

Railways Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

The amendments have been marshalled in accordance with the Instruction of 13th July 2026, as follows –

Clauses 1 to 11	Schedule 3
Schedule 1	Clauses 92 to 96
Clause 12	Schedule 4
Schedule 2	Clauses 97 to 102
Clauses 13 to 91	Title

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 1

LORD MOYLAN

- 1** Clause 1, page 1, line 8, at end insert –
“(1A) The body corporate must be a company constituted under the Companies Acts.”

Member's explanatory statement

This amendment seeks to clarify an ambiguity in this and the following Clause as to the legal character of the body corporate.

LORD MOYLAN

- 2** Clause 1, page 1, line 9, leave out subsections (2) to (4)

Member's explanatory statement

This amendment seeks to explore why the Government has chosen to prevent Ministers from designating a body corporate not owned by the Crown as Great British Railways.

LORD LANSLEY

- 3** Clause 1, page 1, line 14, after “Crown” insert “; but this prohibition does not extend to a GBR company”

Member's explanatory statement

This amendment probes the issue of whether GBR companies are or are not required to be wholly owned by the Crown.

Clause 2

LORD LANSLEY

- 4 Clause 2, page 2, line 8, after “Welsh Ministers” insert “, nor any person acting on behalf of the Secretary of State, the Scottish Ministers or the Welsh Ministers,”

Member's explanatory statement

This amendment would make it clear that civil servants acting on behalf of the Secretary of State or Ministers would also not be regarded as shadow directors.

BARONESS JONES OF MOULSECOOMB

- 5★ Clause 2, page 2, line 16, at end insert —
“(7A) GBR companies are wholly-owned subsidiaries of Great British Railways, within the meaning of section 1159(2) of the Companies Act 2006.”

Member's explanatory statement

This amendment would ensure that shares in GBR subsidiaries are wholly owned by GBR, replacing the existing definition of “subsidiary” which would allow private shareholders.

LORD MOYLAN

- 6 Clause 2, page 2, line 17, after “section” insert “and section 1”

Member's explanatory statement

This amendment is related to the amendment in the name of Lord Moylan to Clause 1, page 1, line 8.

Before Clause 3

LORD MOYLAN

- 7 Before Clause 3, insert the following new Clause —

“Purpose of Great British Railways

- (1) The purpose of Great British Railways is defined by the following objectives —
- (a) prioritising the needs of Great British Railways passengers in decision-making,
 - (b) delivering reliable, safe and accessible railway passenger services,
 - (c) providing value for money for passengers and taxpayers, including consideration of the affordability of fare prices,

- (d) increasing passenger numbers and growing usage of the network year-on-year,
 - (e) expanding and improving the network, including services and connectivity, and restoring or adding routes,
 - (f) modernising working practices and innovating to improve productivity, efficiency, and passenger experience,
 - (g) supporting economic growth and national productivity, and improving connections between towns, cities and employment centres,
 - (h) improving the experience of disabled and vulnerable passengers and ensuring consistent access to assistance,
 - (i) ensuring fair and transparent treatment of open access, freight and devolved operators when allocating access and charges,
 - (j) growing rail freight, including supporting delivery of the national freight growth target,
 - (k) strengthening the financial sustainability of the railways, reducing reliance on operating subsidy over time,
 - (l) integrating track and train, simplifying structures, and avoiding duplication, and
 - (m) supporting multi-modal integration with buses, trams and local transport networks.
- (2) The Secretary of State and Great British Railways must have regard to the purpose set out in subsection (1) in exercising their functions under this Act.”

Member's explanatory statement

This new clause defines Great British Railways' purpose.

LORD MOYLAN

8 Before Clause 3, insert the following new Clause —

“Organisational structure

Before Great British Railways exercises any statutory functions, it must publish and conduct a public consultation on its proposed organisational structure.”

Member's explanatory statement

This amendment would require Great British Railways to consult publicly on its proposed organisational structure before exercising its statutory functions.

Clause 3

LORD MOYLAN

9 Clause 3, page 2, line 21, leave out “general”

Member's explanatory statement

This amendment seeks to explore the meaning of “general function” in the context of Great British Railways’ remit.

BARONESS HARDING OF WINSCOMBE
BARONESS ALEXANDER OF CLEVEDEN
LORD MOYLAN
LORD DIXON OF JERICHO

- 10 Clause 3, page 2, line 28, at end insert “by promoting a thriving competitive market in the retail ticketing market”

LORD BERKELEY

- 11 Clause 3, page 2, line 28, at end insert “and promoting a competitive retail market for railway passenger services tickets (including the impartial sale of all passenger rail operators’ tickets),”

LORD MOYLAN

- 12 Clause 3, page 2, line 30, after “including” insert “acting in a fair and non-discriminatory manner”

Member's explanatory statement

This amendment seeks to establish equal treatment between GBR and non-GBR services.

LORD MOYLAN

- 13 Clause 3, page 2, line 35, at end insert “, but not advice and standards pertaining to safety on the railways”

Member's explanatory statement

This amendment seeks to establish that the Office of Rail and Road is the sole safety regulator.

LORD MOYLAN

- 14 Clause 3, page 2, line 35, at end insert “managed by Great British Railways”

LORD DAVIES OF BRIXTON

- 15★ Clause 3, page 2, line 35, at end insert —

“(h) acting as the single employer of all persons previously employed by —
(i) Network Rail,
(ii) franchises operated by DfT Operator Limited,

- (iii) franchises operated by rail companies under contracts for passenger rail services between those companies and the Department for Transport, and
- (iv) such other companies operating or facilitating rail services as the Secretary of State may specify, provided that any such specification is made following consultation with, and with the agreement of, relevant trade unions.”

Member's explanatory statement

This amendment would add to GBR's statutory functions a duty to act as a single employer for all rail workers transferring into it from Network Rail and DfT franchises.

LORD MOYLAN

- 16 Clause 3, page 2, line 37, leave out from “plans” to end of line 40 and insert –
- “(2A) Decisions about access to, and use of, railway infrastructure for the operation of trains will be made by the Office of Rail and Road.”

Member's explanatory statement

This amendment seeks to ensure that the Office of Rail and Road continue to make decisions about access.

LORD MOYLAN

- 17 Clause 3, page 2, line 40, at end insert –
- “(2A) Great British Railways may not exercise its function under subsection (1)(d) by developing, procuring or commissioning a website or software application for the sale of tickets unless the requirements of subsection (2B) have been met.
- (2B) The Secretary of State and the Chancellor of the Exchequer must jointly prepare and lay before Parliament a statement –
- (a) setting out the estimated whole-life costs of the proposed website or software application, including the costs of –
 - (i) design and development,
 - (ii) procurement,
 - (iii) operation and maintenance,
 - (iv) upgrades and other subsequent development, and
 - (v) decommissioning or replacement;
 - (b) explaining how the proposed expenditure complies with the principles and requirements set out in *Managing Public Money* published by His Majesty's Treasury, as revised from time to time;
 - (c) setting out their assessment of the affordability and value for money of the proposal;
 - (d) setting out the arrangements for the control, oversight and reporting of expenditure on the proposal.

- (2C) The statement required by subsection (2B) must be laid before Parliament before Great British Railways –
- (a) enters into a contract for the development or procurement of the website or software application, or
 - (b) incurs substantive expenditure on its development.
- (2D) Where the estimated whole-life cost of the website or software application increases materially after a statement has been laid under subsection (2B), the Secretary of State and the Chancellor of the Exchequer must jointly prepare and lay before Parliament a revised statement.”

Member's explanatory statement

This amendment would prevent Great British Railways from developing or procuring a ticketing website or application until the Secretary of State and the Chancellor of the Exchequer have jointly reported to Parliament on its whole-life cost, affordability, value for money, alternative delivery options and compliance with HM Treasury's "Managing Public Money" framework. It would also require a revised statement where estimated costs increase materially.

LORD MOYLAN

- 18 Clause 3, page 3, line 1, leave out subsection (3)

Member's explanatory statement

This amendment seeks to remove the Secretary of State's power to confer additional functions relating to railways or railway services on Great British Railways by regulations.

LORD LANSLEY

- 19 Clause 3, page 3, line 11, leave out from “under” to end of line 12 and insert “regulations 5 and 6 and Schedule 2 of the 2016 Regulations.”

Member's explanatory statement

This amendment clarifies that the relevant 2016 Regulations which are not to be included in GBR's "statutory functions" are those relating to the provision of access to railways infrastructure and services for operating rail freight and international passenger services.

BARONESS PIDGEON

- 20 Clause 3, page 3, line 12, at end insert –

- “(4A) Great British Railways must, when exercising its statutory functions, seek to increase passenger traffic on railways.
- (4B) Great British Railways must set and publish targets in relation to subsection (4A).”

Member's explanatory statement

This amendment would require Great British Railways to exercise its statutory functions with a view to increasing passenger numbers.

Clause 4

LORD MOYLAN

- 21 Clause 4, page 3, line 26, at end insert —
“(e) such other body corporate as they see fit.”

Member's explanatory statement

This amendment seeks to explore why the Bill places limitations on Scottish and Welsh ministers as to the manner of their exercising their functions relating to the railways or railway services.

LORD LANSLEY

- 22 Clause 4, page 3, line 29, at end insert —
“(aa) the Office of Rail and Road, and”

Member's explanatory statement

This amendment would require Scottish and Welsh Ministers additionally to consult the ORR when providing for GBR to exercise functions on their behalf.

Clause 5

LORD MOYLAN

- 23 Clause 5, page 4, line 7, at end insert “, or —
(b) the exercise by the body, on behalf of Great British Railways, of Great British Railways’ statutory functions relating to the provision of railway passenger services in the body’s area.”

Member's explanatory statement

This amendment would enable arrangements between Great British Railways and a relevant local government body to provide for the local exercise, on behalf of Great British Railways, of functions relating to railway passenger services in the body’s area.

LORD MOYLAN

- 24 Clause 5, page 4, line 9, leave out “from the body to Great British Railways” and insert “from either party to the other”

Member's explanatory statement

This amendment would enable arrangements under this section to provide for payments from Great British Railways to a relevant local government body, as well as payments from the body to Great British Railways.

LORD MOYLAN

25 Clause 5, page 4, line 9, at end insert –

“(2A) Where no arrangement between Great British Railways and a relevant local authority exists, the relevant local authority may appeal a decision made by Great British Railways affecting passenger rail services within its boundary under section 67.”

Member's explanatory statement

This amendment seeks to give Mayors the right to appeal GBR decisions to alter passenger services in their area to the ORR in the event of no partnership existing.

LORD LANSLEY

26 Clause 5, page 4, line 20, leave out paragraphs (a) and (b) and insert –

“(a) a strategic authority as defined under section 1 of the English Devolution and Community Empowerment Act 2026, or”

Member's explanatory statement

This amendment, and others in the name of Lord Lansley, would provide for cooperation with “a relevant local government body” to include all strategic authorities as defined in section 1 of the English Devolution and Community Empowerment Act 2026, and not be limited to mayoral strategic authorities.

After Clause 5

LORD GRAYLING
LORD MOYLAN

27 After Clause 5, insert the following new Clause –

“Devolution parity: powers of mayoral combined authorities

- (1) Any power, right, or function conferred by or under this Act upon Transport for London –
 - (a) to manage, commission, or secure passenger railway services,
 - (b) to determine fares, ticketing, and integration schemes, or
 - (c) to enter into direct service agreements with Great British Railways,
 is hereby concurrently conferred upon every mayoral combined authority established under the Local Democracy, Economic Development and Construction Act 2009.
- (2) For the avoidance of doubt, the exercise of these powers by a mayoral combined authority is not subject to –
 - (a) the “Rail Right to Request” guidance, or
 - (b) any requirement to seek prior discretionary approval or capacity certification from Great British Railways or the Secretary of State,

save to the extent that such requirements apply equally to Transport for London.

- (3) Great British Railways must cooperate with, and share such information as is reasonably requested by, a mayoral combined authority to facilitate the exercise of the powers conferred by subsection (1)."

Clause 6

LORD MOYLAN

- 28 Clause 6, page 4, line 26, after "with" insert "the Secretary of State and"

Member's explanatory statement

This amendment seeks to maintain the Secretary of State's statutory co-operation duty with Transport for London to keep the position in line with other mayoralties.

LORD MOYLAN

- 29 Clause 6, page 4, line 28, at end insert "and the Secretary of State"

LORD MOYLAN

- 30 Clause 6, page 4, line 30, at end insert "and the Secretary of State"

Clause 7

LORD YOUNG OF COOKHAM
LORD MOYLAN

- 31 Clause 7, page 5, line 21, at end insert —

"(1A) Directions issued by the Secretary of State under subsection (1) must include a direction requiring Great British Railways to promote fair competition for all market participants in rail ticket retailing."

Member's explanatory statement

This amendment seeks to require the Secretary of State's strategic direction to Great British Railways to include an explicit requirement to promote fair competition in rail ticket retailing.

LORD LANSLEY

- 32 Clause 7, page 5, line 29, leave out from "section" to "in" in line 30

Member's explanatory statement

This amendment, and the amendment in the name of Lord Lansley to Clause 7, page 5, line 36, would remove the exclusion of issues including access to infrastructure, the infrastructure capacity plan, the working timetable, the charging scheme and performance scheme from the requirement to consult the Scottish or Welsh Ministers insofar as they have delegated their functions to GBR.

LORD LANSLEY

- 33 Clause 7, page 5, line 36, leave out from “section” to “in” in line 37

Member's explanatory statement

This amendment, which sits alongside a parallel amendment in the name of Lord Lansley to Clause 7, page 5, line 29, would require Welsh Ministers to be consulted by the Secretary of State before giving directions relating to functions such as infrastructure, charging, timetable and performance in relation to Welsh railway services.

LORD GRAYLING
LORD MOYLAN

- 34 Clause 7, page 6, line 2, after “publish” insert “and lay before Parliament”

Member's explanatory statement

This amendment would require the Secretary of State to lay any directions given to Great British Railways before Parliament.

LORD GRAYLING
LORD MOYLAN

- 35 Clause 7, page 6, line 4, at end insert —

“(5A) If the Secretary of State uses the powers in this section to give a direction to Great British Railways about the general level and structure of fares for travel on railway passenger services designated under section 25 or 26, then the Secretary of State must publish the assumptions, criteria, and objectives underpinning any direction.”

Member's explanatory statement

This amendment puts a duty on the Secretary of State to publish the assumptions, criteria and objectives used when giving any direction about the level or structure of fares, so decisions can be assessed against passenger growth and affordability.

Clause 9

LORD GRAYLING
LORD MOYLAN

- 36 Clause 9, page 7, line 21, at end insert —

“(4A) If the Secretary of State uses the powers in this section to give guidance to Great British Railways about the general level and structure of fares for travel on railway passenger services designated under section 25 or 26, then the Secretary of State must publish the assumptions, criteria, and objectives underpinning any guidance.”

Member's explanatory statement

This amendment puts a duty on the Secretary of State to publish the assumptions, criteria and objectives used when giving any guidance about the level or structure of fares, so decisions can be assessed against passenger growth and affordability.

Clause 10

LORD MOYLAN

37 Clause 10, page 7, line 26, at end insert –

“(1A) The Scottish Ministers may only give guidance under this section if –

- (a) Scottish Ministers have drawn to Great British Railways’ attention that Great British Railways is not meeting a key performance indicator set out in section (*Great British Railways: key performance indicators*), and
- (b) Great British Railways has not taken action to remedy this failing within the period of two months.”

Member's explanatory statement

This amendment seeks to restrict Scottish Ministers’ ability to issue guidance to Great British Railways to circumstances where Great British Railways was failing to meet a key performance indicator.

Schedule 1LORD EVANS OF GUISBOROUGH
LORD MOYLAN

38 Schedule 1, page 64, line 10, leave out from “may,” to “the” in line 11 and insert “at the recommendation of the Office of Rail and Road in relation to matters related to safety and standards, and after consultation with”

Member's explanatory statement

This amendment would require the Secretary of State to obtain a formal recommendation from the Office of Rail and Road in relation to safety and standards before granting Great British Railways’ licence, and to consult the Passengers’ Council.

LORD EVANS OF GUISBOROUGH
LORD MOYLAN

39 Schedule 1, page 64, line 10, leave out “consultation” and insert “agreement”

Member's explanatory statement

This amendment would limit the Secretary of State’s power to set Great British Railways’ licence unilaterally by requiring agreement, rather than mere consultation.

BARONESS PIDGEON
LORD MOYLAN

- 40 Schedule 1, page 64, line 11, after “Road” insert “, the London Transport Users’ Committee,”

Member's explanatory statement

This amendment, and others in the name of Baroness Pidgeon, seek to include the London Transport Users’ Committee in consultation requirements.

LORD EVANS OF GUISBOROUGH
LORD MOYLAN

- 41 Schedule 1, page 64, line 25, leave out “consultation” and insert “agreement”

Member's explanatory statement

This amendment would require the Secretary of State to obtain the agreement of the Office of Rail and Road and the Passengers’ Council before making changes to Great British Railways’ licence.

LORD EVANS OF GUISBOROUGH
LORD MOYLAN

- 42 Schedule 1, page 64, line 29, leave out “consultation” and insert “agreement”

Member's explanatory statement

This amendment would require agreement, rather than consultation, before the Secretary of State may make further changes relating to Great British Railways’ licence.

LORD LANSLEY

- 43 Schedule 1, page 64, line 30, after “(4)” insert “and (4A)”

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Lansley to insert a subsection (4A) into the new section 8 of the Railways Act 1993.

LORD EVANS OF GUISBOROUGH
LORD MOYLAN

- 44 Schedule 1, page 65, line 1, leave out “consultation” and insert “agreement”

Member's explanatory statement

This amendment would require agreement, rather than consultation, before the Secretary of State may make further changes relating to Great British Railways’ licence.

LORD LANSLEY

45 Schedule 1, page 65, line 2, at end insert—

“(4A) This subsection requires consultation with Scottish and Welsh Ministers insofar as the railway assets specified or described in the licence are located in Scotland or Wales respectively.”

Member's explanatory statement

This amendment would add a requirement that Scottish or Welsh Ministers are to be consulted if a licence is to be granted in relation to the operation of railway assets in Scotland or Wales respectively.

LORD GRAYLING
LORD MOYLAN

46 Schedule 1, page 65, leave out lines 6 to 10

Member's explanatory statement

This amendment would strengthen the ORR's right to grant a license to a non-GBR operator.

LORD MOYLAN

47 Schedule 1, page 67, line 6, after “State” insert “and the Competition and Markets Authority”

Member's explanatory statement

This amendment would require the Competition and Markets Authority, as well as the Secretary of State, to approve the document made by the Office of Rail and Road containing requirements relating to Great British Railways' ticket retailing and facilitation activities.

LORD YOUNG OF COOKHAM
LORD MOYLAN
BARONESS HARDING OF WINScombe
LORD DIXON OF JERICHO

48 Schedule 1, page 67, line 11, at end insert—

“(2A) An approved document must contain provision that ensures Great British Railways' activities in relation to the sale of tickets do not, as a result of their relationship or interaction with its other activities and functions, distort the market for the sale of tickets or gain an unfair competitive advantage.”

Member's explanatory statement

This amendment seeks to require Great British Railways' online retail business to compete on the same economic terms as independent retailers.

LORD MOYLAN

49 Schedule 1, page 67, line 11, at end insert—

- “(2A) An approved document must contain provision designed to ensure that Great British Railways’ activities relating to the sale of tickets—
- (a) are carried on on economic terms no more favourable than the terms on which persons other than Great British Railways are permitted to carry on comparable ticket retailing activities,
 - (b) are not directly or indirectly cross-subsidised by Great British Railways’ other activities or functions, and
 - (c) do not, as a result of their relationship or interaction with its other activities or functions—
 - (i) distort competition in the market for the sale of tickets, or
 - (ii) confer an unfair competitive advantage on Great British Railways.”

Member's explanatory statement

This amendment would ensure that Great British Railways competes on equivalent economic terms with independent ticket retailers, does not cross-subsidise its ticket retailing activities from its other functions and does not obtain an unfair competitive advantage.

LORD BERKELEY
LORD YOUNG OF COOKHAM

50 Schedule 1, page 67, line 11, at end insert—

- “(2A) An approved document must contain provision that ensures that Great British Railways’ activities in relation to the sale of tickets do not, as a result of their relationship or interaction with its other activities and functions, distort the market for the sale of tickets or gain an unfair competitive advantage.”

Member's explanatory statement

This amendment seeks to require GBR’s online retail business to compete on the same economic terms as independent retails and prohibit cross-subsidisation by other parts of GBR.

LORD MOYLAN

51 Schedule 1, page 67, line 16, at end insert “and the Competition and Markets Authority”

Member's explanatory statement

This amendment would require the Office of Rail and Road to agree any updates to the approved document with both the Secretary of State and the Competition and Markets Authority.

BARONESS HARDING OF WINSCOMBE
LORD MOYLAN
LORD DIXON OF JERICHO

52 Schedule 1, page 67, line 21, at end insert—

- “(5) If, following an investigation pursuant to section 68(1) relating to any alleged or apprehended contravention of a condition in Great British Railways’ licence that was included under subsection (1), the ORR decides not to make a final order or to confirm a provisional order, the ORR shall give notice, setting out the reasons for its decision.
- (6) A notice under subsection (5) above must be given—
- (a) by serving a copy on Great British Railways;
 - (b) by either—
 - (i) serving a copy on the persons who made the representations about an alleged or apprehended contravention of a condition of licence imposed by subsection (1), or
 - (ii) publishing a copy on the ORR’s website, and
 - (c) by serving a copy on the Secretary of State, the Scottish Ministers, and the Welsh Ministers.”

BARONESS HARDING OF WINSCOMBE
LORD MOYLAN

53 Schedule 1, page 68, line 39, at end insert—

“6A In section 57 (validity and effect of section 55 orders), in subsection (3), after “section” insert “and section 57G”.

6B After section 57F insert—

“57G Appeals before the Competition Appeal Tribunal

- (1) A person may appeal to the Competition Appeal Tribunal (“Tribunal”) with respect to—
- (a) a final order imposed under section 55(1) which relates to a contravention or likely contravention of a condition of a licence imposed by section 9A(1);
 - (b) the confirmation of a provisional order under section 55(4) which relates to a contravention or likely contravention of a condition of a licence imposed by section 9A(1);
 - (c) a decision taken by the ORR under section 9A(5) that it was not within the powers of section 57A above.
- (2) A person may make an appeal under subsection (1) only if the Tribunal considers that they have a sufficient interest in the order or decision with respect to which the appeal is made, or that they represent persons who have such an interest.

- (3) An appeal to the Tribunal under this section must be made by sending a notice of appeal to the Tribunal within 30 days of receipt of the decision or order.
- (4) The notice of appeal must set out the grounds of appeal in sufficient detail to indicate –
 - (a) under which provision of subsection (1) above the appeal is brought;
 - (b) to what extent (if any) the appellant contends that the decision or order against, or with respect to which, the appeal is brought was based on an error of fact or was wrong in law;
 - (c) to what extent (if any) the appellant is appealing against the appropriate authority’s exercise of its discretion, including –
 - (i) under any approved document made under section 9A(1)(b);
 - (ii) under section 55(5B);
 - (iii) when determining what is requisite for the purpose of securing compliance under sections 55(1) and 55(4).
- (5) The Tribunal may give an appellant leave to amend the ground of appeal identified in the notice of appeal.
- (6) The Tribunal must determine the appeal on the merits by reference to the grounds of appeal set out in the notice of appeal.
- (7) The Tribunal may confirm or set aside an order taken under section 55(1) or 55(4) which is the subject of the appeal, or any part of it, and may –
 - (a) remit the matter to the ORR;
 - (b) cancel or vary the order;
 - (c) impose any other order which the ORR could itself have imposed under section 55(1); or
 - (d) impose any other order which the ORR could itself have imposed under section 55(4).
- (8) The Tribunal may confirm or set aside a decision taken under section 9A(5) which is the subject of the appeal, and may –
 - (a) remit the matter to the ORR;
 - (b) impose any other order which the ORR could itself have imposed under section 55(1);
 - (c) impose any other order which the ORR could itself have imposed under section 55(4).
- (9) Any variation to an order or other order imposed by the Tribunal on an appeal has the same effect, and may be enforced in the same manner, as an order of the ORR.””

