

Transport Committee

Railways Bill: Government Response

Fourth Special Report of Session 2024–26

HC 1836

Transport Committee

The Transport Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Transport and its associated public bodies.

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Fourth Special Report

The Transport Committee published its Eighth Report of Session 2024–26, [Railways Bill](#) (HC 1472), on 10 February 2026. The Government Response was received on 9 April and is appended below.

Appendix: Government Response

Introduction

The Government welcomes the Transport Select Committee’s report on the Railways Bill and the recommendations published following their inquiry into the legislation. We are grateful for the scrutiny the Committee has provided, the conclusions they have come to, and their support for the main purpose of the Bill in establishing Great British Railways (GBR) as a single organisation overseeing both track and train and capable of acting as a ‘directing mind’ for the railway.

It is widely recognised that our railways need reform. Parliament has continually highlighted that services are unreliable, customers are unhappy, and taxpayers are getting poor value for money. These issues have been caused by a system which is overly fragmented and suffers from a lack of clear accountability. The Railways Bill is the solution to these issues and others that have plagued our railways for too long.

These issues are seen throughout our railways. In ticketing, there are more than 20 different websites and apps that customers can buy tickets from, all of which offer different fares and discounts, and all of which are separate from the additional apps and websites that disabled people have to use to book passenger assist. The Bill, by enabling GBR to sell tickets, will fix

that: GBR's website and app will sell tickets for all its services in one place, helping customers to find the most appropriate fare, with no booking fees. And passenger assist will be able to be booked in the same place too.

Ridding the sector of fragmentation and complexity is key to the Government's reforms. A 2020 report found that Network Rail and train operators were employing hundreds of people to work out who was to blame for disruption - which is symptomatic of a system where operators are not incentivised to take responsibility and fix problems. The Railways Bill makes clear that in future, GBR will be responsible and held to account for delivery.

That will also extend to how our network is managed. Currently, our network is congested and overfull, with a timetable that no one can agree on and a system of organising train times which makes disruption and cancellations worse, not better. For example, on major national routes like the East Coast Main Line, timetables are often built by trying to piece together layers of past decisions and contractual rights. This recently led to Network Rail, the ORR and operators being unable to agree a timetable with the Rail Minister needing to step in. Putting GBR in charge of access will change this by ensuring there is one body responsible for reviewing routes, making more space, and making the timetable work.

The framework established by the Bill will provide new leadership, accountability and long-term thinking to a sector in desperate need of it. As the 'directing mind' for the railway, GBR will set fares and sell tickets, make the best use of the rail network, work closely with Devolved Governments and local leaders, promote the use of rail freight, and crucially be a single body accountable for the overall performance of the railway and the experience of its customers.

Alongside this, the Bill also paves the way for a powerful Passenger Watchdog. GBR is expected to succeed in delivering for the passenger and will have every incentive to do so. If it does not, the Watchdog will have strong investigation powers and will be able to demand data and information from GBR and other operators to expose issues where passengers feel they are being let down. The ORR will also have an enhanced monitoring role, providing expert advice to the Secretary of State in its role as industry regulator to ensure GBR is fulfilling the commitments within its business plan, appropriately considering its general duties and acting in accordance with its licence – which the ORR will enforce.

All of this will be underpinned by the Secretary of State's Long Term Rail Strategy which will set the overarching objectives and strategic direction GBR will be expected to deliver. This will empower GBR to deliver wider

social good, balancing its objectives and available funding to support delivery of wider benefits such as housing, net zero and regional growth across the country.

The Railways Bill represents a once in a generation chance to transform our railways and the Government recognises the need to ensure this truly reflects the needs of passenger and freight customers, understands the impacts on businesses, and can be delivered and implemented successfully. With this in mind, we have carefully considered the Committee's report and evidence provided, and our response to each recommendation is set out below.

The Railways Bill

Recommendation 1: Before the Bill reaches Report Stage in the House of Commons the Department for Transport should publish a comprehensive list, with target dates, of decisions, key documents and planned consultations leading up to the establishment of Great British Railways and in its first year of operation. This should include milestones for consultation and negotiation with the affected workforce.

The Government agrees with this recommendation.

