STATUTORY INSTRUMENTS

2003 No. 1696

TRANSPORT

The Merseyrail Electrics Network Order 2003

Made - - - -	*7th July 2003*
Laid before Parliament	*8th July 2003*
Coming into force	*29th July 2003*

The Secretary of State, in exercise of the powers conferred upon him by sections 76(7C) and 77(9C) of the Railways Act 1993**(a)**, and after consultation in accordance with those sections, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Merseyrail Electrics Network Order 2003 and shall come into force on 29th July 2003.

Interpretation

2. In this Order—

"the 1993 Act" means the Railways Act 1993;

"concession agreement" means an agreement entered into by the Merseyside PTE (using its powers under section 10 of the Transport Act 1968**(b)**) pursuant to which another person agrees to provide railway passenger services on the Merseyrail Electrics network;

"concession operator" means, in relation to a concession agreement, the person who has agreed to provide railway passenger services on the Merseyrail Electrics network under that agreement;

"the Merseyrail Electrics network" means the network incorporating railway lines which run exclusively along the routes specified in the Schedule and which is used for the support, guidance and operation of trains serving exclusively those routes;

"the Merseyside PTE" means the Merseyside Passenger Transport Executive; and

"network station" means a station at which the only regular railway passenger services which are provided operate exclusively on the Merseyrail Electrics network.

Modification of the general duties of the Rail Passengers' Council

3.—(1) The duties imposed by section 76 of the 1993 Act shall, in relation to railway passenger services which operate exclusively on the Merseyrail Electrics network and station

(a) 1993 c.43; sections 76 and 77 were amended by the Transport Act 2000 (c.38), section 215 and Schedule 16 (paragraphs 8, 46 and 47), section 216 and Schedule 17 (paragraphs 17, 20 and 21), section 227 and Schedule 22 (paragraphs 8 and 9), section 228 and section 274 and Schedule 31 (Part IV).

(b) 1968 c.73; section 10 was amended by the Local Government (Scotland) Act 1973 (c.65), section 150 and Schedule 18 (paragraph 2) and section 237 and Schedule 29; the Local Government Act 1974 (c.7), section 35 and Schedule 6 (paragraph 22) and section 42 and Schedule 8; the Acquisition of Land Act 1981 (c.67), section 34 and Schedule 4 (paragraph 18); the Transport Act 1985 (c.67), section 57 and Schedule 3 (paragraphs 2 and 4) and section 139 and Schedules 7 (paragraph 7) and 8; the Railways Act 1993 (c.43), section 36; and the Transport Act 2000 (c.38), section 252 and Schedule 27 (paragraphs 2 and 3).

services relating to the provision or operation of a network station, apply with the following modifications.

(2) Section 76 shall be read as if:

(a) for the references to a "franchise agreement" there were substituted references to the concession agreement under which such services are for the time being provided;

(b) for the references to "the franchisee" there were substituted references to the concession operator under the relevant concession agreement;

(c) in subsections (2), (4), (5), (5A), (6)(b) and (7), for the references to "the Authority" there were substituted "the Merseyside Passenger Transport Executive"; and

(d) in subsection (6)(a), after the reference to "the Secretary of State" there were inserted the words "the Merseyside Passenger Transport Executive".

(3) In section 76(4)(b), references to services provided on behalf of the Merseyside PTE shall not include services provided under a concession agreement.

(4) Where the Rail Passengers' Council considers it appropriate to do so, a matter may be referred under section 76(5) to the Strategic Rail Authority in addition to the Merseyside PTE.

(5) Section 76(8) shall be disregarded.

Modification of the general duties of Rail Passengers' Committees

4.—(1) The duties imposed by section 77 of the 1993 Act shall, in relation to railway passenger services which operate exclusively on the Merseyrail Electrics network and station services relating to the provision or operation of a network station, apply with the following modifications.

(2) Section 77 shall be read as if:

(a) for the references to a "franchise agreement" there were substituted references to the concession agreement under which such services are for the time being provided;

(b) for the references to "the franchised services" there were substituted references to the services provided under the relevant concession agreement;

(c) for the references to "the franchisee" or "the franchise operator" there were substituted references to the concession operator under the relevant concession agreement; and

(d) in subsections (2), (3), (4), (4A) and (5)(b), for the references to "the Authority" there were substituted "the Merseyside Passenger Transport Executive".

(3) In section 77(3)(b), references to services provided on behalf of the Merseyside PTE shall not include services provided under a concession agreement.

(4) Where a Rail Passengers' Committee considers it appropriate to do so, a matter may be referred under section 77(4) to the Strategic Rail Authority in addition to the Merseyside PTE.

(5) In section 77(6), (7) and (8), a reference to "the Authority" may be construed as if it were a reference to either "the Merseyside Passenger Transport Executive" or "the Authority", as appropriate.

(6) Section 77(10) shall be disregarded.

Signed by authority of the Secretary of State for Transport

Kim Howells
Minister of State,
Department for Transport

7th July 2003

SCHEDULE

Specified Routes

Liverpool Central–Hunts Cross

Liverpool Central–Southport

Liverpool Central–Kirkby

Liverpool Central–Ormskirk

Liverpool Loop–New Brighton/West Kirkby via James Street, Moorfields, Lime Street and Central underground stations

Liverpool Loop–Chester/Ellesmere Port

EXPLANATORY NOTE

(This note is not part of the Order)

This Order relates to the Merseyrail Electrics railway network ("the network").

Articles 3 and 4 modify the duties imposed by section 76 and 77 of the Railways Act 1993 (general duties of the Rail Passengers' Council and Rail Passengers' Committees respectively) in relation to railway passenger and station services provided exclusively on the network so as to provide for the involvement of the Merseyside Passenger Transport Executive in place of, or alongside, the Strategic Rail Authority. Railway passenger services on the network will be provided on and after 20th July 2003 by a concession operator under a concession agreement with the Merseyside Passenger Transport Executive, rather than under a franchise agreement with the Strategic Rail Authority. The railway passenger services on the network were exempted from designation as being subject to franchising under the Merseyrail Electrics Network Order 2002 (S.I. 2002/1946).

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