Member's explanatory statement

This amendment seeks to create a new appeal mechanism that enables third party retailers to challenge a decision the ORR’s decisions on GBR’s compliance with the Retail Code of Practice.

After Clause 12

LORD BRADSHAW

54 After Clause 12, insert the following new Clause –

“Protection of rail funding settlements

- (1) This section applies where the Secretary of State proposes to make a material change affecting an agreed multi-year funding settlement for the railway (“the settlement”), whether by –
 - (a) reducing the funding provided under the settlement,
 - (b) altering the outputs, or the scope of works, specified under the settlement, or
 - (c) making any other decision, whether or not framed as a change to the settlement, which materially affects the cost or deliverability of the outputs agreed under it.
- (2) Where subsection (1) applies, the Secretary of State must refer the proposed change to the Office of Rail and Road before it takes effect.
- (3) Where the proposed change would reduce funding available under the settlement, Great British Railways must set out how the reduction would be accommodated, including which works would be deferred, which activities reduced, and in what sequence.
- (4) The Office of Rail and Road must assess and publish a report on the proposed change. The report must include –
 - (a) an assessment of the effect on –
 - (i) delivery of the outputs agreed under the settlement,
 - (ii) the supply chain and the skills required to deliver the programme, and
 - (iii) whole-life cost and asset condition,
 - (b) any statement provided by Great British Railways under subsection (3).
- (5) Where Great British Railways has given the Secretary of State advice on the proposed change, that advice must be published alongside the report under subsection (4).
- (6) A proposed change to which subsection (1) applies may not take effect until the report under subsection (4) has been published.
- (7) The function of the Office of Rail and Road under this section is limited to assessment and publication; it does not include determining where reductions should fall, directing the activities of Great British Railways, or the structure or content of the timetable.
- (8) Nothing in this section prevents the Secretary of State from making a change to a settlement; this section requires only that the change be assessed and published before it takes effect.”

Member's explanatory statement

This amendment would require the Secretary of State to refer any material change to an agreed rail funding settlement to the Office of Rail and Road for independent assessment, and to publish that assessment, together with any advice given by Great British Railways, before the change takes effect.

LORD MOYLAN

55 After Clause 12, insert the following new Clause –

“Great British Railways: certainty of funding

- (1) Within 12 months of the day on which this Act is passed, the Secretary of State must publish a funding certainty framework for Great British Railways (“the Framework”).
- (2) The purpose of the Framework is to establish and maintain terms for the funding of Great British Railways.
- (3) The terms of the Framework must include provision that –
 - (a) the Secretary of State may not vary, reduce, or reopen the funding settlement for an active control period, unless either –
 - (i) a statutory provision made after this Act amends Great British Railways’ duties requiring funding revision, or
 - (ii) an emergency has been declared within the meaning of section 1 of the Civil Contingencies Act 2004;
 - (b) the Secretary of State must publish –
 - (i) the confirmed funding determination,
 - (ii) the assumptions underpinning it, and
 - (iii) any exceptional circumstances to justify any adjustments, within an active control period;
 - (c) the Secretary of State must agree the funding for the next control period not less than two years before it is due to start;
 - (d) when determining the funding settlement for a control period, the Secretary of State must take into account –
 - (i) the Long-Term Rail Strategy,
 - (ii) Great British Railways’ duties, and
 - (iii) whole system planning considerations across infrastructure, passenger services and freight;
 - (e) the Secretary of State must work with Scottish Ministers to align as far as possible funding determinations so that Great British Railways receives a single, coherent, funding determination no less than two years before the relevant control period starts.
- (4) The Secretary of State must lay before Parliament a report on –
 - (a) any funding determination for each control period;

- (b) any exceptional revisions of the funding determination for a control period within that control period;
 - (c) whether the Office of Rail and Road, or any other relevant body, has met any relevant deadline to confirm funding for the next control period, and where it has failed to do so, the reasons for that failure.
- (5) Nothing in this section amends or removes the ability of the Office of Rail and Road to carry out periodic reviews for each control period.
- (6) The Secretary of State must annually lay before Parliament a report on—
- (a) the stability of Great British Railways' funding;
 - (b) the effect of any instability on—
 - (i) the efficiency of,
 - (ii) the delivery of services by, and
 - (iii) the management of risks associated with projects run by, or associated with,
 Great British Railways.
- (7) For the purposes of this section, “control period” has the meaning given in any final decision taken by the Office of Rail and Road which concludes each periodic review of access charges as described in Schedule 4A of the Railways Act 1993.”

Member's explanatory statement

This new clause would require the Secretary of State to prepare a Funding Certainty Framework, with funding for each control period set two years before it is due to start, to enable Great British Railways to plan effectively.

Schedule 2

LORD MOYLAN

56 Schedule 2, page 69, line 22, at end insert—

“(1A) The date specified in sub-paragraph (1)(d) must be at least 24 months before the start of the funding period.”

Member's explanatory statement

This amendment seeks to ensure the Secretary of State has to notify the ORR and GBR of the amount of financial assistance for the next funding period at least two years before that funding period is due to start.

BARONESS PIDGEON

57 Schedule 2, page 70, line 15, after “services” insert “, including passenger services,”

Member's explanatory statement

This amendment and two others to Schedule 2 in the name of Baroness Pidgeon would align funding of designated passenger train services with the five-year funding cycle for infrastructure.

BARONESS PIDGEON

58 Schedule 2, page 70, line 17, at end insert—

“(1A) The objectives set out under sub-paragraph (1)(a) must include objectives relating to passenger rail services.”

Member's explanatory statement

This amendment and two others to Schedule 2 in the name of Baroness Pidgeon would align funding of designated passenger train services with the five-year funding cycle for infrastructure.

LORD LANSLEY
LORD MOYLAN

59 Schedule 2, page 70, line 18, leave out “may” and insert “must”

Member's explanatory statement

This amendment would require the Secretary of State's statement of objectives to include objectives as to the standards to be achieved in relation to railway services.

LORD MOYLAN

60 Schedule 2, page 70, line 21, leave out “may” and insert “must”

Member's explanatory statement

This amendment seeks to require the Secretary of State's statement of objectives to include objectives relating to the list in sub-paragraph (3).

BARONESS PIDGEON

61 Schedule 2, page 70, line 23, at end insert “, save as already provided for under sub-paragraph (1A)”

Member's explanatory statement

This amendment and others to Schedule 2 in the name of Baroness Pidgeon would align funding of designated passenger train services with the five-year funding cycle for infrastructure.

LORD LANSLEY

62 Schedule 2, page 70, line 30, at end insert—

“(f) any current performance scheme made under section 65;”

Member's explanatory statement

This amendment would provide that the statement of objectives may include objectives relating to a performance scheme made under section 65.

LORD GRAYLING
LORD MOYLAN

63 Schedule 2, page 70, line 30, at end insert—

“(f) delivering improved productivity and efficiencies.”

Member's explanatory statement

This amendment would allow the Secretary of State's statement of objectives to include an objective of delivering improved productivity and efficiencies.

LORD LANSLEY

64 Schedule 2, page 71, line 1, leave out “mayoral”

Member's explanatory statement

This amendment is consequential on an amendment to Clause 5, page 4, line 20, in the name of Lord Lansley, to include all strategic authorities in the consultation, not only those with a Mayor.

LORD LANSLEY

65 Schedule 2, page 71, line 27, at end insert—

“(aa) where those activities are to be carried out by a GBR company, the contributions expected to be received from, or provided to, GBR from that company in relation to those activities,”

Member's explanatory statement

This amendment would require transparent information in the business plan as to the contributions received from, or provided to, a GBR company, if it is responsible for carrying out activities on behalf of GBR.

LORD GRAYLING
LORD MOYLAN

66 Schedule 2, page 71, line 30, at end insert—

“(d) measurable performance indicators for each statutory duty listed in section 18.”

Member's explanatory statement

This amendment would require the business plan to include measurable performance indicators for GBR's duties.

LORD LANSLEY

67 Schedule 2, page 71, line 36, at end insert—

“(c) which activities are to be undertaken on behalf of any local government body and the costs to be met by that body.”

Member's explanatory statement

This amendment would require the business plan to set out where activities of GBR are to be undertaken on behalf of a local government body, as set out in Clause 5, and the costs to be met by that body.

LORD GRAYLING
LORD MOYLAN

68 Schedule 2, page 71, line 36, at end insert—

“(4A) The plan must set out how Great British Railways will ensure its activities minimise costs to the taxpayer.”

Member's explanatory statement

This amendment would require GBR to consider how to minimise costs to taxpayers.

LORD GRAYLING
LORD MOYLAN

69 Schedule 2, page 72, line 2, at end insert—

“(c) whether carrying on those activities will be done in such a way as to minimise costs to the taxpayer.”

Member's explanatory statement

This amendment would require the ORR to provide an assessment of whether GBR will minimise taxpayer costs before the Secretary of State approves the business plan.

LORD MOYLAN

70 Schedule 2, page 72, line 7, leave out from “publish” to “and” in line 8 and insert “the approved business plan in full, apart from any sections which it considers to contain commercially sensitive information,”

Member's explanatory statement

This amendment seeks to require GBR to publish its full business plan saving any sections which are commercially sensitive.

BARONESS PIDGEON
LORD MOYLAN

71 Schedule 2, page 72, line 21, after “ORR” insert “, the London Transport Users’ Committee,”

Member's explanatory statement

This amendment, and others in the name of Baroness Pidgeon, seeks to include the London Transport Users' Committee in consultation requirements.

LORD LANSLEY

- 72 Schedule 2, page 72, line 34, after “3(1)(a)” insert “, (b), (c) and (f)”

Member's explanatory statement

This amendment probes whether the Secretary of State should have a power to provide financial assistance in relation to GBR's functions in operating railway passenger services, in relation to fares or in supporting innovation, in addition to the award of a contract or the provision of financial assistance under section 6 of the Railways Act 2005.

LORD LANSLEY

- 73 Schedule 2, page 73, line 13, at end insert “, save that the Secretary of State may not provide financial assistance under section 6 of the Railways Act 2005 in relation to the same activities in respect of which financial assistance is provided under this paragraph.”

Member's explanatory statement

This amendment probes the relationship between this provision and the power in section 6 of the Railways Act 2005, and would require that activities of GBR may be funded by one or the other statutory provision, but not by both.

LORD BRADSHAW
LORD MOYLAN

- 74 Schedule 2, page 73, line 27, at end insert —

- “(b) notify the ORR of the proposed variation, and
- (c) consult the ORR on the impact on the rail system of the proposed variation, including on the ability of Great British Railways to deliver its business plan.”

Member's explanatory statement

This amendment would require the Secretary of State to notify the ORR, as well as Great British Railways, of any proposed variation to financial assistance, rather than only in the circumstances currently set out in sub-paragraph (4).

LORD BRADSHAW
LORD MOYLAN

- 75 Schedule 2, page 73, line 28, leave out sub-paragraph (4)

Member's explanatory statement

This amendment is consequential on the amendment to sub-paragraph (3), which requires the ORR to be notified of every proposed variation rather than only in specified circumstances. It removes the now-redundant conditions under which ORR notification was previously required.

LORD BRADSHAW
LORD MOYLAN

76 Schedule 2, page 74, line 4, at end insert—

- “(6) If the Secretary of State decides to vary the financial assistance provided under paragraph 6, the ORR must produce and publish an independent assessment of the impact on the rail system of the decision, including the ability of Great British Railways to deliver on its business plan.”

Member's explanatory statement

This amendment would require the ORR to produce and publish an independent assessment of the impact of any decision to vary financial assistance to Great British Railways. The assessment would cover the impact on the rail system, including Great British Railways' ability to deliver its business plan.

LORD BRADSHAW
LORD MOYLAN

77 Schedule 2, page 74, line 4, at end insert—

“Referral of proposed reductions in financial assistance

- 7A (1) Where the Secretary of State proposes to reduce the amount of financial assistance notified to the ORR under paragraph 7 in respect of a funding period, the Secretary of State must refer the proposal to the ORR before the reduction takes effect.
- (2) On a referral under sub-paragraph (1), the ORR must advise the Secretary of State on the effect of the proposed reduction on delivery of the current business plan.
- (3) The ORR must give its advice as soon as reasonably practicable, and in any event within three months of the referral.
- (4) The Secretary of State must publish the ORR's advice under sub-paragraph (2) no later than the date on which the reduction takes effect.
- (5) Nothing in this paragraph affects the Secretary of State's power to determine the amount of financial assistance available, or the functions of Great British Railways in relation to access, charging or timetabling.”

Member's explanatory statement

This amendment requires the Secretary of State to refer a proposed in-period reduction in funding to the ORR before it takes effect. The ORR must advise on which committed schemes in the Integrated Business Plan would be affected, and that advice must be published.

LORD MOYLAN

78 Schedule 2, page 78, line 38, leave out paragraph 15

Member's explanatory statement

This is to probe the effect of excluding from the Subsidy Control Act 2022 subsidies given to Great British Railways to exercise a function under clause 3(1)(a)

After Schedule 2

LORD HENDY OF RICHMOND HILL

79 After Schedule 2, insert the following new Schedule—

“SCHEDULE**DIRECT ENFORCEMENT OF CONSUMER PROTECTION LEGISLATION BY THE ORR***Digital Markets, Competition and Consumers Act 2024*

- 1 Part 3 of the Digital Markets, Competition and Consumers Act 2024 (enforcement of consumer protection law) is amended as follows.
- 2 In section 150 (specified prohibition condition)—
 - (a) in subsection (2)—
 - (i) in the opening words, for “both” substitute “more”;
 - (ii) after paragraph (b) insert—
 - “(c) the practice—
 - (i) relates to railways or the provision of railway services, and
 - (ii) is in breach of an enactment listed in Schedule 16B (to the extent specified).”;
 - (b) after subsection (2A) insert—

“(2B) In subsection (2)(c) “railway” and “railway services” have the same meanings as in Part 1 of the Railways Act 1993.”
- 3 In section 179A(1) (meaning of “direct enforcement authority”), after paragraph (b) insert—
 - “(c) in the case of a commercial practice that meets the specified prohibition condition because paragraph (c) of section 150(2) applies, the Office of Rail and Road.”
- 4 In section 209 (powers to amend)—
 - (a) in subsection (1), after paragraph (f) insert—
 - “(g) Schedule 16B so as to add, remove or vary an entry for an enactment.”;
 - (b) in subsection (2), for “or (f)” substitute “, (f) or (g)”;
 - (c) in the heading, for “and 16A” substitute “, 16A and 16B”.

5 After Schedule 16A insert—

“SCHEDULE 16B

Section 150

ENACTMENTS DIRECTLY ENFORCEABLE BY THE OFFICE OF RAIL AND ROAD

<i>Enactment</i>	<i>Extent</i>
1. Acts of Parliament	
Consumer Rights Act 2015	Chapter 4 of Part 1 Part 2 Part 3 of Schedule 5
Digital Markets, Competition and Consumers Act 2024	Chapter 1 of Part 4
2. Secondary legislation and assimilated direct legislation	
Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers’ rights and obligations	All articles except article 26
Rail Passengers’ Rights and Obligations Regulations 2010	All regulations
Consumer Rights (Payment Surcharges) Regulations 2012	All regulations
Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013	All regulations
3. Other subordinate legislation	
Any other subordinate legislation (not otherwise listed in this Schedule) so far as made under an enactment so listed	The entirety of the legislation”

Consumer Rights Act 2015

6 In paragraph 8 of Schedule 5 to the Consumer Rights Act 2015 (investigatory powers etc), in the definition of “direct enforcement authority”, after paragraph (b) insert—

“(c) the Office of Rail and Road.””

Member's explanatory statement

The Schedule would amend the Digital Markets, Competition and Consumers Act 2024 and the Consumer Rights Act 2015, in order to provide the ORR with direct enforcement powers in specified circumstances relating to railways. It would build on provision in clause 5 of and Schedule 1 to the Civil Aviation (Consumer Protection and Regulatory Reform) Bill.

Clause 13

LORD GRAYLING
LORD MOYLAN

- 80 Clause 13, page 8, line 11, leave out “as it thinks fit” and insert “as are reasonable”

Member's explanatory statement

This amendment would ensure Great British Railways only charges what is reasonable for provision of services in circumstances where it is a monopoly supplier.

LORD MOYLAN

- 81 Clause 13, page 8, line 17, at end insert –

“(3) A person aggrieved by a charge, or terms and conditions issued under this section, may appeal to the Office of Rail and Road.”

Member's explanatory statement

This amendment seeks to allow appeals against the charges and terms and conditions issued by Great British Railways under section 13.

After Clause 14

BARONESS PIDGEON
LORD MOYLAN

- 82 After Clause 14, insert the following new Clause –

“The Great British Railways Board

- (1) The Secretary of State must appoint a Board to review decisions taken in respect of Great British Railways (“the Board”).
- (2) The Secretary of State must appoint to the Board persons who are employees of, or otherwise represent –
 - (a) Great British Railways,
 - (b) open access passenger operators,
 - (c) freight operators,
 - (d) The Office of Rail and Road,
 - (e) The Passengers’ Council, and
 - (f) at least one organisation or campaign group representing passengers with accessibility requirements.
- (3) The Board must comprise at least six members and no more than half of its membership may be employed by, or otherwise represent, Great British Railways.
- (4) Great British Railways must determine the frequency of board meetings in any year.

- (5) Any –
 - (a) decision by the Secretary of State concerning, or
 - (b) direction given by the Secretary of State to
 Great British Railways must be notified to the Board prior to the making of the decision or issuing of the direction, and the Board must take a view on whether it approves of the decision or direction.
- (6) The Board must publish any decision or direction it considers, and whether it has approved any such decision or direction.
- (7) Where the Board has not approved a decision taken by, or direction given by, the Secretary of State to Great British Railways –
 - (a) the Board must notify the Secretary of State that it has not approved the decision or direction, and its reasons for not doing so;
 - (b) the Secretary of State may proceed to make any such direction or decision provided that, in their opinion, it is necessary to do so.
- (8) Where subsection (7)(b) applies, the Secretary of State must publish a statement setting out reasons for proceeding with the direction or decision.”

Member's explanatory statement

This new clause would require the creation of a GBR Board, constituted of relevant internal and external stakeholders and regulatory bodies, which the Secretary of State would have to consult on major decisions and changes.

LORD MOYLAN

83

After Clause 14, insert the following new Clause –

“Great British Railways accountability

- (1) Great British Railways must publish a business plan each year.
- (2) The business plan required by subsection (1) must include –
 - (a) a summary of activities that Great British Railways intends to undertake during the following year,
 - (b) how these activities will support the delivery of the Rail Strategy,
 - (c) the outcomes Great British Railways expects to achieve, and
 - (d) how these outcomes reflect the funding settlement for the relevant control period.
- (3) Great British Railways must publish a delivery report each year (“the Report”).
- (4) The Report must set out progress made against the outcomes in the Rail Strategy, including –
 - (a) passenger experience,
 - (b) freight growth,
 - (c) accessibility,
 - (d) passenger growth,
 - (e) integration with housing and local transport, and

- (f) long-term infrastructure and service improvements.
- (5) The Report must assess Great British Railways' performance against its statutory duties as set out in this Act.
- (6) The Report must include Great British Railways' performance against its key performance indicators set by the Office of Rail and Road, including –
 - (a) areas of under-performance,
 - (b) risks to delivery,
 - (c) corrective actions taken, and
 - (d) financial performance related to its business plan.
- (7) The Office of Rail and Road must assess Great British Railways' performance against its business plan, key performance indicators set out in section (*Great British Railways: key performance indicators*) and statutory duties, and publish an annual assessment of its performance.
- (8) If the Office of Rail and Road makes any finding of material under-performance in the assessment described in subsection (7), it must give notice to –
 - (a) the Secretary of State, and
 - (b) Great British Railways.
- (9) The Secretary of State must publish a written response within 90 days of receiving a notice under subsection (8).
- (10) Within 90 days of receiving a notice under subsection (8), Great British Railways must set out –
 - (a) how it will rectify any under-performance identified in an assessment under subsection (7), and
 - (b) how it will measure progress against any areas of under-performance.
- (11) The Secretary of State must lay before Parliament a copy of –
 - (a) each business plan under subsection (1),
 - (b) each delivery report under subsection (3), and
 - (c) each assessment made by the Office of Rail and Road under subsection (7).
- (12) When the Secretary of State lays a copy of the delivery report in accordance with subsection (11)(b), a Minister of the Crown must make a statement to each House of Parliament about the contents of the report.
- (13) For the purposes of this section, “control period” has the meaning given in any final decision taken by the Office of Rail and Road which concludes each periodic review of access charges as described in Schedule 4A of the Railways Act 1993.”

Member's explanatory statement

This new clause sets out a reporting and accountability framework for GBR.

LORD MOYLAN

84 After Clause 14, insert the following new Clause—

“Ministerial statements on functioning of Great British Railways

- (1) Once every three months beginning on the day on which this Act is passed, the Secretary of State must make a written ministerial statement in each House of Parliament summarising progress towards Great British Railways becoming fully operational.
- (2) Should any day on which the Secretary of State must make a written statement be a day when either House of Parliament is not sitting, the Secretary of State must publish a statement in similar terms.”

Member's explanatory statement

This new clause requires the Secretary of State to report to Parliament quarterly on progress in establishing Great British Railways.

LORD MOYLAN

85 After Clause 14, insert the following new Clause—

“Great British Railways: non-reliance on taxpayer funding

- (1) Within its first operational control period, Great British Railways must set out a transition plan towards ending any reliance on taxpayer funding.
- (2) The transition plan under subsection (1) must identify—
 - (a) any efficiency improvements Great British Railways can make, and
 - (b) any cost-reduction measures necessary for Great British Railways to operate in such way as does not rely on taxpayer funding.
- (3) For the purposes of this section, “control period” has the meaning given in any final decision taken by the Office of Rail and Road which concludes each periodic review of access charges as described in Schedule 4A of the Railways Act 1993.”

Member's explanatory statement

This new clause requires Great British Railways to set out a plan towards ending any reliance on taxpayer funding.

LORD MOYLAN

86 After Clause 14, insert the following new Clause—

“Great British Railways: annual statement of financial performance

- (1) Great British Railways must publish an annual statement of its financial performance, including—
 - (a) its operating income and expenditure,
 - (b) whether it achieved operating cost self-reliance,

- (c) the reasons for any failure to achieve operating cost self-reliance,
 - (d) where it has failed to achieve operating cost self-reliance, any actions it will take in the next financial year to achieve it, and
 - (e) an assessment of its compliance with its duties under section (*Great British Railways: financial duties*).
- (2) The Secretary of State must lay the annual statement before Parliament.
 - (3) The Office of Rail and Road must review Great British Railways' performance as set out in the annual statement, and publish an assessment of whether Great British Railways is meeting its efficiency and revenue targets.
 - (4) Where the Office of Rail and Road concludes that Great British Railways has not met its duties under section (*Great British Railways: financial duties*), a Minister of the Crown must make a statement to each House of Parliament setting out –
 - (a) the reasons for Great British Railways' failure to meet its duties, and
 - (b) any corrective action to be taken by –
 - (i) the Secretary of State, or
 - (ii) Great British Railways.”

Member's explanatory statement

This new clause requires Great British Railways to publish an annual statement on its financial performance, and for the Office of Rail and Road to assess that performance.

LORD MOYLAN

87 After Clause 14, insert the following new Clause –

“Secretary of State: power to dismiss the executive head of Great British Railways

- (1) The Secretary of State may dismiss the executive head of Great British Railways.
- (2) The Secretary of State must only exercise the power in subsection (1) if –
 - (a) Great British Railways is not meeting a key performance indicator set out in this Act, or
 - (b) Great British Railways has failed to act on guidance given by the Secretary of State under section 9 of this Act.”

Member's explanatory statement

This new clause gives the Secretary of State the power to dismiss the executive head of Great British Railways if the organisation is failing to perform against its statutory duties.

LORD MOYLAN

88 After Clause 14, insert the following new Clause –

“Great British Railways: financial duties

- (1) Great British Railways has a duty to ensure that its operating expenditure does not exceed its operating income in each financial year (“the duty”).