The Government recognises the value in providing further clarity to parliament and stakeholders in the run up to GBR establishment. Providing stakeholders with certainty as we transform our railways is vital to instilling confidence in the sector and contributing to its growth. We have already responded to calls to publish the Memorandum of Understanding with Welsh Ministers, and we have published a Framework for the Memorandum of Understanding with Scottish Ministers, both of which were made available on Gov.Uk at the end of March.

However, we recognise these documents form just one piece of the framework of publications that support the Bill. The Government is therefore happy to commit to publishing a document this Spring outlining key documents and target dates to ensure Parliament and industry stakeholders have confidence that further information on these products will be timely and forthcoming.

Scrutiny of the Bill

Recommendation 2: We urge the Government to consider how best to manage the timetabling of major legislation in the House of Commons to give a reasonable opportunity for relevant departmental select committees to conduct complementary scrutiny.

The Government notes this recommendation and agrees that departmental select committees can be a valuable and important part of the scrutiny process. The Transport Select Committee has provided useful insight and the department would be pleased to continue engagement with the Committee as the Bill progresses and during the GBR design and set up process. On timetabling, the Government makes every effort to ensure that scheduling allows proper scrutiny to be afforded to each Bill, although the Committee will be aware that all scheduling decisions are subject to Business Managers' decisions on timetabling and that long gaps between stages are not always viable.

A Better Railway for Passengers

Relationship between the Secretary of State and GBR

Recommendation 3: We recommend that clause 7 of the Bill be amended to require that use of the power of direction must be necessary and proportionate. This would preserve the Secretary of State's power of enforcement over GBR and ability to course-correct on strategic issues, but would prevent micromanagement of its operations.

The Government partially agrees with this recommendation.

The Government agrees with the Committee that micromanagement and political involvement has become a common feature of the current rail landscape. However, it is clear this is largely a symptom of the fragmentation that plagues the existing system. Currently there is no single point of accountability – no one person or body is responsible for taking decisions which has led the Department to step in to push decisions across the line. We have seen this most recently with the implementation of the timetable for the East Coast mainline. No one in the current system was able to take charge to act in the interests of passengers and taxpayers, to take a judgement about the overall public good. This led to a 5-year delay where the benefits of billions of pounds of investment for new trains

and infrastructure couldn't be realised. It was only with the intervention of the Rail Minister, stepping up to fill this vacuum, that a reliable, long-term timetable was able to be successfully implemented.

The Government agrees this has got to change if we are to have a successful rail system that delivers for passengers and freight customers. The railway should be run by experts, not politicians. The establishment of GBR is therefore the only answer. It will simplify this system and ensure there is one, accountable body responsible for overseeing both track and train, inherently erasing the need for Ministerial or departmental overreach.

The Government notes the potential tension highlighted by the Committee between the role of the Secretary of State and that of GBR. However, we are clear that GBR will be empowered to be a commercially minded organisation that operates at arm's-length from the Government and is trusted to take charge of the railway without being overly hindered by bureaucracy. That is absolutely the Government's intention, and we agree with the Committee that any Secretary of State's use of directions should never become a routine step – it is a responsive tool for necessary course correction, to be used proportionally and where there is strong justification. Whilst we expect this power will be rarely used, it is necessary in instances of serious operational failure or unforeseen crises such as Covid 19, where it would be responsible for the democratically elected Secretary of State to take action in the form of a direction.

However, the Government disagrees that amending the Bill is necessary to achieve this. This power is common in the relationships between Secretaries of State and Arm's Length Bodies across Government, and there is already existing precedent that these powers are used infrequently and proportionately. For example, the Oil and Gas Authority have only received one Ministerial direction in its 10-year history. A legislative requirement is therefore not necessary to ensure the Government will act in a proportionate and justifiable way - public law already requires Ministers to do this based on the legitimate expectations set by public authorities making these decisions, and there is long precedent that similar powers are used rarely and proportionately.

Therefore, while we agree with the sentiment of the Committee that GBR must be empowered and operationally independent from Government, we do not believe the suggested amendment to clause 7 is necessary and can instead be managed by clear processes, which Government has already said will underpin the relationship with GBR. However, in acknowledgement that there is a shared vision of GBR empowerment between the Government and the Committee, we are willing to provide further information on the power as part of the published framework agreement between GBR and the Secretary of State.

The Long Term Rail Strategy

Recommendation 4: More detail in the Bill on what the Long Term Rail Strategy must include would help to ensure the document is meaningful and useful, and that it gives a measure of clarity and certainty.

