15
  - (3) In sub-paragraph (3), for “appropriate national authority, it” substitute “Secretary of State, they”.
  - (4) In sub-paragraph (4), for “appropriate national authority”, in each place it occurs, substitute “Secretary of State”. 20
  - (5) In sub-paragraph (5), for “appropriate national authority” substitute “Secretary of State”.
  - (6) In sub-paragraph (6)—
    - (a) for the words from the beginning to “shall” substitute “In determining whether and in what manner to exercise any power conferred by this paragraph, the Secretary of State must”; 25
    - (b) for the subsequent reference to “appropriate national authority” substitute “Secretary of State”.
  - (7) In sub-paragraph (7), for “the appropriate national authority”—
    - (a) in the first place it occurs substitute “the Secretary of State”; 30
    - (b) in the second place it occurs substitute “they”.
  - (8) Omit sub-paragraphs (9) and (10).

# *Greater London Authority Act 1999*

- 27 The Greater London Authority Act 1999 is amended as follows.
- 28 (1) Section 175 is amended as follows. 35
  - (2) In subsection (1)(a)(ii) omit “are provided under franchise agreements, or”.
  - (3) Omit subsection (1A).

- 29 In section 177(1)(b) and (2), for “the Secretary of State” substitute “Great British Railways”.
- 30 Omit section 252B(4).

*Licensing Act 2003*

- 31 In section 157(7) of the Licensing Act 2003, in the definition of “train operator”, for “section 8” substitute “section 7B or 8”. 5

*Railways Act 2005*

- 32 The Railways Act 2005 is amended as follows.
- 33 In section 5, after subsection (3) insert—
- “(3A) When preparing or revising the strategy, the Scottish Ministers must consult the Passengers’ Council.” 10
- 34 Omit sections 13 and 14 and the italic cross-heading before section 13.
- 35 In section 46(7)(a), after “section” insert “7B or”.
- 36 Omit section 52.

*Railway (Licensing of Railway Undertakings) Regulations 2005* 15

- 37 The Railway (Licensing of Railway Undertakings) Regulations 2005 (S.I. 2005/3050) are amended as follows.
- 38 In regulation 2(1), in the definition of “railway undertaking”, after “private undertaking,” insert “other than Great British Railways”.
- 39 (1) Regulation 11 is amended as follows. 20
- (2) In paragraph (1), omit from “having regard” to the end.
- (3) In paragraph (3), after paragraph (d) insert—
- “(e) requirements to comply with standards set by the Passengers’ Council under section 46 of the Railways Act 2026;”.
- 40 After regulation 16 insert— 25

**66Role of the Passengers’ Council**

- 16A.**—(1) The ORR must consult the Passengers’ Council—
- (a) before granting a railway undertaking licence which authorises the carriage of passengers by railway (a “railway passenger licence”),
- (b) before amending a railway passenger licence if the proposed amendments relate to functions of the Council, 30
- (c) before issuing a SNRP to the holder of a railway passenger licence, and

- (d) before modifying the conditions of a SNRP issued to the holder of a railway passenger licence if the proposed modifications relate to functions of the Council.

(2) As soon as practicable after granting or amending a railway passenger licence, the ORR must send a copy of the licence or the amendments to the Passengers' Council. 5

(3) As soon as practicable after issuing a SNRP to the holder of a railway passenger licence or modifying the conditions of a SNRP issued to the holder of a railway passenger licence, the ORR must send a copy of the SNRP or the modifications to the Passengers' Council." 10

41 Omit regulations 17 and 19.

42 In Schedule 3, omit paragraph 6.

*Regulation (EC) No 1371/2007 on rail passengers' rights and obligations*

43 Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations is amended as follows. 15

44 In Article 2(1) of Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23rd October 2007 on rail passengers' rights and obligations, after "provided by" insert—

- (a) Great British Railways, or  
(b)". 20

45 In Article 29(2)(a) (information to passengers about their rights)—

- (a) for "regulations 13(1) and 18(1) and (3)" substitute "regulation 13(1)", and  
(b) after "2010" insert ", section 44 of the Railways Act 2026 and section 252DA of the Greater London Authority Act 1999". 25

46 In Article 30(2) (enforcement), for paragraph (b) substitute—

- "(b) to the Passengers' Council in relation to a matter mentioned in paragraph (a) or (b) of section 44 of the Railways Act 2026;  
(c) to the London Transport Users' Committee in relation to a matter mentioned in paragraph (a) or (b) of section 252DA(1) of the Greater London Authority Act 1999." 30

*Local Transport Act 2008*

47 In section 102I(7) of the Local Transport Act 2008, after paragraph (f) insert— 35

- "(fa) Great British Railways;"

*Planning Act 2008*

- 48 In section 25(5)(a) of the Planning Act 2008, for “section 8” substitute “section 7B or 8”.

*Equality Act 2010*

- 49 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— 5
- “Great British Railways.”

*Rail Passengers’ Rights and Obligations Regulations 2010*

- 50 The Rail Passengers’ Rights and Obligations Regulations 2010 (S.I. 2010/1504) are amended as follows. 10
- 51 (1) Regulation 17 is amended as follows.
- (2) In the heading, at the beginning insert “Great British Railways”.
- (3) In paragraph (1), for “(2) and” substitute “(1A) to”.
- (4) After paragraph (1) insert— 15
- “(1A) This paragraph applies to a breach by Great British Railways of the requirements imposed on Great British Railways by the provisions of the European Regulation listed in the Schedule.”.
- 52 Omit regulation 18.

*Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016* 20

- 53 (1) The 2016 Regulations are amended as follows.
- (2) Omit regulation 11.
- (3) In regulation 12(2)(c), omit “the strategy referred to in regulation 11 and”.
- (4) Omit regulation 31(1).



# Railways Bill

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[AS INTRODUCED]

A

## B I L L

TO

Make provision about railways and railway services; and for connected purposes.

*Presented by Secretary Heidi Alexander  
supported by the Prime Minister,  
the Chancellor of the Exchequer,  
Secretary Steve Reed, Secretary Ed Miliband,  
Secretary Peter Kyle, Secretary Douglas Alexander,  
Secretary Jo Stevens and James Murray,*

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