- (2) The duty in subsection (1) does not apply to capital expenditure incurred in connection with infrastructure investment or enhancement.
- (3) Within 12 months of the day on which this Act is passed, the Secretary of State must provide guidance to Great British Railways about its duty under subsection (1).
- (4) This duty must include guidance about—
 - (a) operational income, including fare revenue, access and charging functions, commercial income, and non-fare revenue streams,
 - (b) operational expenditure, including staffing, operations, support, maintenance, rolling stock operation, management and renewals, and
 - (c) the exclusion of capital expenditure aligned with national infrastructure investment and enhancement pipelines.
- (5) Great British Railways has a duty to ensure its business plan and operational decisions prioritise its long-term fiscal sustainability within the objectives set out in the rail strategy.
- (6) In meeting its duty under subsection (5) Great British Railways must seek to increase its revenue.
- (7) For the purposes of subsection (6), “revenue” includes—
 - (a) fare revenue through passenger growth,
 - (b) commercial retail income,
 - (c) income from property, station and land commercialisation, and
 - (d) freight access revenue.”

Member's explanatory statement

This new clause puts duties on Great British Railways to ensure its operating expenditure does not exceed its income, and to deliver long-term fiscal sustainability. It makes further provision relating to those duties.

LORD BERKELEY

89★

After Clause 14, insert the following new Clause—

“Costs and cost savings

Within six months of the day on which this Act is passed, the Secretary of State must publish—

- (a) the total estimated cost savings expected to be achieved as a result of the implementation of this Act, and
- (b) estimates of the costs likely to be incurred and revenue (if any) likely to be received, in the period of five years beginning on the day on which this Act is passed, and for each subsequent period of five years, broken down into—
 - (i) existing infrastructure maintenance and renewals,
 - (ii) major projects, and
 - (iii) passenger and other rolling stock.”

Clause 15

LORD PARKINSON OF WHITLEY BAY
LORD FAULKNER OF WORCESTER

- 90★ Clause 15, page 9, line 9, at end insert “, including heritage railway services.”

Member's explanatory statement

This would require the Secretary of State to include consideration of heritage railway services in the Government's long-term rail strategy.

LORD MOYLAN

- 91 Clause 15, page 9, line 9, at end insert –
“(c) the development of rail freight network usage.”

Member's explanatory statement

This amendment seeks to ensure the rail strategy includes developing rail freight.

BARONESS PIDGEON

- 92 Clause 15, page 9, line 9, at end insert –
“for the next 30 years.”

Member's explanatory statement

This amendment would ensure that the rail strategy set out in clause 15 must cover a 30-year period.

EARL RUSSELL
BARONESS JONES OF MOULSECOOMB
BARONESS WILLIS OF SUMMERTOWN

- 93 Clause 15, page 9, line 9, at end insert –
“(1A) The strategy must include measures to reduce the carbon footprint of the rail network and to identify sections of the network vulnerable to extreme weather and related climate risks, including drought, soil moisture deficit, flooding, heat and cold.”

Member's explanatory statement

This amendment seeks to require the strategy set out in clause 15 to include measures to reduce the carbon footprint of the rail network and to adapt the network to extreme weather.

LORD MOYLAN

94 Clause 15, page 9, line 9, at end insert —

“(1A) The document set out in subsection (1) must ensure that Great British Railways is focused on meeting the key performance indicators set out in section (*Great British Railways: key performance indicators*).”

Member's explanatory statement

This amendment seeks to ensure the rail strategy will be geared to enabling Great British Railways to meet its key performance indicators.

LORD LANSLEY

95 Clause 15, page 9, line 11, at end insert —

“(2A) A document may be designated as “the rail strategy” only if the consultation requirements in this section and the parliamentary requirements in section (*Rail strategy: parliamentary requirements*) have been complied with in relation to it.”

Member's explanatory statement

This amendment, and the amendment After Clause 15 in the name of Lord Lansley, would require the rail strategy to be laid before Parliament and available for debate.

LORD MOYLAN

96★ Clause 15, page 9, line 11, at end insert —

“(2A) The rail strategy must include a workforce pay and productivity policy for Great British Railways and GBR companies.

(2B) The policy must provide that Great British Railways and a GBR company must not agree to or implement a general pay increase unless the increase is accompanied by material and measurable improvements in productivity or operating efficiency which are proportionate to the cost of the increase.

(2C) Great British Railways and each GBR company must act in accordance with the workforce pay and productivity policy.”

Member's explanatory statement

This amendment would require the Secretary of State's long-term rail strategy to include a workforce pay and productivity policy under which general pay increases for employees of Great British Railways and GBR companies must be linked to material and measurable improvements in productivity or operating efficiency.

BARONESS PIDGEON
LORD MOYLAN

97 Clause 15, page 9, line 20, after “Ministers” insert “, the London Transport Users' Committee,”

Member's explanatory statement

This amendment, and others in the name of Baroness Pidgeon, seeks to include the London Transport Users' Committee in consultation requirements.

LORD LANSLEY

- 98 Clause 15, page 9, line 20, after “Ministers” insert “, the ORR”

Member's explanatory statement

This amendment would add the ORR to those who must be consulted by the Secretary of State when preparing a rail strategy.

LORD GRAYLING
LORD MOYLAN

- 99 Clause 15, page 9, line 20, at end insert “, and persons wishing to operate services for the carriage of passengers or goods on Great British Railways' infrastructure.”

Member's explanatory statement

This amendment requires consultation with freight operators during the preparation of the rail strategy.

LORD MOYLAN

- 100 Clause 15, page 9, line 20, at end insert “, and the Chief Constable of the British Transport Police Force.”

Member's explanatory statement

This amendment would require the Secretary of State to consult the Chief Constable of the British Transport Police Force when preparing, revising or replacing the long-term rail strategy.

After Clause 15

LORD LANSLEY
LORD MOYLAN

- 101 After Clause 15, insert the following new Clause —

“Rail strategy: parliamentary requirements

- (1) This section sets out the Parliamentary requirements referred to in section 15(2A).
- (2) The Secretary of State must lay the document to be designated as “the rail strategy” before Parliament.
- (3) Subsection (4) applies if during the relevant period either House of Parliament makes a resolution with regard to the document.

- (4) The Secretary of State must lay before Parliament a statement setting out the Secretary of State's response to the resolution.
- (5) The relevant period is the period specified by the Secretary of State in relation to the document, which may not be less than 21 days after the document is laid before Parliament."

Member's explanatory statement

This amendment would provide for the rail strategy to be laid before Parliament and, if debated on a resolution in either House, that the Secretary of State must respond to the resolution. It does not require the rail strategy to secure Parliamentary approval.

Clause 16

LORD MOYLAN

- 102** Clause 16, page 9, line 34, leave out "have regard to" and insert "seek to achieve"

Member's explanatory statement

This amendment adds the requirement that the Great British Railways will seek to achieve the objectives of the rail strategy when exercising its functions, rather than merely having regard to them.

LORD LANSLEY

- 103** Clause 16, page 10, line 5, leave out "mayoral"

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Lansley to Clause 5, page 4, line 20, in requiring GBR and ORR to have regard to the local transport plan of each strategic authority, regardless of whether it has a Mayor.

LORD LANSLEY

- 104** Clause 16, page 10, line 6, leave out "mayoral"

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Lansley to Clause 5, page 4, line 20, in requiring GBR and ORR to have regard to the local transport plan of each strategic authority, regardless of whether it has a Mayor.

LORD BEITH

- 105** Clause 16, page 10, line 7, at end insert —

“(c) the need to secure integration between railway passenger services and local passenger transport services, including bus, coach, light rail, tram

and ferry services by improving connections and co-ordinating timetables, ticketing and passenger information.”

Clause 17

LORD LANSLEY

106 Clause 17, page 10, line 10, at end insert —

“(1A) The increase to be specified in the target set under subsection (1) must not equate to less than a 2% per annum increase.”

Member's explanatory statement

This amendment would set a quantitative freight target at not less than a 2% per annum increase, which is in excess of the average increases over the last decade.

BARONESS PIDGEON

107 Clause 17, page 10, line 16, leave out “have regard” and insert “give significant weight”

Member's explanatory statement

This amendment strengthens the have regard provisions in clause 17.

LORD GRAYLING

108 Clause 17, page 10, line 16, leave out “have regard to” and insert “take into account in all relevant decisions, and demonstrate that it has taken into account”

Member's explanatory statement

This amendment would require GBR to take into account the freight target when making all relevant decisions and to show how this has been taken into account.

LORD GRAYLING

109 Clause 17, page 10, line 20, at end insert —

“(5) The Secretary of State must take into account the rail freight target in all relevant decisions and demonstrate how the target has been taken into account.”

Member's explanatory statement

This amendment would require the Secretary of State to take into account the freight target when making all relevant decisions and to show how this has been taken into account.

After Clause 17

BARONESS PIDGEON

110 After Clause 17, insert the following new Clause –**“Rail passenger 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.
- (2) The Secretary of State must keep the target under review or revise it.
- (3) If the Secretary of State revises the target the Secretary of State must publish the revised 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.”

Member's explanatory statement

This amendment requires the Secretary of State to establish a target to increase the use of the railway for the carriage of passengers.

EARL RUSSELL

BARONESS JONES OF MOULSECOOMB

BARONESS WILLIS OF SUMMERTOWN

111 After Clause 17, insert the following new Clause –**“Great British Railways: environmental targets**

In the exercise of any of its functions, Great British Railways must take all reasonable steps to contribute to –

- (a) the achievement of targets in sections 1 to 3 of the Environment Act 2021 (environmental targets),
- (b) the achievement of targets set under Part 1 of the Climate Change Act 2008 (carbon target and budgeting),
- (c) the programme for adaptation to climate change under section 58 of the Climate Change Act 2008 (programme for adaptation to climate change), and
- (d) the achievement of targets set under the Air Quality Standards Regulations 2010 (SI 2010/1001).”

Member's explanatory statement

This new clause seeks to require Great British Railways to take steps to contribute to meeting targets set out in existing legislation on climate change.

LORD MOYLAN

112 After Clause 17, insert the following new Clause —

“Great British Railways: savings target

- (1) The Secretary of State must publish a savings target for each financial year for Great British Railways.
- (2) The Secretary of State —
 - (a) must keep the target under review,
 - (b) may revise or replace the target, and
 - (c) must publish any revision or replacement to the target.
- (3) Great British Railways must, when exercising its statutory functions, have regard to the target set by the Secretary of State under this section.”

Member's explanatory statement

This new clause requires the Secretary of State to set a savings target for Great British Railways.

LORD MOYLAN

113 After Clause 17, insert the following new Clause —

“Rail freight target: annual report on rail freight

- (1) Within 12 months of the passing of this Act, and every 12 months thereafter, Great British Railways must prepare and publish an annual report setting out —
 - (a) the steps it has taken to have regard to the rail freight target set under section 17;
 - (b) its performance in facilitating the carriage of goods by rail;
 - (c) any measures taken to protect and improve access for freight services;
 - (d) progress on enhancing the capacity and reliability of strategic freight corridors.
- (2) The Secretary of State must lay a copy of the report before Parliament and provide the report to the Office of Rail and Road.
- (3) The Office of Rail and Road must publish an assessment of the report within six months of its publication.”

Member's explanatory statement

This new clause creates an annual reporting and oversight mechanism, requiring GBR to set out how freight access, performance and corridor capacity are being supported, and requiring the ORR to publish an independent assessment of the report.

LORD MOYLAN

114 After Clause 17, insert the following new Clause —

“Private sector growth target

- (1) The Secretary of State must publish a target for increasing private sector involvement in railway services and infrastructure for each financial year.
- (2) The target under subsection (1) must include, but is not limited to, increasing the role of the private sector in —
 - (a) supply chains, and
 - (b) open access.
- (3) The Secretary of State —
 - (a) must keep the target under review,
 - (b) may revise or replace the target, and
 - (c) must publish any revision or replacement to the target.
- (4) Great British Railways must, when exercising its statutory functions, have regard to the target set by the Secretary of State under this section and any policy of the Scottish Ministers relating to the investment of the private sector in railway services and infrastructure in Scotland.”

Member's explanatory statement

This new clause requires the Secretary of State to set a private sector growth target.

Clause 18

LORD MOYLAN

115 Clause 18, page 10, line 35, leave out “They” and insert “The relevant person specified under subsection (1)”

Member's explanatory statement

This amendment clarifies that the statutory duties apply to each person or body specified in section 18(1) and removes the potential for passing of responsibility between each other.

LORD HOLMES OF RICHMOND

116★ Clause 18, page 10, line 37, leave out “including, in particular, the needs of disabled persons,” and insert —

- “(aa) so as to secure and advance the statutory rights of disabled passengers, ensuring access to all rail services, infrastructure, and station environments,”

LORD YOUNG OF COOKHAM
LORD MOYLAN
BARONESS HARDING OF WINSCOMBE
BARONESS ALEXANDER OF CLEVEDEN

117 Clause 18, page 11, line 5, at end insert —

“(da) so as to promote and facilitate the participation of independent ticket retailers in the provision and sale of rail tickets, including through fair and non-discriminatory access to the rail retail market,”

Member's explanatory statement

This amendment seeks to place a duty on Great British Railways to support the participation of independent ticket retailers in the rail retail market through fair and non-discriminatory access.

LORD PARKINSON OF WHITLEY BAY
LORD FAULKNER OF WORCESTER

118★ Clause 18, page 11, line 5, at end insert —

“(da) in the manner best calculated to preserve a sustainable role for heritage rail services,”

Member's explanatory statement

This would require the Secretary of State, Scottish Ministers, Welsh Ministers, Great British Railways and the Office of Rail and Road to have regard to heritage rail services in the exercise of their statutory functions.

LORD BERKELEY
LORD MOYLAN

119 Clause 18, page 11, line 8, leave out “make efficient use of those” and insert “secure value for money from the use of those public”

LORD EVANS OF GUISBOROUGH
LORD GRAYLING
LORD MOYLAN

120 Clause 18, page 11, line 8, at end insert —

- “(g) in the manner best calculated to increase the number travelling by railway,
- (h) in the manner best calculated to contribute to economic growth,
- (i) in the manner best calculated to increase private sector investment and involvement in the railways and railway services,
- (j) in the manner best calculated to remove or reduce the need for public subsidy of the railways,
- (k) in the manner best calculated to increase levels of passenger satisfaction as monitored by The Passengers’ Council, and

- (l) in the manner best calculated to improve efficiency and productivity in the delivery of railway services,”

Member's explanatory statement

This amendment would give Great British Railways additional duties to promote passenger growth, economic growth, increased private sector investment, reduced reliance on public subsidy, passenger satisfaction as monitored by the Passengers' Council, and improved efficiency and productivity.

LORD GRAYLING
LORD MOYLAN

121 Clause 18, page 11, line 10, at end insert –

“(2A) Great British Railways must make an assessment of the effect of procuring services from businesses in the private sector in meeting its duties under subsection (2)(f).”

Member's explanatory statement

This amendment would require GBR to assess whether procuring services from the private sector would help it meet its value for money duty.

LORD GRAYLING

122 Clause 18, page 11, line 22, leave out paragraphs (a) and (b) and insert –

- “(a) reliability, including punctuality, cancellations, short-forming, delays and the reliability of key connections,
- (b) safety and security, including safety incidents, security incidents affecting passengers, staff presence, and the delivery of safety-critical maintenance,
- (c) passenger comfort and on-board experience, including cleanliness, the functioning of heating, air-conditioning and lighting, overcrowding, the availability and performance of any internet connection or power sockets, and toilet facilities,
- (d) affordability and value for money, including levels of fares, the availability of discounted or flexible fares, transparency of fare information, and passenger perception of value for money, and
- (e) passenger growth and network expansion, including growth in passenger numbers, the number of communities served, service frequency, and the provision of new or restored services.”

Member's explanatory statement

This amendment defines standards of railway performance for the purposes of Great British Railways functions.

LORD BERKELEY

123 Clause 18, page 11, line 24, leave out subsection (4)

After Clause 18

LORD MOYLAN

124 After Clause 18, insert the following new Clause –

“Great British Railways: key performance indicators

- (1) Within six months beginning on the day on which this Act is passed, the Secretary of State must lay before Parliament a framework of key performance indicators for Great British Railways (the “framework”).
- (2) The framework must include targets for each of the following key performance indicators –
 - (a) reliability, including punctuality, cancellations, short-forming, delays and the reliability of key connections,
 - (b) safety and security, including safety incidents, security incidents affecting passengers, staff presence, and delivery of safety-critical maintenance,
 - (c) comfort and on-board experience, including cleanliness, functioning of heating, air-conditioning, and lighting, overcrowding, availability and performance of an internet connection, power sockets and toilet facilities,
 - (d) affordability and value for money, including the level of fares, availability of discounted fares, availability of flexible fares, transparency of information about fares, and passenger perception of value for money,
 - (e) financial sustainability, efficiency and productivity including operating subsidy levels, productivity improvements, delivery of projects on time and on budget, simplification of processes, including an explicit savings target set by the Secretary of State, and
 - (f) freight growth and performance including rail freight volumes, punctuality, reliability, allocation of freight paths and capacity at pinch points.
- (3) Within three months of the end of each financial year, Great British Railways must publish a report on its performance against each part of the framework under subsection (2) during the previous financial year.
- (4) The Secretary of State must lay any report required by subsection (3) before Parliament.”

Member's explanatory statement

This new clause seeks to add the requirement that the Secretary of State will set a statutory KPI framework for Great British Railways.

LORD MOYLAN

125 After Clause 18, insert the following new Clause –

“Great British Railways: reporting requirement

- (1) Great British Railways must publish an annual report.

- (2) The annual report must include Great British Railways' performance against its key performance indicators as set out in section (*Great British Railways: key performance indicators*).
- (3) Great British Railways must publish quarterly updates on its performance against its key performance indicators as set out in section (*Great British Railways: key performance indicators*)."

Member's explanatory statement

This new clause would require Great British Railways to report annually and quarterly against its key performance indicators.

LORD BERKELEY

126 After Clause 18, insert the following new Clause —

“Duty of Great British Railways to act in a non-discriminatory manner

- (1) This section applies in relation to the exercise by Great British Railways of its statutory functions.
- (2) Great British Railways must exercise its statutory functions in a fair and non-discriminatory manner in relation to persons, other than Great British Railways and GBR companies, whose interests are materially affected by the exercise of those functions.
- (3) In particular, Great British Railways must not exercise its statutory functions so as to give Great British Railways or a GBR company an undue preference over any other person.”

Member's explanatory statement

This new Clause seeks to put a duty on Great British Railways to act in a fair and non-discriminatory manner in relation to persons or companies whose interests are materially affected by the exercise of GBR's statutory functions, with the aim of promoting competition.

BARONESS JONES OF MOULSECOOMB

127 After Clause 18, insert the following new Clause —

“Duty to ensure affordable fares

- (1) The Secretary of State and Great British Railways must exercise functions under this Act so as to improve the affordability and fairness of rail fares and reduce the financial burden of travel on passengers.
- (2) The Secretary of State must prepare, publish and keep under review a policy on affordable and fair fares, setting out the principles to be applied in designing and reviewing fare structures and products.
- (3) In preparing and revising the policy under subsection (2), the Secretary of State must have particular regard to the needs of —
 - (a) passengers in low-income households,

- (b) part-time, shift and precarious workers,
 - (c) disabled passengers and their companions,
 - (d) passengers in rural, coastal and other areas with limited transport alternatives, and
 - (e) young people and students.
- (4) The Secretary of State must publish an annual report describing the steps taken under the policy published under subsection (2) and assessing progress in improving outcomes for the categories of passengers mentioned in subsection (3)."

BARONESS JONES OF MOULSECOOMB

128 After Clause 18, insert the following new Clause –

“Duty to integrate across modes of transport

In exercising any of their functions under this Act, the Secretary of State and Great British Railways must seek to promote the integration of railway passenger services with –

- (a) bus and coach services,
- (b) tram and light rail, and
- (c) micromobility.”

BARONESS WILLIS OF SUMMERTOWN

129★ After Clause 18, insert the following new Clause –

“Publication of annual report

Great British Railways must publish an annual report that includes the effect the provision of railway services has on the environment, including how the railway land which they own has been used to –

- (a) deliver measures identified in Local Nature Recovery Strategies,
- (b) produce a network of wildlife corridors throughout the country, and
- (c) generate clean energy at railway stations through rooftop and car park solar.”

Member's explanatory statement

This amendment requires Great British Railways to report on the fulfilment of their environmental duty, including through seizing opportunities to use railway land to further Local Nature Recovery Strategies, create wildlife corridors, and the deployment of solar panels on station roofs and in station car parks.

LORD HOLMES OF RICHMOND

130★ After Clause 18, insert the following new Clause —

“Technological innovation duty

- (1) In exercising its functions, Great British Railways has a general duty to foster, support and actively integrate technological innovation across both infrastructure management and passenger services.
- (2) In discharging this duty, Great British Railways must establish a commercial pipeline facilitating engagement with, and the procurement of, third-party technology providers and small and medium-sized enterprises.”

Clause 19

BARONESS JONES OF MOULSECOOMB

131★ Clause 19, page 11, line 31, insert —

“(aa) the exercise by Great British Railways of its statutory functions, and”

Member's explanatory statement

This amendment adds Great British Railways to the parties with safety duties under Clause 19.

BARONESS JONES OF MOULSECOOMB

132★ Clause 19, page 11, line 37, leave out sub-paragraph (iii)

Member's explanatory statement

This amendment would remove from the safety duty the exemption for the ORR to regulate competition.

LORD PARKINSON OF WHITLEY BAY
LORD FAULKNER OF WORCESTER

133★ Clause 19, page 11, line 40, at end insert —

- “(3) When exercising those functions in relation to heritage railways or heritage rail operators, they may convene and take into account recommendations made by the Heritage Rail Safety and Standards Board.”

Member's explanatory statement

This amendment seeks to probe what progress can be made on implementing the recommendation made by the Office of Rail and Road in 2018 that a Heritage Rail Safety and Standards Board be formed, following the model of the Rail Safety and Standards Board and the Light Rail Safety and Standards Board.

Clause 20

LORD LANSLEY
LORD MOYLAN

- 134** Clause 20, page 12, line 8, leave out paragraph (d)

Member's explanatory statement

This amendment would have the effect of retaining the ORR's duty to promote competition for the benefit of users of railway services, in relation to its functions in relation to access, infrastructure, charging, timetables and performance schemes, including its appeal functions.

LORD MOYLAN

- 135** Clause 20, page 12, line 9, leave out paragraph (e)

Member's explanatory statement

This amendment removes the exemption for ORR's functions under section 55 to 58 of the Railways Act 1993 from its competition duty.

BARONESS HARDING OF WINSCOMBE
LORD MOYLAN
BARONESS ALEXANDER OF CLEVEDEN
LORD DIXON OF JERICHO

- 136** Clause 20, page 12, line 9, at end insert "except insofar as relating to Great British Railways' functions under section 3(1)(d) of this Act"

Member's explanatory statement

This amendment seeks to clarify that the ORR's competition duty should apply to enforcement of GBR's Licence condition as it relates to the Retail Code of Practice, and when the ORR assesses GBR's performance, to the extent it concerns retail ticketing.

LORD MOYLAN

- 137** Clause 20, page 12, line 10, leave out paragraph (f)

Member's explanatory statement

This amendment removes the exemption for ORR's functions exercisable under section 67(3) of the Railways Act 1993 from its competition duty.

LORD MOYLAN

- 138** Clause 20, page 12, line 11, leave out paragraph (g)

Member's explanatory statement

This amendment removes the exemption for ORR's functions under section 69A of the Railways Act 1993 from its competition duty.

BARONESS HARDING OF WINSCOMBE
LORD MOYLAN
LORD DIXON OF JERICHO

- 139 Clause 20, page 12, line 11, at end insert “except insofar as relating to Great British Railways’ functions under section 3(1)(d) of this Act”

Member's explanatory statement

This amendment seeks to clarify that the ORR’s competition duty should apply to enforcement of GBR’s Licence condition as it relates to the Retail Code of Practice, and when the ORR assesses GBR’s performance, to the extent it concerns retail ticketing.

LORD MOYLAN

- 140 Clause 20, page 12, line 13, after “competition” insert “and deliver value for money”

Member's explanatory statement

This amendment requires the ORR to exercise its functions in the manner best calculated to promote competition and delivery of value for money.

BARONESS JONES OF MOULSECOOMB

- ★ *Baroness Jones of Moulsecoomb gives notice of her intention to oppose the Question that Clause 20 stand part of the Bill.*

Member's explanatory statement

This removes the ORR’s duty to promote competition from the Railways Bill.