The Government partially agrees with this recommendation.

The Government welcomes the conclusion drawn by the Committee that the clarity provided by a Long Term Rail Strategy (LTRS) will have “benefits [...] in terms of efficiency, planning for rail infrastructure and clarity for the wider economy”. This is precisely the Government’s intention, and we agree with the view of the Committee that the greater the clarity provided by the strategy on long term strategic objectives, the greater the benefits will be. This is precisely why we have mandated the requirement for the LTRS within primary legislation. It is a critical driver of our vision for the reformed railway.

Whilst the Government does not agree the Bill is the place to provide this detail due to the rigidity and enduring nature of legislation, in recognition of the desire from the Committee and wider industry, the Government will publish a discussion document providing more detail on what the LTRS will include alongside Bill passage through the House of Lords. This will ensure clarity and certainty for the sector providing confidence and direction as we establish GBR.

Recommendation 5: There is inevitably a tension between realising the value of a truly long-term strategy and recognising that governments must retain discretion and flexibility. It is essential that the Long-Term Rail Strategy does not lose continuity and become in effect a series of short-term strategies. The Bill should be amended to require that the Strategy be laid before Parliament, and that, where the Secretary of State makes substantive changes, it be required to be laid again in its amended form.

The Government partially agrees with this recommendation.

The Government understands the need for continuity for the sector and the confidence this can provide the rail industry and wider supply chain. We agree with the committee that it is vital the LTRS does not become short-term and lose the features that make it so valuable in an industry that has historically lacked true long-term vision and strategy. That is why we have already committed for the LTRS to cover a 30-year period to provide the long-term certainty that has been absent from the railway for generations.

The Bill already provides that the LTRS must be published and if the Secretary of State revises or replaces the LTRS in any way, they must then publish this updated version. The Government is therefore confident that there is a sufficient process already in the Bill to ensure any changes to the strategy are transparently communicated with the public, and disagrees a legislative amendment is needed. However, in recognition of the desire from the Committee to ensure there is proper parliamentary scrutiny of the LTRS, the Government will happily commit to laying a Written Ministerial Statement as well as a copy of the LTRS in the library of both Houses to ensure parliamentarians can scrutinise the strategy and any revisions made to it.

Great British Railways' Licence

Conclusion: We urge the Government to publish at least an initial draft of GBR's licence before the Bill's Report Stage so that the draft can be subject to scrutiny by the House of Commons.

The Committee's Report notes that the record has been corrected regarding this. However, the Government recognises the desire from both the Committee and industry stakeholders to have more detail on what the draft licence may contain. In recognition of this, the Government will aim to publish a policy document on the contents of the draft licence before the Commons Report Stage of the Bill, so that it can be subject to scrutiny by the House of Commons. We can also reassure the Committee that full consultation on the draft licence will begin later this year during passage of the Bill.

Duties placed on GBR, the ORR and the Secretary of State

Recommendation 6: As GBR is accountable to the Secretary of State for fulfilment of its duties, we recommend the Secretary of State issues and publishes statutory guidance on how GBR, at least, should weigh up competing elements of the duties. This will allow for consistency and transparency in decision-making. The guidance must make it clear that cost must be considered proportionately and not outweigh all other considerations.

The Government notes this recommendation.

The Government welcomes the Committee's support for an aligned set of duties across key industry bodies within the Railways Bill. However, as the ORR explained to the Committee, the Railways Bill deliberately does not provide for a hierarchy between the general duties. They are

legal requirements and none of them can be ignored or sidelined. The Government therefore disagrees with the need for the Secretary of State to provide statutory guidance as it will be the responsibility of the bodies subject to the duties to ensure that their decision-making demonstrates consideration of competing requirements and seeks to strike an appropriate balance in making trade-offs. As long as the bodies bound by the duties are all aiming to achieve the same outcomes, then we can be confident that they will be pulling in the same direction. If they differ slightly on how to get there, then that is constructive challenge in action. The system is set up so that the bodies can provide checks and balances on each other, ultimately making sure that the outcomes we all want are achieved in the best possible way through cooperation and challenge.

