EXPLANATORY MEMORANDUM TO

THE GREATER MANCHESTER (LIGHT RAPID TRANSIT SYSTEM) (EXEMPTIONS) (AMENDMENT) ORDER 2020

2020 No. 170

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The Order amends the Greater Manchester (Light Rapid Transit System) (Exemptions) Order 2013 (S.I. 2013/339) ("the 2013 Order") which grants exemptions from certain requirements of railways legislation which would otherwise apply to the Greater Manchester Light Rapid Transit System ("Metrolink"). The effect of the Order is to extend the exemptions so that they cover the extension of the Metrolink to the Trafford Centre which is scheduled to open in 2020.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is England.

4.2 The territorial application of this instrument is England.

4.3 This instrument shares the same territorial extent and application as the 2013 Order.

5. European Convention on Human Rights

5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

6. Legislative Context

6.1 The Railways Act 1993 ("**the 1993 Act**") sets out statutory requirements and powers which affect operators and owners of railway assets, facilities, and infrastructure. These include a requirement that operators of railway assets must be licensed; powers for the Office of Rail and Road ("**the ORR**", formerly the Office of Rail Regulation) to require improvements to railway facilities and direct access to facilities; and a duty on appropriate designating authorities to designate passenger services which they

consider ought to be provided under franchise agreements. The Act provides that exemptions may be granted from those requirements.

6.2 The Railways Act 2005 ("**the 2005 Act**") prescribes procedures that must be followed when service operators and railway funding authorities propose to discontinue railway passenger services on a line or from a station or to close networks or stations. It provides that services, networks and stations may be excluded from these procedures if so designated by Order. Any such Order may apply alternative closure procedures to these excluded services.

6.3 The 2013 Order grants exemptions from certain requirements of the railways legislation set out above which apply to the Metrolink and extends them to cover extensions to the system that opened from April 2013. It was amended by the Greater Manchester (Light Rapid Transit System) (Exemptions) (Amendment) Order 2015 (S.I. 2015/1877) ("**the 2015 Order**"), which extended the exemptions to new sections of track and a new station ("**the Second City Crossing Extension**").

7. Policy background

What is being done and why?

7.1 The requirements of the 1993 Act and the 2005 act are suitable for the national heavy rail network. Metrolink is a self-contained light rail system owned by Transport for Greater Manchester ("TfGM"), which has granted exclusive operating rights to one system operator.

7.2 Exemptions from the 1993 Act and the 2005 Act have been granted to the existing Metrolink network.

7.3 Operations on a new extension of the Metrolink network to Trafford Park, which includes new stops at Wharfside, Imperial War Museum, Village, Parkway, EventCity and Trafford Centre ("the Trafford Park Extension"), are scheduled to begin in 2020. This Order ensures that exemptions apply consistently across the whole Metrolink network as it expands to incorporate the Trafford Park Extension. This Order amends the 2013 Order by replacing the map in the Schedule to that Order with a map which includes the Trafford Park Extension, so that the exemptions granted by the 2013 Order apply to the Metrolink network as set out in the new map, including the Trafford Park Extension.

7.4 For further information on the exemptions, see the Explanatory Memorandum to the 2013 Order.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to withdrawal from the European Union

9. Consolidation

9.1 There are no plans to consolidate the various instruments on this topic. It is considered that the most proportionate way of granting the required exemptions in respect of the Trafford Park Extension is by amending the 2013 Order by replacing the map in the Schedule, which was the approach used in the 2015 Order for the Second City Crossing Extension that opened in 2017.

10. Consultation outcome

10.1 Those consulted included local authorities in the Greater Manchester area, train operating companies, the ORR, Network Rail and organisations representing passengers. The consultation was a Specialised Technical Consultation and it ran from 28 August 2019 until 8 October 2019. Five responses were received, all in support of the proposal.

11. Guidance

11.1 It is not considered necessary to issue guidance.

12. Impact

12.1 The impact on business is minimal. Savings to the operator of Metrolink will be administrative and not easily quantifiable. By way of example, the operator of Metrolink (and any future operator) will benefit because it will not have to apply to the ORR for a licence or a licence exemption. It will therefore save circa £250 plus administrative costs per application to the ORR. There is no impact on charities or voluntary bodies.

12.2 The impact on the public sector is minimal. The 1993 Act and 2005 Act place a number of duties on the ORR and a number of requirements on TfGM. These duties and requirements will be removed by this Order. The resulting benefits to ORR and TfGM, which are also described in section 7 above, are not easily quantifiable.

12.3 An Impact Assessment has not been prepared for this instrument.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The Secretary of State must review the 2013 Order, which this order amends, and publish a report which assesses whether the objectives of the 2013 Order have been achieved and remain appropriate. The report must be published before 6th December 2020 and within every 5 years after that. The impacts of the 2013 Order will be monitored through communication with TfGM and ORR. Following the review, the Secretary of State will consider whether the 2013 Order should remain as it is or be amended or revoked.

15. Contact

15.1 Charlie Sunderland at the Department for Transport Telephone: 07766 697436 or email: charlie.sunderland@dft.gov.uk can be contacted with any queries regarding the instrument.

15.2 Robert Catherall, Deputy Director for Local Infrastructure Division, at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.

15.3 Baroness Vere of Surbiton at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.