After Clause 20

LORD HOLMES OF RICHMOND

- 141★ After Clause 20, insert the following new Clause –

“Efficiency, sustainability and innovation duty of ORR

The ORR must exercise its functions relating to railways and railway services in a manner designed to promote –

- (a) efficiency,
- (b) sustainable economic growth, and
- (c) the timely adoption of digital innovation within the railway industry.”

LORD BOATENG

142★ After Clause 20, insert the following new Clause —

“Regional economic growth duty of ORR

- (1) The ORR must, in exercising its functions, take into account the impact of the provision of railway services on regional economic growth.
- (2) The ORR may issue directions to passenger service and station operators so as to promote regional economic growth.
- (3) The ORR must prepare an annual report to Parliament on the impact of the exercise of its functions related to the provision of railway services on regional economic growth.”

Member's explanatory statement

This amendment seeks to require the ORR to have regard to regional economic growth when exercising its functions related to the provision of railway services, empower it to direct railway operators to promote regional economic growth, and requires annual reporting to Parliament on the impact of its railway-related activities on regional economic growth.

Clause 21

LORD LANSLEY
LORD MOYLAN

143 Clause 21, page 12, line 25, at end insert —

“(d) its functions under sections 67 and 68 of this Act.”

Member's explanatory statement

This amendment would prevent the Secretary of State from giving the ORR guidance in relation to its appeals functions.

After Clause 22

BARONESS JONES OF MOULSECOOMB

144★ After Clause 22, insert the following new Clause —

“Priority of safety functions

- (1) In exercising any function relating to railways or railway services, the Office of Rail and Road must give priority to the exercise of its safety functions.
- (2) In particular, the Office of Rail and Road must not exercise any function under section 67(3) of the Railways Act 1993 (competition functions of the Office of Rail and Road) in a manner which is inconsistent with the exercise of its safety functions.”

Clause 23

LORD MOYLAN

145 Clause 23, page 13, line 34, at end insert –

- “(3) The memorandum of understanding must be published at the same time as the Rail Strategy.
- (4) The memorandum of understanding must be laid before both Houses of Parliament for a period of two months before it can come into force.”

Member's explanatory statement

This amendment would require the memorandum of understanding to be published at the same time as the Rail Strategy, and laid before Parliament for two months before it can come into force.

Clause 24

LORD MOYLAN

146 Clause 24, page 14, line 19, at end insert –

- “(3) The memorandum of understanding must include details of the allocation of ticket sales from cross border routes that are operated by Transport for Wales.
- (4) The memorandum of understanding must be published at the same time as the Rail Strategy.
- (5) The memorandum of understanding must be laid before both Houses of Parliament for a period of two months before it can come into force.”

Member's explanatory statement

This amendment would require the memorandum of understanding to include arrangements for the distribution of fare revenue from cross border services, require the memorandum of understanding to be published at the same time as the Rail Strategy, and laid before Parliament for two months before it can come into force.

After Clause 24LORD GRAYLING
LORD MOYLAN

147 After Clause 24, insert the following new Clause –

“Power of mayoral combined authorities to award concessions

- (1) A mayoral combined authority may designate any passenger railway service which operates wholly or primarily within its area as a “mayoral concession service”.

- (2) Where a service is designated under subsection (1), the mayoral combined authority may enter into an agreement (a “mayoral concession agreement”) with any person, including a private sector operator, for the provision of that service.
- (3) Section 25A of the Railways Act 1993 (prohibition on franchise extensions and new franchises) and any equivalent provision in the Passenger Railway Services (Public Ownership) Act 2024 do not apply to –
 - (a) a mayoral concession agreement entered into under this section, or
 - (b) any procurement process conducted by a mayoral combined authority for the purposes of awarding such an agreement.
- (4) Under a mayoral concession agreement –
 - (a) the mayoral combined authority retains the revenue risk associated with the passenger services, and
 - (b) the operator is compensated via a service fee, which may include performance-related incentives or penalties.”

Clause 25

BARONESS JONES OF MOULSECOOMB

148★ Clause 25, page 14, line 27, leave out “may” and insert “must”

Member's explanatory statement

This amendment ensures that the Secretary of State must secure the services they designate.

LORD GRAYLING

149 Clause 25, page 14, line 28, at end insert –

- “(1A) When designating railway passenger services, the Secretary of State must –
- (a) take account of –
 - (i) the rail freight target under section 17, and
 - (ii) the infrastructure capacity plan under section 60, and
 - (b) demonstrate that designations under this section cause no unreasonable detriment to rail freight capacity or growth.”

Member's explanatory statement

This amendment requires that passenger service decisions are made in the context of network capacity and freight increase priorities.

Clause 26

LORD GRAYLING

150 Clause 26, page 15, line 14, at end insert –

- “(1A) When designating railway passenger services, the Scottish Ministers must –

- (a) take account of—
 - (i) the rail freight target under section 17, and
 - (ii) the infrastructure capacity plan under section 60, and
- (b) demonstrate that designations under this section cause no unreasonable detriment to rail freight capacity or growth.”

Member's explanatory statement

This amendment seeks to require passenger-service designation decisions in Scotland to take account of rail-freight growth and available network capacity, and to avoid unreasonable detriment to freight capacity or growth.

Clause 27

LORD GRAYLING

151 Clause 27, page 15, line 37, at end insert—

“(1A) When designating railway passenger services, the Welsh Ministers must—

- (a) take account of—
 - (i) the rail freight target under section 17, and
 - (ii) the infrastructure capacity plan under section 60, and
- (b) demonstrate that designations under this section cause no unreasonable detriment to rail freight capacity or growth.”

Member's explanatory statement

This amendment seeks to require passenger-service designation decisions in Wales to take account of rail-freight growth and available network capacity, and to avoid unreasonable detriment to freight capacity or growth.

Clause 31

BARONESS JONES OF MOULSECOOMB

152★ Clause 31, page 17, line 9, leave out “may” and insert “must”

Member's explanatory statement

This amendment ensures that the Secretary of State must secure the services they designate.

LORD GRAYLING
LORD MOYLAN

153 Clause 31, page 17, line 11, leave out from “so” to “in” in line 12 and insert “by making a direct award of a contract to Great British Railways, a GBR company, or a private business”

Member's explanatory statement

This amendment would allow private sector companies to operate train services on behalf of the Secretary of State.

LORD GRAYLING
LORD MOYLAN

- 154 Clause 31, page 17, line 23, after “sector” insert “or private”

Member's explanatory statement

This amendment would allow private sector companies to operate train services on behalf of Scottish Ministers.

LORD GRAYLING
LORD MOYLAN

- 155 Clause 31, page 17, line 29, after “sector” insert “or private”

Member's explanatory statement

This amendment would allow private sector companies to operate train services on behalf of Welsh Ministers.

After Clause 31

LORD MOYLAN

- 156 After Clause 31, insert the following new Clause –

“Power of mayoral authorities to award concession agreements

- (1) A relevant mayoral authority may designate a railway passenger service which operates wholly or principally within its area as a mayoral concession service.
- (2) A relevant mayoral authority may secure the provision of a mayoral concession service by awarding a public service contract to any person, including a private sector operator.
- (3) A contract under subsection (2) must be awarded –
 - (a) following a competitive process, and
 - (b) in accordance with the 2023 Regulations and any other applicable procurement legislation.
- (4) Section 25A of the Railways Act 1993 does not apply in relation to –
 - (a) a public service contract awarded under this section, or
 - (b) a procurement process undertaken for the purpose of awarding such a contract.
- (5) Before designating a service under subsection (1), the relevant mayoral authority must consult –
 - (a) the Secretary of State,
 - (b) Great British Railways, and
 - (c) the ORR.

- (6) A public service contract awarded under this section may provide that –
- (a) the relevant mayoral authority is to bear all or part of the revenue risk associated with the service, and
 - (b) the operator is to be paid a service fee, which may include performance-related incentives or penalties.
- (7) In this section –
- “mayoral concession service” means a railway passenger service designated under subsection (1);
 - “relevant mayoral authority” means –
 - (a) a mayoral combined authority, or
 - (b) a mayoral combined county authority.”

Member's explanatory statement

This amendment would enable mayoral combined authorities and mayoral combined county authorities to procure railway passenger services operating wholly or principally within their areas through competitively awarded concession agreements, including agreements with private sector operators.

Clause 32

LORD MOYLAN

157 Clause 32, page 18, line 12, leave out subsection (3)

Member's explanatory statement

This amendment requires pre-award publication of public service contracts.

LORD PARKINSON OF WHITLEY BAY
LORD FAULKNER OF WORCESTER

158★ Clause 32, page 18, line 17, after “depot,” insert “but does not include any asset of a preserved or heritage railway,”

Member's explanatory statement

This amendment seeks to ensure that the Secretary of State's powers in Clauses 31 and 32 cannot be used to seize assets owned by charities, businesses or trusts operating heritage railways.

After Clause 32

LORD MOYLAN

159 After Clause 32, insert the following new Clause –

“Protected London railway passenger services

- (1) A protected London railway passenger service may not –
- (a) be designated under section 25 of this Act,

- (b) be provided by Great British Railways or a GBR company in place of the person providing the service, or
 - (c) be refused access to, or use of, GBR infrastructure,
 except in accordance with regulations made by the Secretary of State.
- (2) Before making regulations under subsection (1), the Secretary of State must consult—
 - (a) the Mayor of London, and
 - (b) Transport for London.
- (3) In this section, “protected London railway passenger service” means—
 - (a) a railway passenger service provided under a concession agreement entered into by or on behalf of Transport for London, or
 - (b) a railway passenger service provided by London Underground Limited which operates wholly or partly on GBR infrastructure.”

Member's explanatory statement

This amendment would prevent a passenger service operated under a Transport for London concession, or a London Underground service operating on GBR infrastructure, from being transferred to GBR or refused infrastructure access except through regulations made by the Secretary of State following consultation with the Mayor of London and Transport for London.

LORD MOYLAN

160 After Clause 32, insert the following new Clause—

“Repeal of the Passenger Railway Services (Public Ownership) Act 2024

The Passenger Railway Services (Public Ownership) Act 2024 is repealed.”

Member's explanatory statement

This new clause repeals the Passenger Railway Services (Public Ownership) Act 2024 so that train services can continue to be provided by private companies.

Clause 33

LORD MOYLAN

161 Clause 33, page 18, line 37, at end insert—

- “(4) The rail strategy published under section 15 must include proposals for preventing and reducing the evasion of payment of fares for railway passenger services, including proposals relating to—
- (a) deterrence,
 - (b) detection and enforcement,
 - (c) the recovery of unpaid fares, and
 - (d) cooperation between Great British Railways, providers of railway passenger services and the British Transport Police Force.”

Member's explanatory statement

This amendment would require the Secretary of State's long-term rail strategy to include measures to prevent and reduce fare evasion, including measures concerning deterrence, enforcement, revenue recovery and cooperation with the British Transport Police.

Clause 34

LORD MOYLAN

- 162** Clause 34, page 19, line 2, after “are” insert “UK veterans,”

Member's explanatory statement

This amendment, and others in the name of Lord Moylan, would require GBR to continue to offer discounted rail fares for veterans.

LORD MOYLAN

- 163** Clause 34, page 19, line 2, after “are” insert “members of the UK armed forces and their families,”

Member's explanatory statement

This amendment, and others in the name of Lord Moylan, would require GBR to continue to offer discounted rail fares for members of the UK armed forces and their families.

LORD MOYLAN

- 164** Clause 34, page 19, line 2, after “are” insert “aged 26 to 30,”

Member's explanatory statement

This amendment, and others in the name of Lord Moylan, would require GBR to continue to offer discounted rail fares for young people aged 26-30.

BARONESS PIDGEON

- 165** Clause 34, page 19, line 4, at end insert —

“(1A) The Secretary of State must provide a scheme, to be known as “Rail Miles”, to provide discounted rail fares for passengers frequently using Great British Railways services.”

Member's explanatory statement

This amendment requires the Secretary of State to establish a “Rail Miles” scheme providing discounted rail fares for frequent travellers on Great British Railways (GBR) services.

LORD MOYLAN

- 166** Clause 34, page 19, line 8, leave out subsection (3)

Member's explanatory statement

This amendment would remove GBR's ability to set unrestricted conditions about discounted fares.

LORD MOYLAN

- 167 Clause 34, page 19, line 11, after “are” insert “UK veterans,”

Member's explanatory statement

This amendment, and others in the name of Lord Moylan, would require Great British Railways to continue to offer discounted rail fares for UK veterans.

LORD MOYLAN

- 168 Clause 34, page 19, line 11, after “are” insert “members of the UK armed forces and their families,”

Member's explanatory statement

This amendment is related to the amendment in the name of Lord Moylan to Clause 34, page 19, line 2 and would require Great British Railways to continue to offer discounted rail fares for members of the UK armed forces and their families.

LORD MOYLAN

- 169 Clause 34, page 19, line 11, after “are” insert “aged 26-30,”

Member's explanatory statement

This amendment, and others in the name of Lord Moylan, would require Great British Railways to continue to offer discounted rail fares for people aged 26 to 30.

LORD MOYLAN

- 170 Clause 34, page 19, line 14, after “are” insert “members of the UK armed forces and their families,”

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Moylan to clause 34, page 19, line 2, and would require Great British Railways to continue to offer discounted rail fares for members of the UK armed forces and their families.

LORD MOYLAN

- 171 Clause 34, page 19, line 14, after “are” insert “UK veterans,”

Member's explanatory statement

This amendment, and others in the name of Lord Moylan, would require Great British Railways to continue to offer discounted rail fares for UK veterans.

LORD MOYLAN

- 172 Clause 34, page 19, line 14, after “are” insert “aged 26 to 30,”

Member's explanatory statement

This amendment, and others in the name of Lord Moylan, would require Great British Railways to continue to offer discounted rail fares for people aged 26 to 30.

LORD MOYLAN

- 173 Clause 34, page 19, line 18, after “are” insert “UK veterans,”

Member's explanatory statement

This amendment, and others in the name of Lord Moylan, would require Great British Railways to continue to offer discounted rail fares for UK veterans.

LORD MOYLAN

- 174 Clause 34, page 19, line 18, after “are” insert “members of the UK armed forces and their families,”

Member's explanatory statement

This amendment, and others in the name of Lord Moylan, would require Great British Railways to continue to offer discounted rail fares for members of the UK armed forces and their families.

LORD MOYLAN

- 175 Clause 34, page 19, line 18, after “are” insert “aged 26 to 30,”

Member's explanatory statement

This amendment, and others in the name of Lord Moylan, would require Great British Railways to continue to offer discounted rail fares for people aged 26 to 30.

LORD MOYLAN

- 176 Clause 34, page 19, line 24, after “are” insert “members of the UK armed forces and their families,”

Member's explanatory statement

This amendment, and others in the name of Lord Moylan, would require Great British Railways to continue to offer discounted rail fares for members of the UK armed forces and their families.

LORD MOYLAN

177 Clause 34, page 19, line 24, after “are” insert “UK veterans,”

Member's explanatory statement

This amendment, and others in the name of Lord Moylan, would require Great British Railways to continue to offer discounted rail fares for UK veterans.

LORD MOYLAN

178 Clause 34, page 19, line 24, after “are” insert “aged 26 to 30,”

Member's explanatory statement

This amendment, and others in the name of Lord Moylan, would require Great British Railways to continue to offer discounted rail fares for people aged 26 to 30.

LORD MOYLAN

179 Clause 34, page 19, line 30, leave out “lower fare” and insert “fare that is one third lower”

Member's explanatory statement

This amendment would ensure that discounted fares remain at one third off the price of a standard fare.

After Clause 34

LORD MOYLAN

180 After Clause 34, insert the following new Clause –

“Great British Railways retail requirements

- (1) Great British Railways Retail is subject to the same conditions, standards and transparency requirements as all other accredited retailers.
- (2) Conditions, standards and transparency requirements as referenced in subsection (1) include equal access to –
 - (a) fares,
 - (b) products,
 - (c) technical systems, and
 - (d) data feeds.”

Member's explanatory statement

This new clause clarifies that Great British Railways Retail is subject to the same conditions, standards and transparency requirements as all other accredited retailers, including equal access to fares, products, technical systems and data feeds.

LORD MOYLAN

181 After Clause 34, insert the following new Clause —

“Economic parity and subsidy control: GBR online retailing

- (1) Before establishing or operating any online retailing service, Great British Railways must publish a statement confirming that the Secretary of State has complied with —
 - (a) the requirements of Managing Public Money relating to the creation of a trading activity competing with private sector providers, and
 - (b) the subsidy control principles set out in the Subsidy Control Act 2022.
- (2) The statement under subsection (1) must include an assessment of whether the proposed online retailing service will operate on terms of economic parity with accredited independent retailers, including —
 - (a) the cost to Great British Railways of operating its online retailing activities, clearly separated from the costs of other retailing channels,
 - (b) the basis on which public funding is allocated to Great British Railways’ online retailing activities, and
 - (c) whether any element of public funding would result in Great British Railways’ online retailing service being cross-subsidised in a manner that distorts competition.
- (3) The Secretary of State must lay the statement before Parliament before the online retailing service may begin operation.”

Member's explanatory statement

This new Clause requires the Secretary of State to demonstrate compliance with Managing Public Money and the Subsidy Control Act 2022 before Great British Railways establishes an online retailing service. It ensures economic parity with independent retailers and prevents cross-subsidisation by requiring transparent, channel level retailing costs and value for money assessments.

LORD HOLMES OF RICHMOND

182★ After Clause 34, insert the following new Clause —

“Separation of oversight and retail duties

Great British Railways must —

- (a) ensure a functional separation between its market oversight duties and its consumer-facing digital retail operations;
- (b) grant independent ticket retailers access to the underlying national rail fulfilment systems on terms no less favourable than those granted to its own retail arms.”

Before Clause 36

LORD EVANS OF GUISBOROUGH
LORD MOYLAN

183 Before Clause 36, insert the following new Clause –

“Purpose of the Passengers’ Council

The purpose of the Passengers’ Council is to –

- (a) champion the interests of all users and potential users of the railway, including, in particular, the needs of disabled persons,
- (b) advocate for the reliability of passenger services, covering punctuality, cancellations, short-forming, delays and the reliability of key connections,
- (c) advocate for safety and security, covering safety incidents, security incidents affecting passengers, staff presence, and delivery of safety-critical maintenance,
- (d) advocate for passengers’ comfort and on-board experience, covering cleanliness, the functioning of heating, air-conditioning, and lighting, overcrowding, the availability and performance of any internet connection or power sockets, and toilet facilities,
- (e) advocate for affordability and value for money, covering fare levels, availability of discounted or flexible fares, transparency of fare information, and passenger perception of value for money, and
- (f) advocate for passenger growth and network expansion, covering growth in passenger numbers, the number of communities served, service frequency, and the provision of new or restored services.”

Member’s explanatory statement

This new clause would give a statutory purpose to the Passengers’ Council to champion the interests of all rail users.

Clause 36

LORD MOYLAN

184 Clause 36, page 20, line 16, after “of” insert “all users, and potential users of the railways, including”

Member’s explanatory statement

This amendment ensures that the Passengers’ Council must have regard to the needs of all users, and potential users of the railway.

LORD BERKELEY
LORD MOYLAN

185 Clause 36, page 20, line 19, leave out “make efficient use of those” and insert “secure value for money from the use of those public”

LORD EVANS OF GUISBOROUGH
LORD MOYLAN

- 186 Clause 36, page 20, line 19, leave out “make efficient use of those funds” and insert “ensure value for money through a cost benefit analysis”

Member's explanatory statement

This amendment would require the Passengers' Council to consider value for money through a cost-benefit analysis, rather than merely considering the efficient use of public funds.

Clause 37

LORD EVANS OF GUISBOROUGH
LORD MOYLAN

- 187 Clause 37, page 20, line 31, at end insert —
- “(3) When the Passengers' Council makes representations under this section, either to the Secretary of State or Great British Railways, they are both under a duty to respond to those representations within the period of one month.”

Member's explanatory statement

This amendment would require the Secretary of State and Great British Railways to respond within one month to any representations made by the Passengers' Council.

LORD EVANS OF GUISBOROUGH
LORD MOYLAN

- 188 Clause 37, page 20, line 31, at end insert —
- “(3) The Passengers' Council must, at least once every 12 months, assess the levels of satisfaction of users of public passenger railway services and report their finding in a manner which enables Great British Railways to fulfil its functions under section 3.”

Member's explanatory statement

This amendment would require the Passengers' Council to assess levels of passenger satisfaction at least once every twelve months and report its findings in a way that enables Great British Railways to fulfil its functions.

Clause 40

LORD EVANS OF GUISBOROUGH
LORD MOYLAN

- 189 Clause 40, page 22, line 31, leave out from “Council” to “may” in line 32

Member's explanatory statement

This amendment would give the Passengers' Council enforcement powers where its requests for information are not met.

Clause 42

LORD EVANS OF GUISBOROUGH
LORD MOYLAN

- 190** Clause 42, page 23, line 27, leave out subsection (2)

Member's explanatory statement

This amendment would require the Passengers' Council to refer every contravention, or likely contravention, of a licence condition to the Office of Rail and Road, including where it has required an improvement plan under section 47.

LORD EVANS OF GUISBOROUGH
LORD MOYLAN

- 191** Clause 42, page 23, line 33, leave out "(if any)"

Member's explanatory statement

This amendment, together with others in the name of Lord Evans of Guisborough, would require the Office of Rail and Road to take action where a contravention has been referred to it by the Passengers' Council.

LORD EVANS OF GUISBOROUGH
LORD MOYLAN

- 192** Clause 42, page 23, line 36, leave out "any" and insert "what"

Member's explanatory statement

This amendment, together with others in the name of Lord Evans of Guisborough, would require the Office of Rail and Road to take action where a contravention has been referred to it by the Passengers' Council.

LORD EVANS OF GUISBOROUGH
LORD MOYLAN

- 193** Clause 42, page 23, line 36, leave out from "taken" to end of line 38

Member's explanatory statement

This amendment, together with others in the name of Lord Evans of Guisborough, would require the Office of Rail and Road to take action where a contravention has been referred to it by the Passengers' Council.

Clause 43

LORD EVANS OF GUISBOROUGH
LORD MOYLAN

- 194** Clause 43, page 24, line 12, leave out “may” and insert “must”

Member's explanatory statement

This amendment would require the Passengers' Council to publish any report on a matter investigated under section 39.

LORD EVANS OF GUISBOROUGH
LORD MOYLAN

- 195** Clause 43, page 24, line 12, at end insert “within six months of the completion of the investigation.”

Member's explanatory statement

This amendment would require the Passengers' Council to publish its report within six months of completing an investigation.

After Clause 44

LORD MOYLAN

- 196** After Clause 44, insert the following new Clause —

“Complaints statistics

- (1) At least twice each year, Great British Railways must provide to the Office of Rail and Road the number of complaints closed by each passenger service designated by the Secretary of State.
- (2) The Office of Rail and Road must publish the statistics received under subsection (1) at least twice each year.”

Member's explanatory statement

This new clause would ensure that the ORR would continue to publish data on complaints in the same manner as they currently do.

Clause 46

LORD MOYLAN

- 197** Clause 46, page 25, line 10, after “for” insert “all users and potential users of the railways including, in particular,”

Member's explanatory statement

This amendment allows the Passenger Council to set access standards for all users and potential users of the railway.

LORD EVANS OF GUISBOROUGH
LORD MOYLAN

198 Clause 46, page 25, line 17, at end insert —

- “(e) passenger service reliability, including punctuality, cancellations, short-forming, delays and the reliability of key connections,
- (f) safety and security, including safety incidents, security incidents affecting passengers, staff presence, and delivery of safety-critical maintenance,
- (g) comfort and on-board experience on passenger services, including cleanliness, the functioning of heating, air-conditioning, and lighting, overcrowding, the availability and performance of any internet connection or power sockets, and toilet facilities, and
- (h) affordability and value for money of passenger services, including fare levels, availability of discounted or flexible fares, transparency of fare information, and passenger perception of value for money.”

Member's explanatory statement

This amendment would require the Passengers' Council to set standards relating to reliability, safety and security, comfort and on-board experience, affordability, and value for money.

LORD EVANS OF GUISBOROUGH
LORD MOYLAN

199 Clause 46, page 25, line 21, leave out “and the ORR”

Member's explanatory statement

This amendment would remove the requirement for the Passengers' Council to obtain the consent of the Office of Rail and Road before setting, varying or revoking standards.