It is normal for public bodies to balance a range of regulatory requirements and legal duties when making decisions. Indeed, this has long been the case for rail legislation, with both the ORR and Ministers already being required to balance their duties in section 4 of the Railways Act 1993 in decision making. This should continue to be the case for GBR, which should be empowered to make decisions as the ‘directing mind’ of the railways accountable not only to its customers but also to a democratically elected Secretary of State, who is in turn responsible to Parliament. That intention would be significantly undermined if the Secretary of State prescribes how to take every decision and did not allow GBR to make evidence-based policies.

The way that the process will work in practice is as follows: GBR will publish and consult on its draft Business Plan during the Funding Period Review process. This will provide transparency about what and how GBR will be delivering. It will be a clear articulation of how GBR proposes to balance its duties and establish its objectives, including how these will be achieved. In response to this, the ORR will provide the Secretary of State with, and publish, advice on GBR’s business plan. This will mean that there is an independent expert body weighing up the effectiveness of GBR’s plans in achieving government’s overall objectives, including commentary if necessary, on how it has balanced its duties, therefore ensuring transparency. The Secretary of State then approves the business plan only if she is content that the way GBR proposes to balance its duties within the plan works well according to her own sense of the duties and to the ORR’s advice. This process is deliberately designed to provide effective constructive challenge and ensure the duties are balanced appropriately, according to all three key actors in the railway.

The business planning process, and the inherent checks and balances within it, is already set out in legislation. Therefore, adequate scrutiny of how GBR intends to balance its duties already exists within the legislation. This is achieved without the need for statutory guidance provided by the Secretary

of State, and in a way which preserves GBR's ability to act as an empowered body and present its own initial proposal for how its duties should be balanced.

Recommendation 7: We are concerned that there is no specific mechanism to assess GBR's performance against the passenger interest duty placed on it by the Bill. The standards set by the Passengers' Council will be part of GBR's licence, enforced by the ORR. The Bill should also contain a mechanism for performance against the relevant standards to be taken into account by a court making a judgment on whether the duty to promote the interests of users in clause 18(2)a has been met.

The Government partially agrees with this recommendation.

The Government disagrees that the Bill needs to be amended to ensure that the relevant policies, standards and commitments could be considered by a court when making a judgement on GBR's application of its duties. Should a person with a sufficient interest make a judicial review claim against GBR for not complying with the law, the courts would be able to, at their discretion, review all the evidence they considered relevant to determine whether GBR had adequately considered its passenger interest duty in decision-making. This could include any passenger standards set by the Passenger's Council, as well as any direction and guidance issued by the Secretary of State and GBR's business plan. We therefore think that the intention of this recommendation is delivered by the legislation as drafted.

However, we appreciate that the Committee is also raising a wider point about the importance of the duties to the operation of GBR, and the need to ensure that GBR's decision making is compliant with them. The Government agrees with this intention. The general duties will be the legal foundation underpinning GBR's decision-making when it exercises its statutory functions. If GBR fails to appropriately apply these duties when making decisions, it would be acting unlawfully. As a public body, our starting point must be that GBR will follow the law. GBR will be expected to demonstrate how it has considered its general duties via its Business Plan with the Secretary of State signing this off following expert advice from the ORR. However, if GBR was not to appropriately consider its duties, including the passenger interest duty, there is clear sequencing of enforcement action which can be undertaken.

The Bill sets out that both the ORR and the Passengers' Council will monitor GBR's delivery and its impact: the ORR's monitoring role in particular is enhanced in the Bill from what it is in today's system. If either the ORR or the Council thought that GBR was not sufficiently considering its duties they can:

- a) raise the issue with the GBR Board,
- b) publish information to “name and shame” GBR and
- c) escalate to the Secretary of State for consideration and intervention.

Upon receiving this advice, if the Secretary of State deems that GBR actions have not appropriately considered its duties, they could:

- a) speak to GBR’s chair,
- b) provide GBR with written guidance that they must have regard to, and finally,
- c) when assessed to be necessary and proportionate, issue a binding direction for GBR to change course.

These steps are in addition to any enforcement action taken by the ORR as a result of a breach by GBR of its licence. This means affected passengers or stakeholders would not need to wait for a lengthy judicial review process for enforcement action to take place.

The Government’s position is therefore that the existing legislative approach is sufficient to safeguard the duties and to ensure GBR’s compliance with them.

