

Changes to legislation: There are currently no known outstanding effects for the Railways Act 2005, SCHEDULE 7. (See end of Document for details)

SCHEDULES

SCHEDULE 7

Sections 22 to 31

CONSULTATIONS UNDER PART 4

Introductory

- 1 A consultation under this Schedule about a proposal—
- (a) must be initiated as follows; and
 - (b) thereafter must be carried out in accordance with the closures guidance.

Commencement Information

II Sch. 7 para. 1 in force at 1.12.2006 by S.I. 2006/2911, art. 2, Sch.

Newspaper notification

- 2 (1) The person carrying out the consultation must publish a notice under this paragraph, in two successive weeks—
- (a) in a local newspaper circulating in the area affected by the proposal; and
 - (b) in two national newspapers.
- (2) The notice must set out—
- (a) the proposal date;
 - (b) the other particulars of the proposal;
 - (c) the address at which—
 - (i) the initial assessment, and
 - (ii) a summary of the results of that assessment,are available for inspection, or from which a copy of that assessment and summary may be obtained;
 - (d) the fees payable for a copy of the assessment and summary;
 - (e) a statement that any representations about the proposal may be sent to the person carrying out the consultation within such period as may be specified in the notice.
- (3) In the case of a consultation carried out about a proposal to which section 23, 24, 27, 28, 30 or 31 applies, the proposal date must be not less than six months after the notice is last published in a local newspaper for the purposes of sub-paragraph (1).
- (4) The period specified under sub-paragraph (2)(e) must be a period ending no less than 12 weeks after the notice is last published in a local newspaper for the purposes of sub-paragraph (1).

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I2 Sch. 7 para. 2 in force at 1.12.2006 by S.I. 2006/2911, art. 2, Sch.

Specific notification to particular persons

- 3 (1) The person carrying out the consultation must—
- (a) send to every person specified in sub-paragraph (2) (apart from himself) both a copy of every notice published under paragraph 2 and a summary of the results of the initial assessment; and
 - (b) in such manner as he considers appropriate, consult such other persons (if any) as he thinks fit.
- (2) Those persons are—
- (a) in the case of a consultation for the purposes of section 22(7)(a), 25(6)(a), 26(7)(a) or 29(7)(a), the person making the proposal in question;
 - (b) in the case of a consultation for the purposes of—
 - (i) subsection (4)(b) of section 24,
 - (ii) subsection (3)(b) of section 27,
 - (iii) subsection (3)(b) of section 28,
 - (iv) subsection (3)(b) of section 30, or
 - (v) subsection (3)(b) of section 31,
the national authority for the purposes of that section;
 - (c) if the proposal affects Wales, [^{F1}the Welsh Ministers];
 - (d) if the proposal affects Greater London, the Mayor of London;
 - (e) every Passenger Transport Executive whose area is affected by the proposal;
 - (f) every local authority in whose area there are persons living, working or studying who appear to the person carrying out the consultation to be persons affected by the proposal;
 - (g) the [^{F2}Passengers' Council];
 - (h) if the proposal affects its area, the London Transport Users' Committee;
 - (i) every person designated by order made by the Secretary of State for the purposes of this Schedule as a body representing interests of railway passengers;
 - (j) every railway funding authority appearing to the person carrying out the consultation to be a party to financial arrangements that are or may be affected by the proposal;
 - (k) every person providing railway services who appears to the person carrying out the consultation to be affected by the proposal;
 - (l) every person providing station services in relation to a station affected by the proposal.
- (3) The person carrying out the consultation must require every operator of a station in the area affected by the proposal to whom he sends a copy of a notice under sub-paragraph (1) to secure that a copy of it is published by being displayed at that station until the end of the interim period.
- (4) An order under sub-paragraph (2)(i) is subject to the negative resolution procedure.

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- (5) In the case of a consultation carried out for the purposes of section 25, subparagraph (2) has effect with the omission of paragraph (j).
- (6) In this paragraph “local authority”—
- (a) in relation to England and Wales, means a county council or county borough council, a community council or a council for a district in an area for which there is no county council; and
 - (b) in relation to Scotland, has the same meaning as in the Local Government (Scotland) Act 1973 (c. 65).

Textual Amendments

- F1** Words in Sch. 7 para. 3(2)(c) substituted (13.6.2018) by [The Welsh Ministers \(Transfer of Functions\) \(Railways\) Order 2018 \(S.I. 2018/631\)](#), art. 1(2)(b)(xvi), [Sch. para. 66](#)
- F2** Words in Sch. 7 para. 3(2)(g) substituted (25.2.2010) by [The Passengers’ Council \(Non-Railway Functions\) Order 2010 \(S.I. 2010/439\)](#), art. 1, [Sch. para. 9\(8\)](#)

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- I3** Sch. 7 para. 3 in force at 1.12.2006 by [S.I. 2006/2911](#), art. 2, [Sch.](#)

Interpretation of Schedule

- 4 In this Schedule “the initial assessment” means the assessment relating to the proposal that has been carried out under section 22(5), 23(5), 24(6), 25(4), 26(5), 27(5), 28(5), 29(5), 30(5) or 31(5).

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- I4** [Sch. 7 para. 4](#) in force at 1.12.2006 by [S.I. 2006/2911](#), art. 2, [Sch.](#)

- 5 In this Schedule “the area affected”, in relation to a proposal, means—
- (a) in the case of a proposal for the discontinuance of railway passenger services on a particular line or from a particular station, the area in which the line or station is situated;
 - (b) in the case of a proposal relating to a network, or part of a network, the area in which the network, or part of a network, is situated;
 - (c) in the case of a proposal relating to a station, or part of a station, the area served by the station, or that part.

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- I5** [Sch. 7 para. 5](#) in force at 1.12.2006 by [S.I. 2006/2911](#), art. 2, [Sch.](#)

- 6 (1) A newspaper is to be regarded as a national newspaper for the purposes of paragraph 2(1)(b) as it applies in relation to a proposal if—
- (a) it is a newspaper circulating generally in the United Kingdom; or
 - (b) the proposal relates to services operating, or a network or station, or part of a network or station that is—
 - (i) entirely in England,

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- (ii) entirely in Wales, or
 - (iii) entirely in Scotland,
- and it is a newspaper circulating generally in England, Wales or (as the case may be) Scotland.
- (2) For the purposes of this paragraph, a service operates entirely in England, entirely in Wales or entirely in Scotland if it begins and ends in, and does not make any other scheduled call outside, England, Wales or (as the case may be) Scotland.

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I6 Sch. 7 para. 6 in force at 1.12.2006 by S.I. 2006/2911, art. 2, Sch.

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