After Clause 46

BARONESS BRINTON

200★ After Clause 46, insert the following new Clause —

“Minimum staffing of stations to assist disabled persons

- (1) A person providing station services under a licence, or under a public service contract awarded under section 31, must ensure that each station for which the person is responsible is staffed, throughout the station's advertised opening hours, by a sufficient number of persons trained to assist disabled persons to —
 - (a) travel between the station entrance and the platform,
 - (b) board and alight from a train calling at the station, and
 - (c) use the ticketing, information and other facilities of the station.
- (2) The Passengers' Council must monitor compliance with this section and may treat a failure to comply with subsection (1) as a matter which may found an investigation under section 39.

- (3) The ORR may treat a failure to comply with subsection (1) as a contravention of a condition of the licence, or of the public service contract, referred to in subsection (1).
- (4) 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).”

Member's explanatory statement

This probing amendment would place a direct duty on station operators to provide sufficient, trained staff to assist disabled passengers on platforms and trains, rather than leaving staffing levels to standards which the Passengers' Council may, but is not required to, set under Clause 46.

Clause 47

LORD EVANS OF GUISBOROUGH
LORD MOYLAN

- 201** Clause 47, page 26, line 5, leave out from “must” to end of line 14 and insert “take such action (if any) as it thinks appropriate for the purpose of remedying the contravention, or avoiding it taking place or being repeated.”

Member's explanatory statement

This amendment would give the Passengers' Council the power to enforce improvement plans.

After Clause 47

LORD EVANS OF GUISBOROUGH
LORD MOYLAN

- 202** After Clause 47, insert the following new Clause —

“Enforcement powers

- (1) Within six months beginning on the day on which this Act is passed, the Secretary of State must by regulations make provisions for the enforcement powers of the Passengers' Council.
- (2) Regulations under this section must make provision about —
 - (a) the making of orders by the Passengers' Council relating to operator compliance with its purpose,
 - (b) procedural requirements relating to orders under paragraph (a),
 - (c) the validity and effect of orders under paragraph (a), and
 - (d) penalties associated with orders under paragraph (a).
- (3) In making regulations under this section, the Secretary of State must have particular regard to sections 55 to 57A of the Railways Act 1993.
- (4) Regulations under this section may amend provision made by or under —

- (a) the Railways Act 1993;
- (b) the Railways Act 2005.”

Member's explanatory statement

This new clause would require the Secretary of State to provide the Passengers' Council with enforcement powers broadly equivalent to those of the Office of Rail and Road under the Railways Act 1993.

Clause 49

LORD EVANS OF GUISBOROUGH
LORD MOYLAN

203 Clause 49, page 27, line 13, at end insert —

- “(h) passenger service reliability, including punctuality, cancellations, short-forming, delays and the reliability of key connections,
- (i) safety and security, including safety incidents, security incidents affecting passengers, staff presence, and delivery of safety-critical maintenance,
- (j) comfort and on-board experience on passenger services, including cleanliness, the functioning of heating, air-conditioning and lighting, overcrowding, the availability and performance of any internet connection or power sockets, and toilet facilities, and
- (k) affordability and value for money of passenger services, including fare levels, availability of discounted or flexible fares, transparency of fare information, and passenger perception of value for money.”

Member's explanatory statement

This amendment would require Great British Railways to consult the Passengers' Council when developing or changing policies or procedures relating to passenger service reliability, safety and security, comfort and on-board experience, affordability, and value for money.

After Clause 50

LORD HOLMES OF RICHMOND

204★ After Clause 50, insert the following new Clause —

“Accessibility improvement notice

- (1) Where the Passengers' Council finds a systematic failure to provide accessible services or infrastructure, it may issue a notice (an “accessibility improvement notice”), requiring Great British Railways to rectify the failure within a specified timeframe.
- (2) Great British Railways is subject to civil penalties for non-compliance with an accessibility improvement notice.”

Clause 53

LORD BERKELEY
LORD MOYLAN

- 205 Clause 53, page 28, line 32, leave out “make efficient use of those” and insert “secure value for money from the use of those public”

After Clause 58

BARONESS PIDGEON

- 206 After Clause 58, insert the following new Clause —

“Passengers’ Charter

- (1) The Secretary of State must, within six months beginning on the day on which this Act is passed, lay before Parliament a Passengers’ Charter.
- (2) A Passengers’ Charter must include —
 - (a) a guarantee about value for money, quality of service, and provision of adequate seating for any single part of a journey taken by rail for a duration greater than 30 minutes;
 - (b) targets for reliability of services;
 - (c) a timetable for implementing improvements to passenger accommodation on train services, including in relation to —
 - (i) seat design,
 - (ii) availability of high-speed WiFi and reliable cellular network service,
 - (iii) provision of power outlets,
 - (iv) storage for luggage, bicycles, pushchairs and prams,
 - (v) provision of toilets, including standards of cleanliness and accessibility, and
 - (vi) provision of on-board catering on any train service with a total duration of at least two hours;
 - (d) a guarantee relating to improving the accessibility of trains, stations, areas immediately surrounding stations and interfaces with connecting transport modes, and replacement road services, for passengers with disabilities;
 - (e) extension of the principles behind Delay Repay compensation to include a framework of compensation for failures to comply with the Passengers’ Charter for lack of specified on-board amenities;
 - (f) a commitment that Great British Railways will take all reasonable steps to ensure that systems for compensating passengers for delays or disruption —
 - (i) are digital by default;
 - (ii) minimise any administrative burden on passengers when applying for compensation;

- (iii) allow, where practicable, for compensation to be issued automatically based on information attainable by Great British Railways about a customer's journey or from a ticketing account."

Member's explanatory statement

This new clause requires the Secretary of State to lay a Passengers' Charter before Parliament and sets out the what the charter should contain, including provision relating to customer amenities, value for money, accessibility and compensation.

BARONESS PIDGEON
LORD MOYLAN

207

After Clause 58, insert the following new Clause —

"Review of passenger safety

- (1) Within six months beginning on the day on which this Act is passed, the Secretary of State must undertake a comprehensive review of railway passenger safety.
- (2) A review under this section must in particular have regard to the safety of women and disabled people.
- (3) The review must consider —
 - (a) staffing levels at railway stations and on board trains, including for late-night services and other services which in the opinion of the Secretary of State give rise to a higher risk to passenger safety;
 - (b) lighting in waiting areas;
 - (c) opening hours and accessibility of help points;
 - (d) CCTV coverage at stations and on trains;
 - (e) the potential merits of introducing real-time reporting applications for incidents where a passenger is harassed or otherwise is unsafe, and an associated rapid response protocol following a notification being made to an appropriate authority via such an application;
 - (f) public awareness of methods to report concerns about safety, including the British Transport Police text facility;
 - (g) the potential merits of a dedicated phone number that allows passengers to directly contact the next station on the line to report incidents or safety concerns;
 - (h) coordination of travel connections from stations at night, including between rail operators, local public transport and licensed taxi services;
 - (i) the potential merits of increasing, where it is practicable, patrols of trains and stations by train managers, guards or other appropriate persons for the purposes of identifying incidents, supporting accessibility, and promoting passenger safety.
- (4) Where the review recommends any action to improve passenger safety, the Secretary of State and Great British Railways must make all reasonable efforts to implement that action.

- (5) In this section, “appropriate persons” has such meaning as the Secretary of State may specify, provided that it may have different meanings for different purposes.”

Member's explanatory statement

This new clause would require the Secretary of State to review ways to improve passenger safety. It sets out the content of such a review, and requires the Secretary of State and GBR to take reasonable steps to implement the review's recommendations.

BARONESS LEAMAN

208

After Clause 58, insert the following new Clause —

“Automatic delay repay compensation

- (1) The operator of a passenger railway service must make a repay payment to a passenger where the passenger's journey is delayed by 15 minutes or more, calculated from the timetabled arrival time at the passenger's destination station.
- (2) A payment under subsection (1) must be made automatically, without the passenger being required to submit a claim, where the operator holds sufficient information to identify —
 - (a) that the passenger's journey was delayed by 15 minutes or more, and
 - (b) the means by which the payment may be made to the passenger.
- (3) Where the operator does not hold sufficient information to make an automatic payment under subsection (2), the operator must take reasonable steps to notify the passenger of their entitlement to claim a repay payment under this section.
- (4) The amount of a repay payment under this section must be no less than the amount to which the passenger would be entitled under the operator's delay repay scheme in force at the time of the journey.
- (5) A payment under this section must, in the first instance, be made by digital means.
- (6) The Secretary of State may by regulations —
 - (a) specify the timescale within which a payment under subsection (2) must be made;
 - (b) specify the means by which passengers may be notified under subsection (3);
 - (c) provide for exceptions to, or other means of compliance with, the requirement in subsection (5);
 - (d) make further provision about the calculation or administration of payments under this section.”

Member's explanatory statement

This amendment creates provision for automatic delay repay compensation.

BARONESS PIDGEON
LORD MOYLAN

209 After Clause 58, insert the following new Clause —

“Consultation about railway passenger services and station services

- (1) Great British Railways must consult the London Transport Users’ Committee when —
 - (a) Great British Railways is developing or changing its policies or procedures relating to the matters mentioned in subsection (2), and
 - (b) the development or change will significantly affect the interests of the public in relation to railway passenger services provided wholly or partly within the London railway area, and station services provided within that area.
- (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.”

Member's explanatory statement

This amendment, and others in the name of Baroness Pidgeon, seek to include the London Transport Users’ Committee in consultation requirements.

BARONESS MORGAN OF COTES
LORD MOYLAN

210 After Clause 58, insert the following new Clause —

“Safety and security of passengers

- (1) The Secretary of State may, by regulations, make provision about ways of improving standards of safety and security for passengers in relation to railway passenger services.
- (2) The provision that may be made under subsection (1) includes —
 - (a) mandating Great British Railways to —
 - (i) record disaggregated data about —
 - (A) violent assaults, and
 - (B) sexual assaults,

- against women and girls;
- (ii) appoint a lead person responsible for safety and security for passengers on the railways to report to the Secretary of State on the matters set out in sub-paragraph (i);
- (iii) include the reduction of violence against women and girls on the railways in their strategic priorities;
- (iv) deposit an annual report in the Libraries of both Houses of Parliament on their strategic priorities concerning the safety and security of passengers in relation to railway passenger services;
- (b) provision about consulting such persons as the Secretary of State considers appropriate to decide what technology on railway rolling stock is needed to meet the standards set by the regulations, including creating and maintaining a committee to provide advice on designing measures and using technology to reduce the prevalence of such incidents as specified in paragraph (a)(i);
- (c) provision about developing guidelines for rolling stock operators –
 - (i) providing guidance on what technology on rolling stock is suitable for reducing the prevalence of violence against women and girls on trains, and
 - (ii) on monitoring industry compliance in relation to designing measures and using technology that reduce violence against women and girls on trains.”

LORD YOUNG OF COOKHAM
LORD MOYLAN
BARONESS HARDING OF WINSCOMBE
LORD DIXON OF JERICHO

211 After Clause 58, insert the following new clause –

“Fair, reasonable, and non-discriminatory access for independent ticket retailers

- (1) Great British Railways must ensure that independent ticket retailers are provided with fair, reasonable, and non-discriminatory access to fares, products, data, systems, application programming interfaces, fulfilment infrastructure, and retailing services, on terms (including as to timing and equivalence of input) no less favourable than those applying to Great British Railways’ own retailing activities.
- (2) Great British Railways must not favour its own retailing activities over those of independent ticket retailers, including through –
 - (a) preferential, earlier or more comprehensive access to fares, products, data, systems, or other inputs;
 - (b) failure to disclose retail-impacting information to independent ticket retailers on a simultaneous and equivalent basis;
 - (c) discriminatory commercial, technical, or accreditation requirements;
 - (d) cross-subsidy of its retailing activities from infrastructure, industry management, or other non-contestable functions, or from public funding.

- (3) The Office of Rail and Road must monitor and enforce compliance with this section and any code of practice made in connection with it, including by acting on its own initiative to prevent or remedy conduct that may distort competition in rail ticket retailing, and may require such information from Great British Railways and other market participants as it considers necessary.”

Member's explanatory statement

This new clause seeks to require Great British Railways to provide independent ticket retailers with fair, reasonable, and non-discriminatory access to the systems, data, products and services required to participate in the rail retail market, prohibit undue preferential treatment of Great British Railways' own retail activities, and place an obligation on the Office of Rail and Road to monitor and enforce compliance.

LORD YOUNG OF COOKHAM
LORD MOYLAN

212 After Clause 58, insert the following new clause—

“Great British Railways ticketing functions: essential facility

- (1) Any ticketing systems or functions required for online retailing provided by Great British Railways must be treated as an essential facility for the purposes of the delivery of passenger services under this Act.
- (2) Great British Railways must provide access to the systems and functions mentioned in subsection (1) to independent retailers on terms that are objective, transparent, and non discriminatory.
- (3) For the purposes of subsection (2) “discriminatory” means if the fully allocated cost of sale incurred by Great British Railways in respect of its own public facing website and app exceeds the standard baseline commission rate offered to independent retailers, unless it levies equivalent booking or transaction fees directly upon consumers to cover the excess cost and ensure it is not subsidised by taxpayers.
- (4) In this section, “cost of sale” includes all software, marketing, transaction processing and operational overheads directly or indirectly attributable to Great British Railways' proprietary digital retail channels.”

Member's explanatory statement

This amendment seeks to ensure that online ticket retailers compete on equal terms with GBR.

LORD MOYLAN

213 After Clause 58, insert the following new Clause—

“Driver-only operation on new GBR passenger services

- (1) A new GBR passenger service may be provided only if it is operated on a driver-only basis.

- (2) Great British Railways and every GBR company must exercise their functions relating to –
 - (a) the planning and introduction of GBR passenger services,
 - (b) the award and performance of public service contracts, and
 - (c) the preparation of working timetables,
 so as to secure compliance with subsection (1).
- (3) The ORR may exempt a new GBR passenger service from subsection (1) only where it is satisfied that driver-only operation would create an unacceptable risk to the safe operation of the railway.
- (4) In this section, “driver-only” means operation without the necessary presence of a guard.”

Member's explanatory statement

This amendment would require all new GBR passenger services to operate on a driver-only basis, subject only to a limited safety exemption granted by the ORR.

LORD HOLMES OF RICHMOND

214★ After Clause 58, insert the following new Clause –

“Level boarding

Great British Railways must publish a comprehensive strategy to achieve unassisted step-free level boarding across the entirety of the passenger rail network, with full implementation completed no later than 31 December 2036.”

LORD HOLMES OF RICHMOND

215★ After Clause 58, insert the following new Clause –

“Accessible rolling stock

No licence can be granted for the operation of passenger rolling stock unless the design provides for disabled passengers to travel alongside companions in the same carriage, incorporating a minimum of two adjacent mobility spaces per designated accessible area, alongside adjoining accessible bathroom facilities.”

LORD HOLMES OF RICHMOND

216★ After Clause 58, insert the following new Clause –

“Station staffing

Great British Railways must ensure that all designated stations retain a sufficient physical staffing presence during operating hours to safely facilitate immediate, unbooked “turn up and go” passenger assistance for any passenger requiring mobility, sensory or cognitive support.”

BARONESS BRINTON

217★ After Clause 58, insert the following new Clause—

“Report on progress towards level boarding

- (1) The Secretary of State must publish a report on progress towards level boarding at railway stations in Great Britain, and lay a copy of the report before Parliament, on the first working day following 1 January 2028.
- (2) The report under subsection (1) must set out—
 - (a) the number and proportion of railway stations, as at the date of the report, at which level boarding is and is not available on all scheduled services,
 - (b) by what date the Secretary of State intends to set a target date by which level boarding is to be available at every railway station in Great Britain,
 - (c) the number of and extent to which railway rolling stocks ordered in the preceding year, or expected to be ordered in the next three years, by or on behalf of Great British Railways are, or will be, capable of level boarding,
 - (d) the estimated cost of achieving level boarding across the network and how it is proposed to be funded, and
 - (e) the role that Great British Railways is expected to play, including through the exercise of its functions under section 3, in delivering level boarding.
- (3) The Secretary of State must publish a further report under this section, and lay a copy before Parliament, on the first working day following 1 January 2031 and on the first working day following 1 January in every third year after that, until level boarding is available at every railway station in Great Britain.
- (4) In this section “level boarding” means a boarding arrangement between a platform and a railway rolling stock that allows a passenger to board or alight without a ramp, lift or other boarding device and without the assistance of station or train staff, other than in the case of an unplanned failure of equipment.”

Member's explanatory statement

This probing amendment would require the Secretary of State to report to Parliament on progress towards level boarding, beginning on 1 January 2028 and every three years thereafter.

BARONESS BRINTON

218★ After Clause 58, insert the following new Clause—

“Accessibility standards for new railway rolling stock

- (1) This section applies to new railway rolling stock.
- (2) New railway rolling stock may not be used to provide a railway passenger service unless it is accessible to disabled persons, with particular provision for level boarding.
- (3) The Secretary of State may, by regulations made by statutory instrument—

- (a) specify the standards with which new railway rolling stock must comply in order to satisfy subsection (2),
 - (b) make provision about the process for certifying compliance with the standards, and
 - (c) make provision for exemptions from subsection (2), including transitional exemptions.
- (4) Before making regulations under subsection (3) the Secretary of State must consult—
 - (a) the ORR,
 - (b) Great British Railways,
 - (c) the Passengers' Council, and
 - (d) organisations representing disabled persons.
- (5) A public service contract awarded under section 31 must require the person to whom it is awarded to procure only new railway rolling stock that complies with subsection (2).
- (6) A statutory instrument containing regulations under subsection (3) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Member's explanatory statement

This probing amendment requires new railway rolling stock to meet accessibility standards and make special provision for level boarding.

BARONESS BRINTON

219★ After Clause 58, insert the following new Clause—

“Single accessibility digital service

- (1) Great British Railways must, so far as reasonably practicable, provide, or secure the provision of, a single digital service bringing together, in one place, the online and app-based services needed by disabled persons in connection with travel by rail.
- (2) The service required by subsection (1) must, so far as reasonably practicable, enable a user to—
 - (a) book, request or cancel passenger assistance for a journey,
 - (b) check, in close to real time, whether lifts, ramps, escalators and other accessibility equipment at a station are in working order,
 - (c) plan an accessible route, including step-free and level-boarding options, between an origin and a destination,
 - (d) locate accessible toilets and seating and other accessible facilities at a station, and
 - (e) report a fault with accessibility equipment, or a failure of assistance, and be told how the report will be handled.

- (3) Great British Railways must ensure that the service required by subsection (1) meets recognised accessibility standards for digital services, so that it can be used by persons with visual, hearing, cognitive or other impairments.
- (4) In developing and operating the service required by subsection (1), Great British Railways must consult –
 - (a) the Passengers' Council, and
 - (b) organisations representing disabled persons.
- (5) Great British Railways must publish, and keep under review, information about how to access the service required by subsection (1), including for a person who does not have access to, or is unable to use, a smartphone or the internet.
- (6) In this section “disabled person” means a person who is a disabled person for the purposes of the Equality Act 2010.”

Member's explanatory statement

This probing amendment would require Great British Railways to bring together, in one digital service, the functions disabled passengers currently have to find across separate operator websites, apps and phone lines.

BARONESS BRINTON

220★

After Clause 58, insert the following new Clause –

“Accessibility condition for new stations

- (1) Great British Railways may not open a new railway station for use by passengers unless the Secretary of State is satisfied that, from the date on which the station opens –
 - (a) the station provides step-free access from each public entrance to each platform,
 - (b) the station provides level boarding, or boarding assistance available as of right and without prior notice, onto every railway passenger service that calls at the station, and
 - (c) the station otherwise complies with such further accessibility standards as the Secretary of State may specify in regulations under this section.
- (2) In this section “new railway station” means a station that has not previously been open to passengers, and includes a station reopened after having been closed to passengers for a continuous period of more than five years.
- (3) The Secretary of State may, by regulations made by statutory instrument, make further provision about the standards to be met for the purposes of subsection (1), including provision about platform design, the interface between platforms and railway rolling stocks, wayfinding, tactile paving, accessible toilets, and the provision of information in accessible formats.
- (4) Before making regulations under this section the Secretary of State must consult –
 - (a) the Passengers' Council,
 - (b) organisations representing disabled persons, and

- (c) such other persons as the Secretary of State considers appropriate.
- (5) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (6) In this section “disabled person” means a person who is a disabled person for the purposes of the Equality Act 2010.”

Member's explanatory statement

This probing amendment would prevent a new railway station from opening unless it is accessible for disabled passengers.

Clause 59

LORD MOYLAN

- 221** Clause 59, page 34, line 2, at end insert “in addition to a subsequent right to appeal to the ORR”

Member's explanatory statement

This amendment would enable a subsequent right of appeal to the ORR after going through the dispute resolution process.

LORD PARKINSON OF WHITLEY BAY
LORD FAULKNER OF WORCESTER

- 222★** Clause 59, page 34, line 8, at end insert —
- “(ea) include provision about the procedure for allowing access to and the use of GBR infrastructure by heritage rail operators,”

Member's explanatory statement

This amendment would require GBR to include provision for heritage rail operators in its access and use policy.

LORD MOYLAN

- 223** Clause 59, page 34, line 11, at end insert —
- “(g) set out how Great British Railways’ internal governance and organisational structure will ensure compliance with regulations 14(9) and 19(4) of the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 (S.I. 2016/645).”

Member's explanatory statement

This amendment would require Great British Railways’ access and use policy to explain how its internal governance and organisational structure will comply with regulations 14(9) and 19(4) of the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016, which concern the transfer of obligations to charging and allocation bodies.

LORD LANSLEY

224 Clause 59, page 34, line 11, at end insert –

“(2A) The criteria applied under subsection (2) must secure that railway undertakings requiring access for the purposes of rail freight or international passenger services are granted access to and the use of GBR infrastructure on equitable, non-discriminatory and transparent conditions.”

Member's explanatory statement

This amendment seeks to carry forward and apply the existing requirement on access rights in paragraph 5 of the 2016 Regulations.

LORD PARKINSON OF WHITLEY BAY
LORD FAULKNER OF WORCESTER

225★ Clause 59, page 34, line 11, at end insert –

“(2A) The criteria set out under subsection (2)(b) must include consideration of –

- (a) the period of time a non-GBR operator needs to promote their operation and manage their alterations,
- (b) the impact of train cancellations and schedule variations on non-GBR operators,
- (c) working timetable paths which are owned by other operators (including GBR) but which are unused and can be re-purposed for the operators on a particular date,
- (d) the possibility of amending the working timetable to allow access,
- (e) permitting access applications by non-GBR operators provided that no significant delay is caused to the working timetable,
- (f) the commercial interests of non-GBR train operators,
- (g) the enhancement of rail travel that non-GBR train operators bring to the rail network, and
- (h) ensuring that there is no discrimination against non-GBR train operators on the basis that they do not contribute to the public farebox other than by access charges.”

Member's explanatory statement

This amendment seeks to establish criteria by which Great British Rail should decide applications by non-GBR train operators, such as heritage rail operators.

LORD GRAYLING
LORD MOYLAN

226 Clause 59, page 34, line 13, at end insert –

“(3A) Great British Railways’ policy about, and procedures for, access to and the use of GBR infrastructure for the operation of trains, must be best calculated –

- (a) to promote improvements in railway service performance;

- (b) to protect the interests of users of railway services;
 - (c) to promote the use of the railway network in Great Britain for the carriage of passengers and goods, and the development of that railway network, to the greatest extent that it considers economically practicable;
 - (d) to contribute to the development of an integrated system of transport of passengers and goods;
 - (e) to contribute to the achievement of sustainable development;
 - (f) to promote efficiency and economy on the part of persons providing railway services;
 - (g) to promote competition in the provision of railway services for the benefit of users of railway services;
 - (h) to promote measures designed to facilitate the making by passengers of journeys which involve use of the services of more than one passenger service operator;
 - (i) to impose on the operators of railway services the minimum restrictions which are consistent with the performance of its functions under this Part, or the Railways Act 2005, that are not safety functions;
 - (j) to enable persons providing railway services to plan the future of their businesses with a reasonable degree of assurance.
- (3B) Without prejudice to the generality of subsection (3A) above, Great British Railways shall have a duty, in particular, to exercise the functions assigned or transferred to it under or by virtue of this Part, or the Railways Act 2005, that are not safety functions in the manner which it considers is best calculated to protect –
- (a) the interests of users and potential users of services for the carriage of passengers by railway provided by a private sector operator otherwise than under a franchise agreement, in respect of –
 - (i) the prices charged for travel by means of those services, and
 - (ii) the quality of the service provided; and
 - (b) the interests of persons providing services for the carriage of passengers or goods by railway in their use of any railway facilities which are for the time being vested in a private sector operator, in respect of –
 - (i) the prices charged for such use; and
 - (ii) the quality of the service provided.”