Recommendation 8: The Bill should be amended to include a duty on the Secretary of State to set a passenger journey growth target similar to the duty to set a freight growth target in clause 17. A target would incentivise commercially minded improvements to services. This must not come at the expense of freight, which should be reflected in the Bill. Increasing passenger journeys will help achieve the Government’s aims to support growth and decarbonisation through connectivity and modal shift. It is also fundamental to the purpose of GBR—so seems an odd omission from the legislation.

The Government notes this recommendation.

The Government agrees with the Committee that increasing passenger numbers is important not only to encourage modal shift and connectivity but also to increase revenue and reduce taxpayer subsidy. It is crucial that GBR does not just look to manage demand at a steady rate – GBR must actively work to attract passengers to use our railways. This is not only central to the Government’s plans to reform our railways but must also be central to GBR once it is established.

However, the Government disagrees that including a passenger growth duty is the only way to ensure this. In fact, the shared goal of passenger growth is already enabled by the following:

First, as a commercially minded organisation operating passenger services, GBR will be naturally incentivised to drive up revenue through growing its passenger base and attracting more people to use the railways.

Second, the LTRS will also set out the Government's wider plans for encouraging more passengers to our railways and will ensure this is considered by GBR within its Business Plan and wider objectives.

And finally, GBR's general duties at clause 18 include a duty to promote the interests of users and potential users of the railway. This requires GBR to consider how best to encourage new users onto the railways – it is already, effectively, a passenger growth duty. Fulfilling this duty is likely to include working towards modal shift, extending the network to areas with poorer connectivity, or making informed choices to grow different types of services such as leisure journeys to make the railways more attractive to passengers.

The Government does not agree that an additional passenger growth target within the legislation is necessary, given the existing measures to support passenger growth. In discharging the full remit of its duties, GBR will be able to make sensible rounded decisions to target passenger growth across the network in a sustainable way. The Government agrees there would be a clear omission within the legislation should there be no mechanism to consider future passengers on the railway. However, GBR's duties clearly address this and ensure that GBR is actively promoting the interests of users and potential users of the railway.

The Role of the Passengers' Council

Recommendation 9: Standards set by the Passengers' Council will be a crucial tool in improving the passenger experience of the railways. The Government clearly intends the Council to set such standards, so it is odd that the Bill only confers on it the power to do so rather than requiring this to happen; the Bill should be amended to this effect. The Government's intention that the Council be able to set standards in areas other than passenger information, compensation, complaints and accessibility should be reflected more clearly in the legislation. The Bill should explicitly state that the Passengers' Council has discretion to set standards on any other matters it deems necessary for the fulfilment of its statutory duties.

The Government notes this recommendation.

The Government agrees with the Committee that the setting of passenger standards will be a crucial tool in improving passenger experience on the railway. That is exactly why we have given the Passengers' Council

the ability to do this so that the passenger experience is consistently and relentlessly championed. However, as the Government has been clear that the Council will set passenger standards that will be conferred on GBR as part of its licence, we do not feel the recommended amendment to the Bill is necessary. The intention for the Passengers' Council to set standards was clearly committed to in the Government Response to the Railways Bill consultation, following significant calls for this approach from respondents. The Railways Bill reflects this commitment, and it would be inconceivable that the Passengers' Council would choose not to set standards when it has the power to do so. Additionally, the Passengers' Council will take on oversight of the passenger standards that currently exist from day one of its operation. This will ensure there is no lapse while the Council considers any further standards for future implementation.

The reason that the Bill is drafted as “may” set standards rather than “must” is because naturally we want the Passengers' Council to consider the current standards fairly and reasonably, and make additions and changes where they are necessary to improve outcomes within the rail industry. There may be some standards which operate effectively as currently drafted and which do not require significant changes. Therefore, the Passengers' Council “may” set standards, it should not be required to do so in every instance. That would be regulation for regulation's sake, which is contrary to the Government's own Better Regulation principles. In all of our reform plans, it is our express intention to reduce fragmentation and bureaucracy, to benefit passengers and freight customers. However, the Government has been clear that in areas where the rail industry is already acknowledged to be under-performing, such as in accessibility, for example, a Passengers' Council standard will be developed.

The Government is therefore confident that the language in the Bill is sufficient to ensure the Passengers' Council is suitably empowered to set and monitor passenger standards effectively, within the principles of good regulation.

