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27 July 2006

Dear Andrew,

## **CONSULTATION ON PROCEDURES FOR REVIEWING CLOSURE REFERENCES**

We are pleased to have had the opportunity to review the ORR's proposed procedures for reviewing closure references under the network modification provisions of the Railways Act 2005 (the "Act").

For clarity, TfL sets out its understanding of the closure process with reference to Greater London as follows:

**(A) London closures:** The Act, read with the Railways (London Regional Transport) (Exemptions) Order 1994, provides that any closure (a "London Closure") in relation to:

- (1) the network, services, stations and light maintenance depots of each of London Underground Limited and Docklands Light Railway Limited; or
- (2) an "excluded London service" which has been designated a "special procedure excluded service" (each of such terms being defined in section 25(7) of the Act) by the Secretary of State,

shall be excluded from the closure procedures set out in sections 22 to 24 and 26 to 31 of the Act. Accordingly, there is no requirement to refer a proposal for a London Closure to ORR. However, to the extent that any proposed closure relates to an "excluded London service" which is a "special procedure excluded service", an alternate closure procedure applies to that closure pursuant to Schedule 8 (*Proposals to discontinue excluded London services*) of the Act,

under which the consent of the Mayor of London is required to “conclude” such proposed closure.

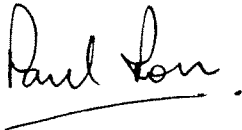
**(B) North London Railway (Silverlink Metro Network):** Under the terms of transfer of responsibility for the services comprising the Silverlink Metro Services (the “North London Railway Services”), the Secretary of State set out that, if appropriate, he would designate such services as “excluded London services”. This designation has yet to be made. However, should it be made, it is envisaged that any proposed closure in relation to a North London Railway Service would be referred to the Mayor (and not to ORR) for consent under Schedule 8 (*Proposals to discontinue excluded London services*) of the Act.

**(C) National Rail services operating with Greater London:** Subject to any future designation of the North London Railway Services or any other National Rail services operating within London as “excluded London services”, any proposed closure in relation to a national rail service operating within Greater London falls to be dealt with under sections 22 to 24 of the Act. It will be necessary, therefore, for referrals of closure proposals in relation to such services to be made to ORR i.e. such services will not be “excluded London services”. With regard, generally, to National Rail services operating in Greater London, TfL would mention that in its recent response to the DfT’s Consultation on the implementation of the Railways Act 2005 provisions on closures and minor modifications, it said it believed it appropriate that, having regard to the Mayor’s overall responsibilities for public transport in Greater London, all local London rail services operating within Greater London (including both the North London Railway Services and all other National Rail services) should be designated as “London services” and be subject to the Schedule 8 (*Proposals to discontinue excluded London services*) closure regime.

With regard to the remainder of the National Rail network, the discontinuance of operation of passenger networks is covered by sections 26 to 28 of the Act. At present, there are no London-specific provisions for the National Rail network in London.

The consultation to which this response relates is limited to addressing how ORR proposes to review closure proposals referred to it under the Act. As such, there do not appear to be any major issues of concern for TfL and we therefore support the proposals.

Yours sincerely,

A handwritten signature in black ink that reads "Paul Ross". The signature is written in a cursive style with a horizontal line underneath.

Paul Ross

**Rail Liaison Officer**

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