Member's explanatory statement

This amendment places requirements on Great British Railways to use the access and use policy to promote high quality service and competition.

LORD MOYLAN

227

Clause 59, page 34, line 20, at end insert –

- “(7) Neither the Secretary of State, nor Great British Railways, may take any action to implement any part of the access and use policy until a copy of the policy has been laid before Parliament for a period of three months.”

Member's explanatory statement

This amendment would provide that neither the Secretary of State nor Great British Railways, could take any step to implement any part of the access and use policy until it has been laid before Parliament for three months.

LORD MOYLAN

Lord Moylan gives notice of his intention to oppose the Question that Clause 59 stand part of the Bill.

Member's explanatory statement

This would ensure that the access and use policy would remain with the ORR.

After Clause 59

LORD GRAYLING

LORD MOYLAN

228

After Clause 59, insert the following new Clause –

“Open access rights: passenger services not provided by Great British Railways

- (1) Subsection (2) applies where –
 - (a) a person (“the applicant”) makes an application to Great British Railways for access to the railway network for the purpose of operating a passenger service, and
 - (b) the proposed service, or a substantially similar service, is not currently operated by Great British Railways, or by any person on its behalf.
- (2) Great British Railways must not refuse the application, or fail to enter into an access contract on terms requested by the applicant, unless –
 - (a) Great British Railways publishes a formal declaration that it intends to commence operating a substantially similar passenger service within 12 months of the date of the application, or
 - (b) the Office of Rail and Road certifies that granting the application would create an unacceptable risk to the safe operation of the network.
- (3) Where Great British Railways makes a declaration under subsection (2)(a) but fails to commence the service within the specified 12-month period –
 - (a) the declaration shall cease to have effect, and
 - (b) Great British Railways must immediately grant the access contract to the applicant on the terms originally requested, subject only to any safety directions issued by the Office of Rail and Road.
- (4) For the purposes of this section, a service is “substantially similar” if it serves substantially the same origin and destination stations at similar times of day.”

Member's explanatory statement

This new clause prevents Great British Railways (GBR) from hoarding track capacity. It creates a statutory presumption in favor of private Open Access passenger operators, requiring GBR to grant track access for any route or service that GBR itself does not operate (or plan to operate within 12 months), subject only to essential safety checks by the regulator.

LORD MOYLAN

229

After Clause 59, insert the following new Clause —

“Open-access rights for passenger services not provided by Great British Railways

- (1) This section applies where —
 - (a) a person (“the applicant”) applies to Great British Railways for access to and use of GBR infrastructure for the purpose of operating a railway passenger service, and
 - (b) the proposed service, or a substantially similar service, is not being provided as a GBR passenger service.
- (2) Great British Railways must grant the application on fair and reasonable terms unless —
 - (a) the proposed service cannot reasonably be accommodated within the capacity available on GBR infrastructure, having regard to sections 60 to 63,
 - (b) the ORR certifies that granting the application would create an unacceptable risk to the safe operation of the railway, or
 - (c) the conditions in subsection (3) are met.
- (3) The conditions are that —
 - (a) Great British Railways has published a declaration that it intends to commence a substantially similar GBR passenger service within 12 months beginning with the date on which the application was made, and
 - (b) the ORR is satisfied that refusing the application is necessary and proportionate for the purpose of enabling that service to commence.
- (4) A declaration under subsection (3)(a) must specify —
 - (a) the proposed route and principal calling points of the service,
 - (b) the proposed frequency of the service, and
 - (c) the date by which the service is expected to commence.
- (5) Where Great British Railways makes a declaration under subsection (3)(a) but does not commence the service within the period specified in that subsection —
 - (a) the declaration ceases to have effect, and
 - (b) Great British Railways must reconsider the application without having regard to any intention on its part to provide the service.

- (6) On reconsidering an application under subsection (5)(b), Great British Railways must grant the application on fair and reasonable terms unless subsection (2)(a) or (b) applies.
- (7) For the purposes of this section, a service is “substantially similar” if it—
 - (a) serves substantially the same origin and destination stations,
 - (b) serves substantially the same passenger market, and
 - (c) is proposed to operate at substantially similar times of day.”

Member's explanatory statement

This amendment would create a presumption in favour of granting access to an independent passenger operator where GBR does not operate a substantially similar service. Access could be refused on capacity or safety grounds, or where GBR has an ORR-approved plan to commence a similar service within 12 months.

Clause 60

LORD PARKINSON OF WHITLEY BAY
LORD FAULKNER OF WORCESTER

230★ Clause 60, page 34, line 32, at end insert “including heritage rail services,”

Member's explanatory statement

This amendment would require Great British Railways to have regard to the need to accommodate heritage railway services in its infrastructure capacity plan.

LORD MOYLAN

231 Clause 60, page 34, line 34, at end insert —

“(4A) When preparing, revising or replacing the document or documents Great British Railways must consult and have regard to the views of other railway passenger services and services for the carriage of goods by railway.”

Member's explanatory statement

This amendment would ensure that GBR had to consult and have regard to the views of open access and freight providers when preparing, revising or replacing the capacity plan.

Clause 61

LORD BERKELEY

232 Clause 61, page 35, line 31, at end insert —

“(7) Great British Railways must publish a statement setting out the criteria it applies when preparing the working timetable, including how rail freight growth objectives and the rail freight target under section 17 are considered in capacity conflicts.”

After Clause 62

LORD BEITH

233 After Clause 62, insert the following new Clause –

“Great British Railways timetable

- (1) Great British Railways must prepare and publish a comprehensive national timetable of all passenger railway services for each timetable period.
- (2) The timetable must include scheduled arrival and departure times, connection information, and key station accessibility features.
- (3) Great British Railways must make the timetable available to the public free of charge and sufficiently in advance of the relevant travel dates.
- (4) The timetable must be published in, but is not limited to, the following formats –
 - (a) accessible online formats, and
 - (b) alternative non-digital formats.
- (5) In this section, “timetable period” means the operational duration designated by Great British Railways for a specific rail schedule.”

Clause 63

LORD MOYLAN

234 Clause 63, page 36, line 20, leave out from “to” to end of line 23 and insert “be satisfied that it retains sufficient capacity across GBR infrastructure to allow for –

- (a) the operation of GBR passenger services, passenger services not operated by GBR and services for the carriage of goods by railway, and”

Member's explanatory statement

This amendment aims to reduce the ability of GBR to prioritise its own operations where there are network capacity constraints and create a level playing field.

LORD MOYLAN

235 Clause 63, page 36, line 20, leave out from “to” to end of line 25 and insert “be satisfied that it will meet its key performance indicators set out in section (Great British Railways: key performance indicators).”

Member's explanatory statement

This amendment would ensure that GBR makes decisions about allocating capacity having regard to the need to meet its key performance indicators.

BARONESS PIDGEON

236 Clause 63, page 36, line 25, at end insert —

“(c) the achievement of the rail freight target set out in section 17.”

Member's explanatory statement

This amendment connects the capacity duty provisions in clause 63 with the freight target set out in clause 17.

LORD MOYLAN

237 Clause 63, page 36, line 25, at end insert —

- “(3) In exercising its capacity duty, Great British Railways must take account of the the infrastructure capacity plan set out in section 60 and give due regard to achieving the rail freight target set out in section 17.
- (4) Great British Railways must identify and publish a list of strategic freight corridors on the railway network.
- (5) In exercising its capacity allocation functions, Great British Railways must ensure that the availability of network capacity on a strategic freight corridor is not materially reduced unless —
- (a) the Office of Rail and Road has approved the reduction, and
 - (b) suitable alternative provision has been made to enable the carriage of goods by rail to continue to be facilitated.
- (6) Before revising the list of strategic freight corridors, Great British Railways must consult —
- (a) freight operating companies;
 - (b) owners and operators of rail-connected terminals;
 - (c) such other persons as it considers appropriate.”

Member's explanatory statement

This amendment ensures that capacity allocation decisions reflect both planning priorities and freight-increase ambitions. This amendment requires GBR to publish and maintain a list of strategic freight corridors and ensures that any material reduction in capacity must be approved by the ORR.

LORD BERKELEY

238 Clause 63, page 36, line 25, at end insert —

- “(3) Where in the exercise of its functions described in subsection (1)(a) Great British Railways rejects the relevant access application in whole or in part, Great British Railways must publish the specific reasons forming the basis for the relevant decision.

- (4) The capacity duty set out in subsection (2) is subject to the requirement of any documents issued under section 60.”

LORD BERKELEY

239★ Clause 63, page 36, line 25, at end insert —

- “(3) In exercising its capacity duty, Great British Railways —
- (a) is subject to the provisions of the infrastructure capacity plan under section 60, and
 - (b) must consider the rail freight growth target under section 17.”

Member's explanatory statement

This amendment seeks to ensure that, in exercising its capacity duty, Great British Railways is subject to provisions in the infrastructure capacity plan about the best use of its infrastructure and the operation of trains, and must consider the rail freight growth target.

LORD LANSLEY

Lord Lansley gives notice of his intention to oppose the Question that Clause 63 stand part of the Bill.

Member's explanatory statement

This notice seeks to probe what the purpose and effect of this clause is.

Clause 64

LORD MOYLAN
LORD BERKELEY

240 Clause 64, page 36, line 31, leave out paragraph (b)

Member's explanatory statement

This amendment would remove the requirement for GBR to charge in relation to trains which are planned to use GBR infrastructure but do not operate, or do not operate in full.

LORD MOYLAN

241 Clause 64, page 36, line 32, at end insert “, except where the services cannot operate due to a failure of the GBR infrastructure or the need for GBR to take capacity for work on the network.”

Member's explanatory statement

This amendment would ensure that services are not caught within the charging scheme if they cannot operate due to GBR failures or actions.

LORD BERKELEY
LORD MOYLAN

242 Clause 64, page 36, line 34, after second “the” insert “efficient short-run marginal”

LORD MOYLAN

243 Clause 64, page 36, line 36, leave out subsection (3)

Member's explanatory statement

This amendment would remove GBR's power to increase charges in particular circumstances, at its own discretion, beyond its published scheme of charges.

LORD BERKELEY

244 Clause 64, page 36, line 39, at end insert –

“(3A) The effect of subsection (3) must not be to exclude the use of infrastructure by market segments which can pay at least the efficient short-run marginal costs attributed to railway services calculated pursuant to subsection (2), plus a rate of return which the market can bear.”

LORD MOYLAN

245 Clause 64, page 37, line 14, leave out “at any time” and insert “, by giving no less than 12 months' notice,”

Member's explanatory statement

This amendment imposes a duty on GBR to give other operators a minimum 12-month advance notice of changes to the charging scheme.

LORD MOYLAN

246 Clause 64, page 37, line 15, at end insert –

“(6A) When making, revising or replacing a scheme under this section, Great British Railways must have regard to the conclusions and recommendations contained in the report entitled *Options for changes to the rail access charging regime*, published by the ORR on 2 August 2024.

(6B) Great British Railways must publish a statement setting out how it has had regard to the report referred to in subsection (6A).”

Member's explanatory statement

This amendment would require Great British Railways, when making or changing its charging scheme, to have regard to the conclusions and recommendations of the ORR-commissioned report “Options for changes to the rail access charging regime”, and to explain publicly how it has done so.

LORD MOYLAN

247 Clause 64, page 37, line 20, at end insert –

“(9) Neither the Secretary of State, nor Great British Railways, may take any action to implement any part of the charging scheme until a copy of the scheme has been laid before Parliament for a period of three months.”

Member's explanatory statement

This amendment would provide that neither the Secretary of State nor Great British Railways, could take any step to implement any part of the charging scheme until it has been laid before Parliament for three months.

Clause 65

LORD MOYLAN
LORD BERKELEY

248 Clause 65, page 38, line 1, leave out paragraph (b)

Member's explanatory statement

This amendment would remove the paragraph which prevents the performance scheme being used to provide for penalties or compensation to be paid by GBR for disruption outside its control.

LORD MOYLAN

249 Clause 65, page 38, line 1, after “Railways” insert “or any operator of a train on Great British Railways infrastructure”

Member's explanatory statement

This amendment clarifies that freight operators should not face penalties for service disruption caused by factors outside their control, such as infrastructure failures or planned engineering works by Great British Railways.

LORD MOYLAN

250 Clause 65, page 38, line 12, at end insert “and lay before Parliament”

Clause 66

LORD MOYLAN

251 Clause 66, page 38, line 18, after “ORR,” insert “open access operators,”

Member's explanatory statement

This amendment would require GBR to consult open access operators on its access and use policy.

LORD HENDY OF RICHMOND HILL

252 Clause 66, page 38, line 28, at end insert—

“(4) At any time after this section comes into force, Great British Railways may elect to treat any consultation that was carried out by any person before that time as having been carried out by Great British Railways.”

Member's explanatory statement

This amendment would assist with an orderly transition to the body corporate that is to be designated as GBR, allowing for the efficient progression of documents, timetables or schemes to be consulted on under subsection (3).

Clause 68

LORD MOYLAN
LORD BERKELEY

253 Clause 68, page 38, line 36, leave out subsection (1)

Member's explanatory statement

This amendment removes the requirement that appeals may only be made under Judicial Review principles.

LORD LANSLEY
LORD MOYLAN

254 Clause 68, page 38, line 36, leave out from “ORR” to “by” in line 1 on page 39 and insert “may determine the appeal—

“(a) by applying the same principles as would be applied”

Member's explanatory statement

This amendment, and others to Clause 68 in the name of Lord Lansley, would enable an appeal to the ORR on judicial review grounds, based on errors of fact or in the exercise of a discretion, or where the decision-maker failed to give appropriate weight to a relevant matter. It also allows the ORR to quash all or part of the decision.

LORD MOYLAN

255 Clause 68, page 38, line 36, leave out from “must” to end of line 3 on page 39 and insert “determine the appeal on the facts and the law.”

Member's explanatory statement

This amendment would enable the ORR to determine appeals on the merits.

LORD BERKELEY

- 256★ Clause 68, page 38, line 36, leave out from “must” to end of line 3 on page 39 and insert “decide the appeal on its merits.”

Member's explanatory statement

This amendment seeks to remove the proposed judicial review threshold requirement and enable the ORR to decide an appeal on its merits.

LORD LANSLEY

LORD MOYLAN

- 257 Clause 68, page 39, line 2, at beginning insert “by applying the same principles as would be applied”

Member's explanatory statement

This amendment, and others to Clause 68 in the name of Lord Lansley, would enable an appeal to the ORR on judicial review grounds, based on errors of fact or in the exercise of a discretion, or where the decision-maker failed to give appropriate weight to a relevant matter. It also allows the ORR to quash all or part of the decision.

LORD LANSLEY

LORD MOYLAN

- 258 Clause 68, page 39, line 3, at end insert —

“(c) on the basis that the decision appealed against was wrong on one or more of the following grounds —

- (i) that the ORR considers that the decision was based, wholly or partly, on an error of fact,
- (ii) that GBR failed properly to have regard to a relevant matter,
- (iii) that GBR failed to give appropriate weight to a relevant matter, or
- (iv) that an error was made in the exercise of a discretion,

having regard to the facts and circumstances of the case and the functions, duties, licence conditions and directions or guidance applicable to GBR.”

Member's explanatory statement

This amendment, and others to Clause 68 in the name of Lord Lansley, would enable an appeal to the ORR on judicial review grounds, based on errors of fact or in the exercise of a discretion, or where the decision-maker failed to give appropriate weight to a relevant matter. It also allows the ORR to quash all or part of the decision.

LORD LANSLEY

LORD MOYLAN

- 259 Clause 68, page 39, line 7, leave out from “may” to “quash” in line 11

Member's explanatory statement

This amendment, and others to Clause 68 in the name of Lord Lansley, would enable an appeal to the ORR on judicial review grounds, based on errors of fact or in the exercise of a discretion, or where the decision-maker failed to give appropriate weight to a relevant matter. It also allows the ORR to quash all or part of the decision.

LORD MOYLAN

260 Clause 68, page 39, line 8, leave out paragraphs (a) and (b) and insert—

- “(a) remit all or part of the provision appealed against to Great British Railways for reconsideration, or
- (b) quash all or part of the decision appealed against and substitute its own decision, as, at its discretion, it sees fit.”

Member's explanatory statement

This amendment would allow the ORR, when agreeing an appeal, to remit all or part of the decision appealed against to GBR for reconsideration, or quash all or part of the decision appealed against, as at its discretion it sees fit.

LORD LANSLEY
LORD MOYLAN

261 Clause 68, page 39, line 17, leave out paragraph (b)

Member's explanatory statement

This amendment, and others to Clause 68 in the name of Lord Lansley, would enable an appeal to the ORR on judicial review grounds, based on errors of fact or in the exercise of a discretion, or where the decision-maker failed to give appropriate weight to a relevant matter. It also allows the ORR to quash all or part of the decision.

LORD LANSLEY
LORD MOYLAN

262 Clause 68, page 39, line 17, leave out from “question” to end of line 20

Member's explanatory statement

This amendment, and others to Clause 68 in the name of Lord Lansley, would enable an appeal to the ORR on judicial review grounds, based on errors of fact or in the exercise of a discretion, or where the decision-maker failed to give appropriate weight to a relevant matter. It also allows the ORR to quash all or part of the decision.

LORD BERKELEY

263 Clause 68, page 39, line 23, leave out subsections (6) and (7)

LORD MOYLAN

264 Clause 68, page 39, line 35, at end insert —

“(f) open access operators.”

Member's explanatory statement

This amendment would require the Secretary of State to consult open access operators before making regulations about steps that must be taken before an appeal can be brought, to make provision about the procedure and to set time limits and fees for the appeals brought under this Chapter.

LORD MOYLAN

265 Clause 68, page 40, line 4, at end insert —

“(f) open access operators.”

Member's explanatory statement

This amendment would require the ORR to consult open access operators before publishing its document on the practice and procedure for appeals under this Chapter.

Clause 69

LORD MOYLAN

Lord Moylan gives notice of his intention to oppose the Question that Clause 69 stand part of the Bill.

Member's explanatory statement

This would keep GBR under the normal access regime supervised by the ORR.

Clause 70

LORD LANSLEY

266 Clause 70, page 41, line 23, leave out paragraph (b)

Member's explanatory statement

This amendment probes why it is necessary to omit regulation 5(8) of the 2016 Regulations, which states that it is the duty of the infrastructure manager (ie Network Rail now, GBR in future) to ensure that the entitlements conferred by regulation 5 (ie access for freight and international passenger services) are honoured.

Clause 71

LORD GRAYLING

267 Clause 71, page 41, line 30, at end insert –

“(1A) Regulations under subsection (1) may only be made if the Secretary of State is satisfied that the modifications to an access agreement are strictly necessary for the sole purpose of facilitating the transfer of infrastructure management functions to Great British Railways.”

LORD BERKELEY

268 Clause 71, page 41, line 31, leave out from “may” to end of line 37 and insert “provide for the amendment of access agreements and access rights to the extent necessary to facilitate their continued operability following the provisions of this Act coming into effect.”

LORD BERKELEY

269 Clause 71, page 42, line 1, leave out from “after” to end of line 2 and insert “the start of the first funding period as set out under paragraph 1(9) of Part 1 of Schedule 2 to this Act”

BARONESS PIDGEON

270 Clause 71, page 42, line 2, at end insert –

“(4) Regulations under this section may not amend, terminate or otherwise affect an access agreement, access right or related contractual arrangement to which a non-GBR infrastructure manager is a party.”

Member's explanatory statement

This amendment ensures that regulations made under this section cannot override or interfere with existing access agreements or rights held by non-GBR infrastructure managers.

LORD BERKELEY
LORD MOYLAN

271 Clause 71, page 42, line 2, at end insert –

“(4) The Secretary of State must consult with all relevant stakeholders (including any train operators that are party to access agreements falling within the scope of proposed regulations) before making regulations under this section.

(5) Regulations made under this section must include an obligation on the party that is granted the power to amend access agreements (whether this is Great British Railways, the Secretary of State or another party) to consult with any affected train operators before amending their access agreements pursuant to such regulations.”

LORD MOYLAN

Lord Moylan gives notice of his intention to oppose the Question that Clause 71 stand part of the Bill.

Member's explanatory statement

This would prevent the Secretary of State from changing the terms of existing access agreements and rights.

Clause 72

LORD HARPER
LORD MOYLAN

272 Clause 72, page 42, line 5, leave out subsection (1) and insert –

- “(1) The Secretary of State may by regulations amend, revoke, restate or replace provisions of the 2016 Regulations so far as those provisions relate to –
- (a) the management and operation of non-GBR infrastructure,
 - (b) rights to operate trains between places using non-GBR infrastructure,
 - (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, or
 - (e) competition in the market or markets for the provision and supply of such facilities and services.
- (1A) Regulations under subsection (1) may not make provision except in connection with the amendment, revocation, restatement or replacement of provisions of the 2016 Regulations.”

Member's explanatory statement

This amendment would limit the regulation-making power in Clause 72 to the amendment, revocation, restatement or replacement of provisions of the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 relating to non-GBR infrastructure, facilities and services.

LORD HARPER

273 Clause 72, page 42, line 29, at end insert –

- “(2A) The power under subsection (1) to amend, restate or replace a provision of the 2016 Regulations may be exercised only once in relation to that provision.
- (2B) Subsection (2A) does not prevent regulations from –
- (a) correcting an error or omission in regulations previously made under subsection (1), or
 - (b) making commencement, transitional, transitory or saving provision in connection with regulations previously made under subsection (1).

- (2C) Regulations under subsection (1) may be made only for the purpose of facilitating the transition from the 2016 Regulations to a replacement regulatory framework.
- (2D) In subsection (2C), “replacement regulatory framework” means a statutory regime intended to supersede provisions of the 2016 Regulations in governing access to non-GBR infrastructure or the provision and supply of facilities and services which facilitate the operation of trains.”

Member's explanatory statement

This amendment would limit the substantive use of the Clause 72 power to a single exercise in relation to each relevant provision of the 2016 Regulations and require the power to be used only to facilitate the transition to a replacement regulatory framework.

LORD HARPER

274 Clause 72, page 42, line 29, at end insert –

- “(2A) Regulations under subsection (1) must apply consistently and without discrimination as between –
- (a) railway undertakings,
 - (b) owners, managers and operators of non-GBR infrastructure,
 - (c) operators of service facilities, and
 - (d) geographic locations,
- where the persons, facilities or locations concerned are in materially comparable circumstances.
- (2B) Regulations under subsection (1) may make different provision in relation to particular persons, facilities or locations only where the difference in treatment is –
- (a) objectively justified, and
 - (b) proportionate to the purpose for which the regulations are made.
- (2C) In this section, “service facility” has the same meaning as in the 2016 Regulations.”

Member's explanatory statement

This amendment would require regulations under Clause 72 to apply consistently and without discrimination to persons, service facilities and locations in materially comparable circumstances, while permitting objectively justified and proportionate differences in treatment.

LORD GRAYLING
LORD MOYLAN

275 Clause 72, page 42, line 40, at end insert –

- “(3A) Before making any regulations or orders under subsection (1) which affect a light maintenance depot, freight terminal, port terminal, or airport terminal, the Secretary of State must –
- (a) consult such persons as appear to the Secretary of State to represent the interests of owners, operators, and users of the affected facilities, and

- (b) publish a report setting out how those representations have been taken into account.
- (3B) Power exercised under subsection (1) must not be used in a manner which —
 - (a) discriminates unfairly between public sector operators and private sector operators, or
 - (b) materially compromises the commercial viability of private investment in the affected facilities made prior to the day on which this Act is passed.”