The Bill allows for the Passengers' Council to set standards on any matters it deems necessary, across the range of passenger experience related issues. In the Government's view, the Bill is clear that the list provided within the legislation is not exhaustive and rather illustrates some of the areas the Council may consider. However, the Government recognises the Committee's ask for clarity regarding this and would therefore be happy to update the Explanatory Notes accompanying the Bill to make this clear.

Recommendation 10: The Passengers' Council will be required by the Bill to protect passengers' rights through monitoring operators' compliance with its standards and receiving, considering and investigating complaints. It must be trusted to carry out that role. We consider it

unlikely in the extreme that the Council would find a frivolous matter worthy of referral to ORR for enforcement. The Bill should therefore be amended to require ORR to take action from the range of enforcement actions open to them, unless there is a legal impediment to doing so or the issue has been satisfactorily remedied, within a limited timeframe following a referral of an issue by the Passengers' Council.

The Government partially agrees with this recommendation.

The Government agrees with the Committee regarding the importance of the Passengers' Council being trusted to carry out its role. As recognised by the Committee, disabled passengers already face an unacceptable number of obstacles when trying to raise complaints. That is why the Government is committed to establishing a strengthened Passengers' Council that will be able to champion the experience of disabled passengers and address the barriers that have prevented improvements. It is only by sufficiently empowering the Council that it will truly be able to achieve this. The Government also agrees that it would be extremely unlikely that the Council would refer any issues to the ORR that were not serious, important and thoroughly investigated. However, this does not mean that the ORR should be bound to take action, and the Government therefore disagrees with the recommended amendment as a result.

The Government is clear that the ORR will not be able to ignore the Council. However, as the Council will champion passengers' interests, it will not have the neutrality needed to be an enforcement body in the same way that the ORR as the overarching sector regulator will. The Council will have a sole focus on the passenger, so it will not have the wider perspective of other challenges facing the railway that the regulator will. For example, it would always find in favour of passengers compared to freight customers. That is why it is vital that the ORR, as the independent rail regulator, satisfies itself against its own duties and obligations that enforcement action is appropriate and what form this will take. The ORR must then inform the Passengers' Council of what action it took and the rationale for it.

However, the Government acknowledges the Committee's concerns about the speed of referral and agrees that it is critical that passenger issues are dealt with appropriately, effectively, and swiftly. The provisions outlined in the Bill regarding this will therefore be supported by a Memorandum of Understanding agreed between the Passengers' Council and the ORR which will set out exactly how the two organisations will work together and the process and timeframes for enforcement referrals. This will ensure a seamless experience for addressing the most important issues affecting the passenger experience on the railway. The Government would be happy to keep the Committee updated on the progress of this.

Recommendation 11: To enhance and help safeguard the independence of the Passengers' Council, we recommend that the Chair of its board be added to the list of posts for which our Committee is expected to hold a pre-appointment hearing with the Government's preferred candidate.

The Government agrees that the Passengers' Council must be a robust, independent voice to champion the interests of passengers. The Council's Board will be a key mechanism in ensuring the Council delivers this and the Government recognises the important role the Chair of the Passengers' Council will have in providing leadership and direction. The Government also agrees that, as the Council will oversee the performance of rail operators including GBR in the context of the passenger experience, it is vital the Chair of the Board is suitably independent in order to properly scrutinise and hold these operators to account.

As this recommendation is not legislative in nature, the Government will continue to consider this recommendation as part of the ongoing design process of the Council to ensure there is opportunity for the due consideration needed to take place. The Government will write to the Committee to provide a final response in the coming weeks.

Accessibility

Recommendation 12: The clause 18 duty on Great British Railways, the Office of Rail and Road and the Secretary of State, and the clause 36 duty on the Passengers' Council, should be amended to require these bodies to exercise their functions in a way that improves accessibility of the rail network.

The Government notes this recommendation.

The Government welcomes the Committee's support for the specific inclusion of the needs of disabled passengers in the passenger interest duty at clause 18, and in the duty on the Passengers' Council at clause 36. Accessibility is one of the Government's top priorities for the railway and will be a central focus for GBR and other key decision-makers in the industry. That is exactly why we have included the duties at clause 18 and clause 36. This means that for the first time passenger services on our railways will be bound by an accessibility duty. This is a significant improvement to the current framework where there is no accessibility duty in legislation for any train operating company or for Network Rail. These duties make it clear that GBR, Ministers, the ORR and the Passengers' Council must consider the needs of those with disabilities when carrying out their statutory railway functions. This means promoting the interests of disabled passengers will be an integral part of decisions made on the railways.