LORD HARPER

276 Clause 72, page 42, line 40, at end insert —

- “(3A) Regulations under subsection (1) must include provision conferring a right of appeal to the ORR on a person materially affected by a decision made under or by virtue of the regulations, other than a decision made by the ORR.
- (3B) The regulations must provide that an appeal may be brought on the grounds that the decision is —
 - (a) inconsistent with a statutory duty relating to access, charging or competition in the railway sector,
 - (b) based on an error of fact or law,
 - (c) discriminatory, or
 - (d) disproportionate.
- (3C) The regulations must provide that, on determining an appeal, the ORR may —
 - (a) confirm the decision,
 - (b) vary the decision,
 - (c) quash the decision in whole or in part, or
 - (d) remit the matter to the person who made the decision with such directions as the ORR considers appropriate.”

Member's explanatory statement

This amendment would require regulations made under Clause 72 to provide a right of appeal to the ORR for persons materially affected by decisions made under the regulations. The ORR would be able to review decisions for compliance with statutory access, charging and competition duties and for errors, discrimination or disproportionality.

LORD MOYLAN

277 Clause 72, page 43, line 2, leave out “this or any other Act” and insert “this Act or any Act passed before this Act or later in the same session of Parliament as this Act”

Member's explanatory statement

This amendment implements a recommendation of the Delegated Powers and Regulatory Reform Committee by preventing regulations under this section from amending or repealing provisions contained in Acts passed in future sessions of Parliament.

LORD MOYLAN

278 Clause 72, page 43, line 5, leave out “consult such persons as the Secretary of State considered appropriate” and insert “—

- (a) publish an assessment of the likely impact of the proposed regulations on—
 - (i) non-GBR infrastructure,
 - (ii) the provision and supply of facilities and services which facilitate the operation of trains, and
 - (iii) persons who own, manage, operate or use such infrastructure, facilities or services, and
- (b) consult—
 - (i) Great British Railways,
 - (ii) the ORR,
 - (iii) the Scottish Ministers,
 - (iv) the Welsh Ministers,
 - (v) Transport for London,
 - (vi) each mayoral strategic authority likely to be affected by the proposed regulations,
 - (vii) each local transport authority within the meaning of section 108(4) of the Transport Act 2000 (local transport plans) likely to be affected by the proposed regulations, and
 - (viii) such persons who own, manage, operate or use non-GBR infrastructure, facilities or services as are likely to be affected by the proposed regulations.”

Member's explanatory statement

This amendment would require the Secretary of State to publish an impact assessment and undertake specified consultation, including with affected mayoral strategic authorities and local transport authorities, before making regulations concerning non-GBR infrastructure, facilities or services.

LORD HARPER
LORD MOYLAN

279 Clause 72, page 43, line 5, leave out “consult such persons as the Secretary of State considered appropriate” and insert “—

- (a) publish a draft of the proposed regulations, and
- (b) consult—
 - (i) the ORR,
 - (ii) the Scottish Ministers,
 - (iii) the Welsh Ministers,
 - (iv) Transport for London and any relevant local government body whose area is likely to be affected,
 - (v) persons who own, manage or operate non-GBR infrastructure likely to be materially affected,

- (vi) operators of service facilities likely to be materially affected,
 - (vii) persons appearing to the Secretary of State to represent railway undertakings, infrastructure managers, service facility operators, rail freight operators and passenger railway service operators, and
 - (viii) such other persons as are likely to be materially affected by the proposed regulations.
- (5A) The Secretary of State must allow a reasonable period for representations to be made on the draft regulations.
- (5B) Before laying a draft statutory instrument containing the regulations before Parliament, the Secretary of State must publish—
- (a) a summary of the representations received, and
 - (b) a statement explaining how those representations have been taken into account.”

Member's explanatory statement

This amendment would require the Secretary of State to publish draft regulations under Clause 72 and consult the ORR, devolved authorities, affected infrastructure and service facility operators, industry representative bodies and other materially affected persons. It would also require the publication of a consultation response.

LORD MOYLAN

- 280** Clause 72, page 43, line 5, leave out from “consult” to end of line 5 and insert “the Office of Rail and Road and affected facility owners”

Member's explanatory statement

This amendment would require the Secretary of State to consult the ORR and affected facility owners before making regulations under this section.

LORD MOYLAN

- 281** Clause 72, page 43, line 7, at end insert “, but does not include infrastructure, facilities and services not managed by Great British Railways which are used exclusively for the carriage of goods by rail.”

Member's explanatory statement

This amendment provides that privately funded, freight-only facilities are excluded from regulation under this section.

LORD PARKINSON OF WHITLEY BAY
LORD FAULKNER OF WORCESTER

- 282★** Clause 72, page 43, line 7, at end insert “, but does not include any infrastructure or asset of a preserved or heritage railway.”

Member's explanatory statement

This amendment seeks to ensure that the Secretary of State's powers in Clause 72 cannot be used to make regulations about infrastructure or assets owned by charities, businesses or trusts operating heritage railways.

BARONESS PIDGEON

283

Clause 72, page 43, line 7, at end insert –

- “(7) Regulations under this section may not amend, replace or otherwise affect the access, charging, capacity allocation, facilities, services or operational arrangements of a non-GBR infrastructure manager unless –
- (a) the Secretary of State has consulted the non-GBR infrastructure manager, the Office of Rail and Road, affected railway undertakings and any other person likely to be materially affected by the provision,
 - (b) the Secretary of State has assessed and published the likely financial, operational and regulatory impacts of the provision on the non-GBR infrastructure manager and affected users,
 - (c) the provision does not materially alter the economic effect of any concession, access, charging or operational arrangement relating to non-GBR infrastructure, unless that effect has been expressly identified and approved by Parliament, and
 - (d) the provision does not prevent a non-GBR infrastructure manager from levying charges, offering discounts or managing access to facilities and services in accordance with existing statutory, contractual or concession arrangements, except where expressly necessary for the purpose in subsection (7).
- (8) Regulations under this section may not require the alignment of timetable development, capacity allocation or access processes for international services using non-GBR infrastructure where doing so would create inconsistency with Channel Tunnel or European rail processes, unless the Secretary of State has consulted affected international operators, the non-GBR infrastructure manager and the Office of Rail and Road, and is satisfied that the provision is necessary and proportionate.”

LORD MOYLAN

Lord Moylan gives notice of his intention to oppose the Question that Clause 72 stand part of the Bill.

Member's explanatory statement

This is to test the intention to give GBR the powers to obtain infrastructure and services owned by non-GBR entities.

Clause 73

BARONESS FINLAY OF LLANDAFF
LORD MOYLAN

284 Clause 73, page 43, line 19, leave out subsection (2)

Member's explanatory statement

This amendment follows a recommendation of the Delegated Powers and Regulatory Reform Committee.

BARONESS PIDGEON
LORD MOYLAN

285 Clause 73, page 43, line 20, at end insert —

“(3) Regulations under this section may not amend the definition of “GBR infrastructure” to include infrastructure owned, managed or operated by a non-GBR infrastructure manager under a concession, lease, licence or other contractual arrangement with the Secretary of State, unless the Secretary of State has —

- (a) consulted the relevant non-GBR infrastructure manager, the Office of Rail and Road, affected railway undertakings and any other person likely to be materially affected by the change, and
- (b) assessed and published the likely financial, operational and regulatory impacts of the change.”

Member's explanatory statement

This amendment prevents regulations from redefining “GBR infrastructure” to capture non-GBR-operated assets, including High Speed 1, without consultation, impact assessment and parliamentary approval.

Clause 74

LORD MOYLAN

286 Clause 74, page 43, line 29, after “monitor” insert “and audit”

Member's explanatory statement

This amendment would require the ORR to monitor and audit GBR’s statutory functions.

LORD MOYLAN

287 Clause 74, page 43, line 34, after “monitoring” insert “and auditing”

Member's explanatory statement

This amendment would require the ORR to monitor and audit GBR’s statutory functions.

LORD MOYLAN

288 Clause 74, page 43, line 35, after “monitoring” insert “and auditing”

Member's explanatory statement

This amendment would require the ORR to monitor and audit GBR’s statutory functions.

LORD MOYLAN

289 Clause 74, page 44, line 9, at end insert “including, where reasonably practicable, implementation of recommendations of safety improvements and standards developed through relevant industry bodies.”

Member's explanatory statement

This amendment ensures that Great British Railways in furtherance of railway safety actively engages with the industry bodies such as the Rail Safety and Standards Board and implements where reasonably practicable, the cross-sector recommendations of safety improvements and standards emerging from any cross-sector work.

LORD MOYLAN

290 Clause 74, page 44, line 9, at end insert —

“(d) whether the procurement of services from the private sector would represent a more efficient use of public funds.”

Member's explanatory statement

This amendment would require the ORR to consider whether GBR procuring services from the private sector would be a more efficient use of public funds.

LORD MOYLAN

291 Clause 74, page 44, line 9, at end insert —

“(d) whether, and the extent to which, Great British Railways is achieving its key performance indicators set out in section (Great British Railways: key performance indicators).”

Member's explanatory statement

This amendment requires the Office of Rail and Road to consider Great British Railways’ performance against its KPIs.

Clause 75

LORD MOYLAN

292★ Clause 75, page 44, line 32, leave out from “may” to end of line 33 and insert “impose a penalty on—

- (a) a member of the board, or
 - (b) one or more senior executives,
- of Great British Railways where the Office is satisfied that a persistent breach of a condition of a licence held by Great British Railways or an obstinate refusal to comply with an enforcement notice is attributable to that person or persons.”

Member's explanatory statement

This amendment would enable the Office of Rail and Road to impose financial penalties on board members and senior executives of Great British Railways for persistent breaches of GBR's licence conditions or for obstinate refusal to comply with an enforcement notice attributable to them.

LORD MOYLAN

Lord Moylan gives notice of his intention to oppose the Question that Clause 75 stand part of the Bill.

Member's explanatory statement

This would restore the power of ORR to impose a financial penalty on GBR when in breach of its statutory duties.

After Clause 77

LORD HENDY OF RICHMOND HILL

293 After Clause 77, insert the following new Clause—

“Direct enforcement of consumer protection legislation by the ORR

Schedule (Direct enforcement of consumer protection legislation by the ORR) amends Part 3 of the Digital Markets, Competition and Consumers Act 2024 (enforcement of consumer protection law) and Schedule 5 to the Consumer Rights Act 2015 (investigatory powers etc) so as—

- (a) to confer further powers to enforce consumer protection legislation on the ORR, and
- (b) to make connected provision.”

Member's explanatory statement

This new clause would introduce a new Schedule (direct enforcement of consumer protection legislation by the ORR) provided for by my related amendment.

Clause 82

LORD MOYLAN

294 Clause 82, page 50, line 38, leave out subsection (1) and insert –

“(1) Great British Railways must inform Scottish Ministers before making a decision within subsection (2), and if, in the view of Scottish Ministers, the decision would significantly affect the interests of Scotland’s economy or of persons living in, working in, or visiting Scotland, Great British Railways must consult Scottish Ministers before making that potential decision within subsection (2).”

Member's explanatory statement

This amendment would ensure that Scottish Ministers, rather than GBR, decided whether a GBR decision would significantly affect Scotland’s economy or persons living in, working in, or visiting Scotland.

LORD MOYLAN

295 Clause 82, page 51, line 7, leave out subsection (3) and insert –

“(3) Great British Railways must inform Welsh Ministers before making a decision within subsection (4), and if, in the view of Welsh Ministers, the decision would significantly affect the interests of Wales’ economy or of persons living in, working in, or visiting Wales, Great British Railways must consult Welsh Ministers before making that potential decision within subsection (2).”

Member's explanatory statement

This amendment would ensure that Welsh Ministers, rather than GBR, decided whether a GBR decision would significantly affect Wales’ economy or persons living in, working in, or visiting Wales.

LORD BERKELEY

296 Clause 82, page 51, line 8, after “decision” insert “(including but not limited to any decision in relation to access or access charges)”

Clause 83

LORD MOYLAN

297 Clause 83, page 51, line 21, leave out subsection (1) and insert –

“(1) Great British Railways must inform a mayoral combined authority prior to making a decision within subsection (2), and if, in the view of the mayoral combined authority, the decision would significantly affect the economy of the authority’s area or of persons living in, working in, or visiting the area, Great British Railways must consult the mayoral combined authority before making that potential decision.”

Member's explanatory statement

This amendment would ensure that mayoral combined authorities, rather than GBR, decided whether a GBR decision would significantly affect the authority's economy or persons living in, working in, or visiting the authority.

LORD BERKELEY

- 298 Clause 83, page 51, line 22, after “decision” insert “(including but not limited to any decision in relation to access or access charges)”

LORD BERKELEY

- 299 Clause 83, page 51, line 32, after “decision” insert “(including but not limited to any decision in relation to access or access charges)”

LORD BERKELEY

- 300 Clause 83, page 51, line 39, after “decision” insert “(including but not limited to any decision in relation to access or access charges)”

Clause 84

LORD MOYLAN

- 301 Clause 84, page 52, line 9, leave out subsection (1) and insert—
- “(1) Great British Railways must inform Transport for London prior to making a decision within subsection (2), and if, in the view of Transport for London, the decision would significantly affect Greater London's economy or persons living in, working in, or visiting Greater London, Great British Railways must consult Transport for London before making that potential decision.”

Member's explanatory statement

This amendment would ensure that TfL, rather than GBR, decided whether a GBR decision would significantly affect the Greater London's economy or persons living in, working in, or visiting Greater London.

BARONESS PIDGEON
LORD MOYLAN

- 302 Clause 84, page 52, line 9, after “London” insert “and the London Transport Users' Committee”

Member's explanatory statement

This amendment, and others in the name of Baroness Pidgeon, seeks to include the London Transport Users' Committee in consultation requirements.

BARONESS PIDGEON
LORD MOYLAN

- 303 Clause 84, page 52, line 21, after “London” insert “and the London Transport Users’ Committee”

Member's explanatory statement

This amendment, and others in the name of Baroness Pidgeon, include the London Transport Users’ Committee in consultation requirements.

Clause 85

LORD LANSLEY

- 304 Clause 85, page 53, line 1, leave out paragraphs (a) and (b) and insert –
“(a) a strategic authority as defined under section 1 of the English Devolution and Community Empowerment Act 2026, or”

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Lansley to Clause 5, page 4, line 20 to include all strategic authorities, not just those with Mayors.

Clause 87

LORD BERKELEY

- 305 Clause 87, page 53, line 36, at end insert –
“(1A) Costs incurred by the operator of a network or station in relation to a road vehicle that has damaged any part of the rail network are recoverable by the operator from the person in charge of the road vehicle, including costs of delays to the network and any remedial work.”

Clause 94

LORD MOYLAN

- 306 Clause 94, page 58, line 36, leave out paragraph (b)

Member's explanatory statement

This amendment would prevent the Secretary of State from changing the body that issues licences or certificates so that it remains the ORR.

LORD MOYLAN

- 307 Clause 94, page 59, line 29, at end insert –
“(aa) passenger and freight service operators, including, but not limited to –

- (i) Great British Railways,
- (ii) groups representing passengers, and
- (iii) rail safety organisations, and”

Member's explanatory statement

This amendment requires the Secretary of State to consult passenger and freight service operators, groups representing passengers and rail safety organisations before making regulations about the licensing or certification of train drivers.

LORD BRADSHAW

308 Leave out Clause 94 and insert the following new Clause –

“Licensing of drivers on intercontinental routes

- (1) The Secretary of State must by regulations make provision about the licensing or certification of persons who drive trains on intercontinental railway services.
- (2) Regulations under this section must include provision about the recognition of licences or certificates issued by, or on behalf of, another state.”

Member's explanatory statement

This amendment removes the current clause in relation to the licensing of train drivers, and instead creates provision only for licensing for drivers on intercontinental rail routes, including mutual recognition of licences issued by other states.

Clause 95

BARONESS JONES OF MOULSECOOMB

★ *Baroness Jones of Moulsecoomb gives notice of her intention to oppose the Question that Clause 95 stand part of the Bill.*

Member's explanatory statement

This removes the power to make regulations to implement the Luxembourg Rail Protocol to the Cape Town Convention.

After Clause 95

BARONESS PIDGEON

309 After Clause 95, insert the following new Clause –

“Fund for future railway improvements

- (1) The Secretary of State must establish a fund for the purpose of providing improvements to the railway in the long term, including investment in new or reopened railways lines and stations.

- (2) The fund under this section is to be called the Tomorrow's Railway Fund ("the fund").
- (3) The Secretary of State may by regulations provide for monies to be allocated to the fund for each funding period.
- (4) Local and regional transport authorities may apply to the Secretary of State to receive a grant of monies from the fund, for the purpose of enabling construction of new railways stations and associated infrastructure.
- (5) A purpose enabling construction under subsection (4) includes a feasibility study for any station or associated infrastructure.
- (6) In this section "funding period" has the meaning given in paragraph 1(9) of Schedule 2 to this Act."

Member's explanatory statement

This new clause would establish a new funding mechanism for local authorities to bid for central government funding for feasibility studies on, or construction of, new stations, railways, or other enhancements.

BARONESS PIDGEON

310 After Clause 95, insert the following new Clause —

"Restoring Your Railway Fund: review

- (1) Within 12 months beginning on the day on which this Act is passed, the Secretary of State must lay before Parliament a report containing a review of the Restoring Your Railway Fund.
- (2) The review under subsection (1) must consider the effect of the fund on the reopening of railway lines and stations."

Member's explanatory statement

This new clause requires the Secretary of State to review the Restoring Your Railway Fund, announced by the previous Government in February 2020.

BARONESS LEAMAN

311 After Clause 95, insert the following new Clause —

"Anti-social noise

- (1) Within the period of six months beginning on the day on which this Act is passed, the Secretary of State must by regulations make provision to prohibit any individual on passenger rail services from purposely playing content with audio from personal electronic devices without the use of headphones in such a way that causes a disturbance to other passengers.
- (2) The regulations must ensure that any person who contravenes the prohibition set out under subsection (1) is liable to a fine not exceeding level 3 on the standard

scale set out in section 122 of the Sentencing Act 2020 (the standard scale of fines for summary offences).”

Member's explanatory statement

This new clause would require the Secretary of State to introduce statutory regulations on the use of electronic audio devices on rail services.

BARONESS LEAMAN

312 After Clause 95, insert the following new Clause –

“Rails to Trails programme

- (1) The Secretary of State must, within the period of 12 months beginning with the day on which this Act is passed, establish a programme to facilitate the conversion of disused railway lines, sidings and associated land owned by Network Rail, Great British Railways, any operator of a railway or the Historical Railways Estate into active travel routes for –
 - (a) walkers,
 - (b) wheelers,
 - (c) cyclists, and
 - (d) horse riders.
- (2) The programme must include –
 - (a) a national statutory framework to support community groups and local authorities to acquire and convert the land described in subsection (1),
 - (b) a long-term fund to provide financial incentives and resources for local authorities and public bodies to convert the land for such use, and
 - (c) mechanisms to ensure landowners are fairly compensated for any land that is acquired or converted.
- (3) The programme is to be referred to as the “Rails to Trails Programme”.

Member's explanatory statement

This new clause would require the Government to turn disused railways into active travel paths.

EARL RUSSELL
BARONESS JONES OF MOULSECOOMB
LORD HAMPTON
BARONESS WILLIS OF SUMMERTOWN

313 After Clause 95, insert the following new Clause –

“Rail climate resilience and decarbonisation framework

- (1) The Secretary of State must, within 12 months beginning on the day on which this Act is passed, publish a framework that seeks to meet the following objectives –
 - (a) reduce the carbon footprint of the rail network, and
 - (b) identify sections of the network vulnerable to climatic risks including –

- (i) drought;
 - (ii) soil moisture deficit;
 - (iii) flooding;
 - (iv) heat;
 - (v) cold weather.
- (2) The framework must include a schedule of required infrastructure improvements to the sections of network identified under subsection (1)(b).
- (3) Great British Railways must publish a report on the progress of the objectives set out in subsection (1) every two years beginning on the date on which the framework is published.
- (4) The Secretary of State must lay before Parliament each report as set out in subsection (3)."

Member's explanatory statement

This new clause establishes a statutory climate resilience and decarbonisation framework and requires regular reporting on progress made against the objectives set out in the framework.

LORD YOUNG OF COOKHAM
LORD MOYLAN

314 After Clause 95, insert the following new Clause —

“Fiscal impact of railways public ownership

- (1) The Secretary of State must, within six months of the day on which this Act is passed and after consultation with the Office of National Statistics, prepare and lay before Parliament a report on the fiscal impact of —
 - (a) the establishment and operation of Great British Railways,
 - (b) the transfer of property, rights and liabilities under sections 88 to 91, and
 - (c) the provision of railway passenger services by public sector companies following the Passenger Railway Services (Public Ownership) Act 2024.
- (2) The report must consider and assess the treatment in the public accounts of the obligations of the formerly private train operating companies to the rolling stock companies.
- (3) The report must set out the estimated annual and cumulative impact, for each of the ten financial years beginning with the financial year in which the report is laid, on —
 - (a) public sector net borrowing,
 - (b) public sector net debt, and
 - (c) public sector net financial liabilities.
- (4) The report must, so far as reasonably practicable, separately identify —
 - (a) the costs of establishing and restructuring Great British Railways;
 - (b) operating subsidies and other financial assistance;
 - (c) passenger revenue and other commercial income;

- (d) capital expenditure on, and liabilities arising from the acquisition, procurement, financing or leasing of, rolling stock and other railway assets;
 - (e) pension and employment liabilities;
 - (f) guarantees, indemnities and other contingent liabilities.
- (5) The Secretary of State must prepare and lay before Parliament an updated report within six months of the end of each of the first five financial years beginning after Great British Railways is designated.”

Member's explanatory statement

This amendment seeks to require the Secretary of State to report on the effects of railway public ownership and the establishment of Great British Railways on public sector net borrowing, public sector net debt, and public sector net financial liabilities.

LORD HARPER
LORD MOYLAN

315 After Clause 95, insert the following new Clause –

“Industrial action ballots relating to passenger railway services

- (1) After section 69 of the Employment Rights Act 2025 insert –

“69A Passenger railway services

- (1) The amendments and repeals made by sections 68 and 69 do not have effect in relation to a railway services ballot.
 - (2) In relation to a railway services ballot, the enactments amended or repealed by sections 68 and 69 have effect as if those amendments and repeals had not been made.
 - (3) In this section, “railway services ballot” means a ballot in relation to which section 226(2B) of the Trade Union and Labour Relations (Consolidation) Act 1992 would apply, but for section 69 of this Act, by virtue of regulation 2(1)(b) of the Important Public Services (Transport) Regulations 2017.”
- (2) The amendment made by subsection (1) applies only in relation to a ballot opened on or after the day on which this section comes into force.
- (3) For the purposes of subsection (2), a ballot is opened on the first day on which a voting paper is sent to any person entitled to vote in the ballot.”

Member's explanatory statement

This amendment would disapply sections 68 and 69 of the Employment Rights Act 2025 in relation to industrial action ballots concerning passenger railway services. It would therefore retain the requirement for at least 50% of those entitled to vote to participate in such a ballot and for at least 40% of those entitled to vote to support the proposed industrial action.

LORD HARPER
LORD MOYLAN

316 After Clause 95, insert the following new Clause –

“Industrial action involving Great British Railways and GBR companies

After section 224 of the Trade Union and Labour Relations (Consolidation) Act 1992 (secondary action) insert –

“224A Industrial action involving Great British Railways and GBR companies

- (1) For the purposes of this Part, Great British Railways and each GBR company are to be treated as separate employers.
- (2) A GBR employer is not to be treated as a party to a trade dispute between workers and another GBR employer.
- (3) Industrial action taken by workers employed by one GBR employer in contemplation or furtherance only of a trade dispute between workers and another GBR employer is secondary action for the purposes of section 224.
- (4) A person is not to be treated as the employer of a worker for the purposes of this section merely because that person –
 - (a) owns or controls the worker’s employer,
 - (b) provides funding to the worker’s employer,
 - (c) exercises functions through, or on behalf of, the worker’s employer,
 - (d) participates in common management or collective bargaining arrangements with the worker’s employer, or
 - (e) gives directions or guidance to the worker’s employer.
- (5) In this section –

“GBR company” has the same meaning as in section 99(1) of the Railways Act 2026;

“GBR employer” means –

 - (a) Great British Railways, or
 - (b) a GBR company.””

Member's explanatory statement

This amendment would ensure that Great British Railways and each GBR company are separate employers for the purposes of industrial-action law. A dispute between one GBR company and its workers could not provide legal protection for industrial action by workers employed by Great British Railways or another GBR company.

LORD GRAYLING

317 After Clause 95, insert the following new Clause —

“Protection of pension rights under the Railways Pension Scheme

- (1) No power exercised under this Act, including any transfer scheme or restructuring of services, shall be used to reduce the accrued rights, benefit structures, or employer contribution proportions of any member of the Railways Pension Scheme.
- (2) For the avoidance of doubt, any successor body to a franchise operator under this Act must maintain participation in the Shared Cost Section of the Railways Pension Scheme on terms no less favourable than those existing immediately prior to the transfer of services.”

LORD GRAYLING

318 After Clause 95, insert the following new Clause —

“Establishment of the National Rail Training and Technology Academy

- (1) There is established a body corporate to be known as the National Rail Training and Technology Academy (in this section referred to as “the Academy”).
- (2) The Academy is independent of Great British Railways, train operators, and infrastructure managers.
- (3) The statutory functions of the Academy are —
 - (a) to set, standardise, and monitor training procedures, qualifications, and timetables for safety-critical and operational roles across the railway industry, and
 - (b) to develop, promote, and coordinate training programmes designed to maximise the workforce's understanding, adoption, and operation of current and future railway technologies.
- (4) In exercising its functions under subsection (3)(b), the Academy must focus on —
 - (a) digital signalling and train control systems,
 - (b) decarbonisation and alternative traction technologies (including hydrogen and battery systems),
 - (c) advanced predictive maintenance technologies, and
 - (d) automated and digital ticketing, station management, and accessibility systems.
- (5) Great British Railways, and any holder of a public service contract or concession under this Act, must —
 - (a) adopt the training standards and procedures set by the Academy, and
 - (b) ensure its employees are released to complete training in accordance with the timetables set by the Academy.
- (6) The Secretary of State may, by regulations made by statutory instrument, make provision about the constitution, funding, and governance of the Academy.”

Member's explanatory statement

This new Clause establishes an independent National Rail Training and Technology Academy, separate from GBR and operators, to standardise training across the industry and drive the rapid adoption and scaling of modern railway technologies through structured workforce development.

LORD MOYLAN

319 After Clause 95, insert the following new Clause—

“Minimum service levels

- (1) Within six months of the day on which this Act is passed, the Secretary of State must by regulations make provision for minimum service levels to operate on passenger railway services during periods of strike action.
- (2) Regulations under subsection (1) may repeal or otherwise amend provisions in the Employment Rights Act 2025, insofar as is necessary for the purposes of this section.
- (3) Regulations under subsection (1) must include provision for—
 - (a) minimum levels of service on principal passenger rail routes during periods of strike action, including required service frequency, core connectivity obligations and protections for first and last trains,
 - (b) a minimum percentage of scheduled services required to operate during periods of industrial action, and
 - (c) minimum staffing requirements to deliver service levels under paragraph (a), including train crew, station staffing and customer support.
- (4) When minimum service levels are in operation under this section, Great British Railways must—
 - (a) set standards for the provision to users of the railway of real-time information, disruption alerts, and alternative route guidance when minimum service levels are in force,
 - (b) set standards for minimum continuity of accessibility services, including Passenger Assist, lift availability, and alternative accessible transport arrangements,
 - (c) ensure that freight path allocations are not unnecessarily disrupted, and
 - (d) require that all operators comply with the minimum service levels provided for by regulations under subsection (3), as a condition of holding access rights or capacity entitlements.
- (5) Within six months of the day on which this Act is passed, the Secretary of State must lay before Parliament a document setting out a framework for minimum service levels under this section.
- (6) Within one year beginning on the day on which regulations are made under subsection (1), and within each period of a year thereafter, Great British Railways must lay before Parliament a report on compliance with minimum service levels,

including reasons for any failure by operators to secure the required thresholds, and what actions GBR and other operators are taking to improve performance.”

Member's explanatory statement

This new clause would require the Secretary of State to make regulations to impose minimum service levels on passenger rail services, and for GBR to enforce these.

LORD MOYLAN

320

After Clause 95, insert the following new Clause —

“Working Practices and Productivity Modernisation Framework

- (1) Within 12 months of the day on which this Act is passed, the Secretary of State must publish a Working Practices and Productivity Modernisation Framework (“the Framework”).
- (2) The Framework must include measures to —
 - (a) enable all passenger routes to be planned and delivered as a seven-day service, within the pay and conditions for standard working hours;
 - (b) enable drivers to operate train doors without additional payments in locations where this is not yet standard practice;
 - (c) require Great British Railways to establish a train driving school with updated training methods, with the purposes of reducing route-knowledge training times and increasing driver availability;
 - (d) end practices including —
 - (i) short-notice holiday approvals;
 - (ii) dependency on overtime to compensate for sickness absence or annual leave;
 - (iii) the prohibition on driving more than one journey over the same rails;
 - (e) introduce multi-disciplinary and flexible maintenance teams in GBR;
 - (f) support the adaptation of drone-based and digital inspection of railway infrastructure;
 - (g) prohibit unnecessary delays in introducing new rolling stock arising from route-learning requirements or working practices that exceed what is reasonably required for the safe operation of the railway, ensuring new fleets can deploy when manufactured;
 - (h) permit driver managers to drive trains when required;
 - (i) require maintenance and operational teams based in a specified area to assist teams in neighbouring areas;
 - (j) prevent the Secretary of State from awarding general pay rises to any area of the rail workforce where —
 - (i) workforce productivity has fallen, or
 - (ii) actions required in the Framework have not been implemented.
- (3) Great British Railways has a duty to secure compliance with the Framework.

- (4) Where the duty on Great British Railways under subsection (3) applies in respect of services which are run by any person other than Great British Railways, Great British Railways must fulfil the duty via access agreements with the person running those services.
- (5) Within 12 months of section 1 coming into force and within every subsequent 12 months, Great British Railways must publish an annual report on the measures in the Framework.
- (6) Any report produced under subsection (5) must include—
 - (a) a summary of measures taken to reform the rail workforce as a result of provisions of the Framework;
 - (b) data on—
 - (i) workforce productivity,
 - (ii) cost savings,
 - (iii) changes in overtime expenditure, and
 - (iv) reasons for any delays in implementation of the provisions of the Framework.
- (7) The Secretary of State must lay before Parliament a copy of any report produced under subsection (5).
- (8) The Secretary of State may issue directions to Great British Railways under section 7 of this Act where, in the opinion of the Secretary of State, it has not met its duty under subsection (3)."

Member's explanatory statement

This new clause makes provision for a Working Practices and Productivity Modernisation Framework.

LORD MOYLAN

321 After Clause 95, insert the following new Clause—

“Long-term rolling stock leasing framework

- (1) Within 12 months of the day on which this Act is passed, the Secretary of State must publish a framework for the long-term leasing of rolling stock (“the Framework”).
- (2) The Framework must apply to all rolling stock agreements for use on infrastructure managed by Great British Railways.
- (3) The Framework must include measures to—
 - (a) provide that rolling stock leases entered into, renewed or extended by Great British Railways or passenger operators for use on infrastructure managed by Great British Railways, have a minimum lease term of 15 years for new or renewed rolling stock, unless the Secretary of State determines that a shorter term is justified by exceptional operational or market circumstances;

- (b) require Great British Railways to assess whole-life asset cost, maintenance, refurbishment and residual value when procuring or approving leases;
 - (c) provide Great British Railways with the power to specify obligations in long-term leases that support accessibility, improved energy efficiency, and interoperability across the network;
 - (d) ensure that long-term certainty supports manufacturers of, and persons who maintain, rolling stock by enabling investment in skills, supply chains and technological innovation;
 - (e) require that lease terms are consistent with Great British Railways' long-term network strategy, its five-year funding settlements and its access and capacity allocation duties;
 - (f) require Great British Railways to publish an annual statement setting out –
 - (i) projected rolling stock needs for the 15 years following the publication of the statement;
 - (ii) any lease terms agreed within the year prior to the annual statement;
 - (iii) an assessment of the alignment of lease arrangements with the Framework's objectives;
 - (iv) a value-for-money assessment of any new or renewed leases.
- (4) Before issuing or revising the Framework, the Secretary of State must consult –
- (a) Great British Railways,
 - (b) the Passenger Council,
 - (c) the Office of Rail and Road, and
 - (d) any other persons the Secretary of State thinks appropriate.
- (5) Within 12 months of the day on which this Act is passed and every subsequent 12 months, Great British Railways must lay an annual report before Parliament setting out its compliance with the Framework and the reasons for any departures from the minimum lease requirement.”

Member's explanatory statement

This new clause would require the Secretary of State to publish a Long-Term Rolling Stock Leasing Framework, and for Great British Railways to comply with this framework.

LORD MOYLAN

322

After Clause 95, insert the following new Clause –

“Report on long-term pipeline for works

- (1) Within 12 months of the day on which this Act is passed, Great British Railways must publish a report containing a long-term pipeline of infrastructure and rolling stock work affecting any line or service operated by Great British Railways (“the works pipeline”).
- (2) Great British Railways must publish further such reports within twelve months of the publication of the last such report under subsection (1).

- (3) The Secretary of State must lay a report under this section before both Houses of Parliament.
- (4) Each report laid under this section must provide a works pipeline for the period of the following 15 years.
- (5) Each works pipeline must include details of –
 - (a) infrastructure renewals;
 - (b) enhancements, including capacity schemes;
 - (c) digital signalling and technology programmes;
 - (d) major station works;
 - (e) rolling stock procurement; and
 - (f) upgrade and refurbishment programmes.
- (6) The works pipeline must specify the expected –
 - (a) timing,
 - (b) scope, and
 - (c) sequencing,of renewal programmes, enhancements, and major technology transitions.
- (7) The works pipeline must align with –
 - (a) The Rail Strategy’s objectives, and
 - (b) the funding provided for infrastructure and rolling stocks works during each Control Period.
- (8) Each report laid under this section must include an assessment of –
 - (a) how the works pipeline will reduce inefficiencies in delivery of works, specifically in relation to –
 - (i) irregularity of gaps in funding, and
 - (ii) unstable or unreliable management of projects and programmes.
 - (b) how the works pipeline –
 - (i) has supported, and will support UK supply chain capacity,
 - (ii) has impacted protection of specialist skills within the rail industry, and
 - (iii) will support employment and apprenticeships.
- (9) Each report must contain an assessment, during the year prior to its publication, of –
 - (a) progress in delivering any projects or programmes included in the works pipeline,
 - (b) any changes to projects or programmes included in the works pipeline, and reasons for those changes,
 - (c) the impact of the works pipeline on –
 - (i) industry investment,
 - (ii) inflation of costs in the rail sector, and
 - (iii) delivery capacity in the rail sector.
- (10) Before publishing a report under this section, Great British Railways must consult –

- (a) participants in the rail sector supply chain,
 - (b) rail industry bodies,
 - (c) the Scottish Ministers,
 - (d) the Welsh Ministers, and
 - (e) the Office of Rail and Road.
- (11) Great British Railways has a duty to ensure that its integrated business plan and long-term procurement strategies pay due regard to the works pipelines included in the most recent report published under this section.
- (12) On the day on which a report is laid before both Houses of Parliament under this Section, a Minister of the Crown must make a statement to each House about how the works pipeline –
- (a) aligns with the long-term rail strategy, and
 - (b) supports whole-network delivery priorities.”

Member's explanatory statement

This new clause would require Great British Railways to create a long-term pipeline of infrastructure works.

LORD MOYLAN

323

After Clause 95, insert the following new Clause –

“Rolling stock investment framework

- (1) Within 12 months of the day on which this Act is passed, Great British Railways must publish a report containing a framework for rolling stock investment (“the Framework”).
- (2) The Framework must include an assessment of needs for rolling stock for the period of 15 years following its publication, including –
 - (a) procurement of new rolling stock,
 - (b) refurbishment of rolling stock that is already in use,
 - (c) digital signalling and onboard technology upgrades,
 - (d) decarbonisation, and
 - (e) accessibility improvements.
- (3) The Framework must set out the routes through which private investors may finance –
 - (a) new trains,
 - (b) refurbishments to existing stock,
 - (c) upgrades to low-carbon traction,
 - (d) modernisation of interiors of trains,
 - (e) predictive maintenance, and
 - (f) digital systems.
- (4) The Framework must promote private-sector investment in energy-efficient rolling stock and accessibility improvements.

- (5) For the purposes of subsection (4), the meaning of “energy-efficient rolling stock” includes hybrid, battery, or hydrogen technology.
- (6) The Framework must set out how procurement undertaken by, or on behalf of, Great British Railways will –
 - (a) ensure competitive tendering,
 - (b) encourage innovation in design and maintenance,
 - (c) provide private investors with a stable commercial investment environment, and
 - (d) ensure a consistent pattern for the placement of orders.
- (7) Great British Railways must align any plans for investment in the Framework with –
 - (a) its integrated business plan, and
 - (b) funding determinations for the relevant Control Period.
- (8) Great British Railways must update the Framework at least once each year after it is first published, including in relation to –
 - (a) updating Great British Railways’ strategy for its fleet of rolling stock,
 - (b) opportunities for private capital investment in rolling stock,
 - (c) the reasons for any major changes to planned procurement,
 - (d) expected timelines and volumes for procurement, and
 - (e) how it will use private investment to –
 - (i) reduce whole-life cost of stock,
 - (ii) improve quality of stock, and
 - (iii) support jobs in the rail supply chain in the UK.”

Member's explanatory statement

This new clause would require GBR to publish a rolling stock investment framework.

LORD MOYLAN

324

After Clause 95, insert the following new Clause –

“Consultation by railway employers

After paragraph 3 of Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992 (collective bargaining: recognition) insert –

“Railway employers

- 3A (1) In relation to a railway employer, references in this Schedule to collective bargaining are to consultation relating to pay, hours and holidays.
- (2) Accordingly, any method specified under this Schedule in relation to a railway employer must provide for consultation and must not require the railway employer –
 - (a) to negotiate with a trade union,
 - (b) to seek or obtain the agreement of a trade union, or

- (c) to refrain from determining or implementing a matter after consultation has taken place.
- (3) This paragraph applies despite paragraph 3 or any other provision of this Schedule.
- (4) In this paragraph, “railway employer” means an employer whose principal activity is the provision of railway services within the meaning of section 82 of the Railways Act 1993 (meaning of “railway services” etc.).”

Member's explanatory statement

This amendment would provide that, for railway employers, the statutory trade union recognition regime requires consultation with recognised trade unions about pay, hours and holidays rather than negotiation or agreement.

BARONESS PIDGEON
LORD MOYLAN
LORD HAMPTON

325

After Clause 95, insert the following new Clause—

“Cyber security and technology strategy

- (1) Great British Railways must publish a cyber security and technology strategy (“the strategy”).
- (2) The strategy must set out how Great British Railways will—
 - (a) use emerging technologies, including artificial intelligence, to innovate in respect of its operations and services,
 - (b) develop resilience for rolling stock and critical systems in line with industry and international standards, and
 - (c) increase the use of technology to improve passenger experience and services including—
 - (i) WiFi access,
 - (ii) digital ticketing,
 - (iii) real time information systems, and
 - (iv) accessibility for passengers with sight or hearing loss.
- (3) Great British Railways must publish an annual report describing progress that has been made against the strategy and any challenges that have arisen in delivering the strategy.”

Member's explanatory statement

This new clause would require GBR to publish a cyber security and technology strategy, as well as an annual report on progress.

LORD MOYLAN

326 After Clause 95, insert the following new Clause—

“Conditions for commencement

- (1) Before the end of the period of six months beginning with the day on which this Act is passed the Secretary of State must publish and lay before Parliament—
 - (a) a consultation document and draft retail code of practice,
 - (b) a final retail code of practice resulting from the consultation referred to in paragraph (a),
 - (c) a consultation document and draft access and use policy document or documents proposed under section 59,
 - (d) a final access and use policy document or documents proposed under section 59 resulting from the consultation referred to in paragraph (c),
 - (e) a consultation document and draft licence proposed to be granted to Great British Railways,
 - (f) a consultation document and draft proposals for the charging and performance schemes set out in sections 64 and 65 respectively,
 - (g) a draft rail strategy required by section 15, and
 - (h) a document setting out the stages by which Great British Railways is to be established and the target date for the completion of each stage.
- (2) Before the end of the period of six months beginning with the day on which this Act is passed—
 - (a) the ORR must publish a consultation document on the principles, practice and procedure for appeals proposed under Chapter 1 of Part 3, and
 - (b) the Secretary of State must lay that consultation document before Parliament.”

Member's explanatory statement

This amendment and two others in the name of Lord Moylan seek to place various conditions on the commencement of the principal operational provisions of the Act.

LORD HARPER

327 After Clause 95, insert the following new Clause—

“Consultation with disabled passengers before railway industrial action

After section 234A of the Trade Union and Labour Relations (Consolidation) Act 1992 (notice to employers of industrial action) insert—

“234AA Consultation with disabled passengers in relation to railway industrial action

- (1) Before a trade union gives notice under section 234A in respect of industrial action involving employees providing railway services, the trade union must consult—
 - (a) the Disabled Persons Transport Advisory Committee, and

- (b) such other organisations as appear to the trade union to be representative of disabled passengers who are likely to be affected by the industrial action.
- (2) The consultation under subsection (1) must –
 - (a) provide information about the proposed industrial action and its likely effect on railway services,
 - (b) allow consultees at least seven days in which to make representations concerning the effect of the proposed industrial action on disabled passengers, and
 - (c) be completed before notice is given under section 234A.
- (3) The trade union must have regard to representations received under subsection (2) and publish a response to those representations.
- (4) Industrial action in respect of which the requirements of this section have not been complied with is not protected industrial action.”

Member's explanatory statement

This amendment would require railway trade unions to consult organisations representing disabled passengers before giving notice of industrial action, and to have regard to any representations received.

LORD HOLMES OF RICHMOND

328★ After Clause 95, insert the following new Clause –

“Access to data

- (1) Great British Railways must provide timely, equal and unrestricted access to all non-sensitive operational, rolling stock condition, scheduling, and ticketing data to third-party innovators and public authorities via open Application Programming Interfaces (APIs).
- (2) Access under subsection (1) must be provided on a fair, reasonable, and non-discriminatory basis.”

LORD HOLMES OF RICHMOND

329★ After Clause 95, insert the following new Clause –

“Cyber security and technology strategy

- (1) Great British Railways must, within 12 months of its establishment, publish a comprehensive cyber security and technology strategy.
- (2) The strategy must explicitly detail how Great British Railways will –
 - (a) deploy emerging technologies, including artificial intelligence, to optimize safety and scheduling,
 - (b) guarantee the cyber resilience of automated rolling stock and trackside infrastructure, and

- (c) maintain digital accessibility frameworks for all passengers including those with accessibility or sensory needs.”

LORD DAVIES OF BRIXTON

330★ After Clause 95, insert the following new Clause –

“Transfer of employees to GBR

- (1) For the purpose of section 3(1)(h) of this Act, the Secretary of State must make one or more schemes under which persons who hold employment with—
 - (a) Network Rail,
 - (b) any franchise operated by DfT Operator Limited, or
 - (c) any franchise operated by a rail company under a contract with the Department for Transport,become employees of Great British Railways.
- (2) A scheme made under this section must in particular include provision that is the same as, or similar to, the provision made by the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246).”

Member's explanatory statement

This new clause is consequential on another amendment in the name of Lord Davies of Brixton to Clause 3, and seeks to enable the transfer of employees to GBR from Network Rail and DfT-operated franchises.

Schedule 4

BARONESS JONES OF MOULSECOOMB

331★ Schedule 4, page 88, line 21, at end insert –

- “21A Omit section 67(3ZA)(b).
- 21B Omit section 67(3ZA)(d).”

Member's explanatory statement

This amendment would remove rolling stock and passenger information systems from the ORR's duty to regulate competition under section 67(3) of the Railways Act 1993.

BARONESS JONES OF MOULSECOOMB

332★ Schedule 4, page 88, line 22, leave out paragraph 22

Member's explanatory statement

This amendment omits the requirement that the ORR applies competition regulation under section 67(3) of the Railways Act 1993 to Chapter 2 of Part 1 of the Railways Act 2026.

LORD LANSLEY

- 333 Schedule 4, page 93, line 8, leave out sub-paragraphs (i) and (ii) and insert –
- “(i) a strategic authority as defined under section 1 of the English Devolution and Community Empowerment Act 2026, or”

Member's explanatory statement

This amendment is consequential on the amendment in the name of Lord Lansley to Clause 5 and defines a “relevant local government body “ by reference to the definition of a strategic authority in section 1 of the English Devolution and Community Empowerment Act 2026, which includes single foundation strategic authorities and combined foundation strategic authorities as well as mayoral strategic authorities.

BARONESS JONES OF MOULSECOOMB

- 334★ Schedule 4, page 96, line 14, leave out “has the meaning given by section 1159” and insert “means a wholly-owned subsidiary within the meaning given by section 1159(2)”

Member's explanatory statement

This amendment would ensure that shares in GBR subsidiaries are wholly owned by GBR, replacing the existing definition of “subsidiary” which would allow private shareholders.

BARONESS JONES OF MOULSECOOMB

- 335★ Schedule 4, page 97, line 14, leave out “has the meaning given by section 1159” and insert “means a wholly-owned subsidiary within the meaning given by section 1159(2)”

Member's explanatory statement

This amendment would ensure that shares in GBR subsidiaries are wholly owned by GBR, replacing the existing definition of “subsidiary” which would allow private shareholders.

BARONESS JONES OF MOULSECOOMB

- 336★ Schedule 4, page 98, line 5, after “Railways” insert “and GBR companies”

Member's explanatory statement

This amendment would ensure that both Great British Railways and GBR companies are listed in Schedule 19 to the Equality Act (public sector equality duty).

BARONESS JONES OF MOULSECOOMB

- 337★ Schedule 4, page 98, line 28, leave out “has the meaning given by section 1159” and insert “means a wholly-owned subsidiary within the meaning given by section 1159(2)”

Member's explanatory statement

This amendment would ensure that shares in GBR subsidiaries are wholly owned by GBR, replacing the existing definition of “subsidiary” which would allow private shareholders.

BARONESS JONES OF MOULSECOOMB

338★ Schedule 4, page 99, line 1, at end insert—

“Economic Growth (Regulatory Functions) Order 2017 (S.I. 2017/267)

95 In the Economic Growth (Regulatory Functions) Order 2017 (S.I. 2017/267),
omit the entry for the Office of Rail and Road.”

Member's explanatory statement

This amendment would remove reference to the ORR's safety functions from the Economic Growth (Regulatory Functions) Order 2017.

Clause 98

BARONESS LEAMAN

339 Clause 98, page 61, line 19, at end insert—

“(aa) regulations under section (*Automatic delay repay compensation*);”

LORD GRAYLING
LORD MOYLAN

340 Clause 98, page 61, line 19, at end insert—

“(aa) regulations under section 71;”

LORD EVANS OF GUISBOROUGH
LORD MOYLAN

341 Clause 98, page 61, line 19, at end insert—

“(aa) regulations under section (*Enforcement powers*);”

LORD MOYLAN

342 Clause 98, page 61, line 19, at end insert—

“(aa) regulations under section (*Minimum service levels*);”

BARONESS LEAMAN

343 Clause 98, page 61, line 23, at end insert—

“(ea) regulations under section (*Anti-social noise*);”

LORD GRAYLING

344 Clause 98, page 61, line 23, at end insert—

“(ea) Regulations under section (*Establishment of the National Rail Training and Technology Academy*)”

Clause 99

BARONESS JONES OF MOULSECOOMB

345★ Clause 99, page 62, line 4, after “a” insert “wholly-owned”

Member's explanatory statement

This amendment would ensure that shares in GBR subsidiaries are wholly owned by GBR, replacing the existing definition of ‘subsidiary’ which would allow private shareholders.

Clause 101

LORD MOYLAN

346 Clause 101, page 63, line 9, after “95,” insert “(*Conditions for commencement*),”

Member's explanatory statement

This amendment and two others in the name of Lord Moylan seek to place various conditions on the commencement of the principal operational provisions of the Act.

LORD MOYLAN

347 Clause 101, page 63, line 10, at end insert—

“(1A) Sections 3 to 14, 16 to 93, 96, and Schedules 1 to 4 of this Act may not come into force until the requirements set out in section (*Conditions for commencement*) have been met.”

Member's explanatory statement

This amendment and two others in the name of Lord Moylan seek to place various conditions on the commencement of the principal operational provisions of the Act.

Railways Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

4 September 2026

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