Therefore, the Government disagrees with the recommended amendment as the current wording will already drive continual accessibility improvements. The detail of these improvements, including the expectations on GBR for delivery, will be set out by GBR within its Business Plan. Before signing this off, the Secretary of State, with advice from the ORR, will need to be comfortable that the ambition shown by GBR within the Business Plan reflects adequate consideration of all of its duties, including to promote the interests of disabled passengers.

This highlights how the duties sit within the wider framework setting the strategic direction for GBR. Accessibility is a key tenet throughout this framework. For example, another part of that framework is the LTRS to which GBR will have to have regard. One of the stated objectives for the LTRS is that GBR will meet the needs of customers, and, as set out in the [LTRS Fact Sheet](#), improving accessibility will be a key element of meeting this objective.

Taken together, a clear ambition for the future of our railways within the LTRS and the specific accessibility duties provide us with confidence that GBR and others will exercise their functions in a way that encourages accessibility improvements across the railways in an affordable, sustainable way. The Bill as drafted should achieve this objective already.

Recommendation 13 : Under the Bill as drafted, GBR is subject to the general Public Sector Equality Duty but not the specific equality duties that support the general duty. The Bill should be amended to add GBR to the list of bodies in schedule 2 of the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017; there should be no need to bring forward separate regulations at a later point to effect this.

The Government partially agrees with this recommendation.

As the Committee notes, currently franchised Train Operating Companies are not bound by either the general or specific Public Sector Equality Duty (PSED). To underline this Government's commitment to accessibility and non-discrimination, we have not only committed to the general PSED applying to GBR but also the specific PSED too. We intend to confirm application through the use of the powers provided to the Secretary of State under section 153 of the Equality Act 2010 once GBR has been designated as the integrated rail body, with its corporate structure in place.

Therefore, we disagree with the recommended amendment to the Bill as the Government has clearly stated its intention and would be happy to reiterate this on the floor of the House. If the Committee requires further reassurance regarding the Government's plans for the specific duty, we will happily continue engagement with them until the SI is laid.

Recommendation 14: The Bill should be amended to require that at least two members of the Passengers' Council board have lived experience of travelling as a disabled person. We see no reason why the Government's intentions in this respect should not be codified and safeguarded in legislation, given the utmost importance of involvement of disabled people at strategic levels.

The Government partially agrees with this recommendation.

The Government is clear that the Passengers' Council must represent all passengers including disabled passengers. Under current arrangements, the Passengers' Council Board is comprised of 8 members. Two of the members of the current Passengers' Council Board have direct experience of accessibility issues. Of these, one has lived experience as a disabled passenger; and one is a former chair of the Disabled Persons Transport Advisory Committee and is the current chair of the National Centre for Accessible Transport. The Government is not proposing to change this as the Passengers' Council moves from Transport Focus to the Passengers' Council.

Additionally, the general duties contained in clause 18 of the Railways Bill to promote the interests of passengers including, in particular the needs of disabled passengers and to act in the wider public interest will apply when making decisions relating to Board appointments for the Passengers' Council. This will ensure that the future composition of the Board continues to be suitably representative of passengers, including disabled passengers.

Therefore, while legislation is not needed to ensure this representation continues, the Government will happily confirm its intentions for this on the floor of the House to ensure both the Committee and disabled passengers are reassured there will be no rolling back of representation on the Board of the Passengers' Council.

Recommendation 15: The Equality Impact Assessment should have been published alongside the Bill to assist parliamentary scrutiny; we look forward to seeing it published as soon as possible. We ask that the Government clarify in that document or elsewhere the intended legal relationship between the clause 18 duty on promoting the interests of disabled people and the anticipatory duty under the Equality Act 2010 to make reasonable adjustments for disabled people to access services.

The Government agrees with this recommendation.

The duty at clause 18(2)(a) of the Bill will require the sector bodies to promote the interests of passengers, including in particular the needs of disabled persons when these bodies exercise their statutory functions. Therefore, the accessibility duty will independently support some of the requirements under the reasonable adjustments duty at section 20 of the

Equality Act 2010. Naturally, the sector bodies will also consider and apply the relevant duties under the Equalities Act 2010 separately and in addition to the accessibility duty.

This relationship is set out in the Equality Impact Assessment which the Government has recently published, following our commitment to the Committee to do so before Report Stage.

Access

Recommendation 16: While the Government insists that the intended relationship between clause 60 and clause 63 is clear, multiple stakeholders disagree. The Bill should be amended to make it clear that the capacity duty does not apply until after an infrastructure capacity plan has been developed.

The Government notes this recommendation.

The Government welcomes the Committee's support for the freight target set out in clause 17 and the freight duty set out in clause 18, the inclusion of which reflects the Government's ongoing commitment to maximising the environmental and economic opportunities that rail freight provides.

The Government notes the Committee's concern that the relationship between clause 60 and clause 63 is unclear and the risk this may have on certainty for freight operators. However, the Government disagrees the Bill needs amending to clarify this and will instead provide additional clarity below which Ministers would be happy to repeat on the floor of the House to reassure stakeholders and the Committee alike.

GBR will set out what it considers to be the best use of the network when it develops its "Infrastructure Capacity Plan" under clause 60. The clause 63 duty does not apply at that stage. Clause 63, subsection (1) sets out that the capacity duty applies only in two specific circumstances:

- a) when deciding whether to permit any person to access or use GBR infrastructure for the operation of trains other than GBR passenger services, or
- b) when preparing, issuing, and revising a working timetable.

Limb (a) refers to GBR making individual decisions to grant a specific operator permission to use GBR infrastructure to allow them to operate services, typically in the form of a contractual agreement.

Limb (b) refers to GBR's statutory function to prepare, issue and revise a working timetable.

Both are very different functions from developing an Infrastructure Capacity Plan at clause 60. The Infrastructure Capacity Plan will set out GBR's view of the best use of the network in terms of capacity allocated to different types of train service. For example, GBR passenger services, open access passenger services, devolved government services or freight. It will not confer any right on any specific person to access GBR infrastructure to operate services, and it is also clearly not a timetable. The Government is therefore clear that this means that clause 63 duty does not apply at the clause 60 capacity planning stage. The clause 63 duty applies when GBR is issuing capacity commitment contracts to individual operators, and when it is developing its timetable.

This means that when GBR is developing its Infrastructure Capacity Plans it will consider its clause 18 duties at that stage. GBR will have no legal basis to apply the clause 63 duty when developing Infrastructure Capacity Plans and if it were to, this would be appealable to the ORR.

This model is reflected throughout Network Rail's Access and Use Policy Discussion Document published in December 2025, which includes detailed proposals for how the Infrastructure Capacity Plans will establish market uses. Network Rail state in their document: "Capacity plans are... designating and describing the capacity allocated to markets or service types and regular engineering work in the medium and longer term. Plans will allocate capacity to types of service as capacity designations and provide the information for GBR to make capacity commitments to specific users and itself." It is clear that individual commitments are not given at the capacity planning stage.

The Government is therefore confident that the Bill is already clear on this matter, and has been engaging with stakeholders to that effect in recent weeks.

Recommendation 17: The broad powers in clause 71 for the Secretary of State to alter existing access agreements could have a dampening effect on long-term investment in the railways by giving rise to uncertainty. The Government must consider whether these powers can be revised to provide reassurance to business and industry. The clause should be amended to require consultation with affected parties before regulations are drafted.

The Government partially agrees with this recommendation.

Providing as much certainty as possible for existing operators is central to the Government's plans for reforming how operators can access the network. That is why the Government has committed to honouring all

existing Schedule 5 access rights until their natural expiry, as well as honouring the charging determination set by the ORR for the remainder of the current control period. This clause does not change that.

The Government agrees with the Committee that, should the power at clause 71 ever need to be used, consultation with affected parties is crucial for providing certainty and reassurance to industry. However, the Government disagrees that legislation is needed to facilitate this. Early engagement with third party operators is already being undertaken by Network Rail, without any legislative requirement in the Bill. The Government has also committed publicly to ensuring operators with existing contracts in scope of needing this power will be consulted to identify inoperable clauses and agree on replacement wording.

The ability to amend contracts is a necessary legal backstop, intended to be used as a last resort only, to ensure smooth transition to the new regime; or to avoid leaving operators with unworkable arrangements. There is a risk that without this power, existing contracts will be inoperable, because the contracts reflect today's industry structure including the role of the ORR on access and charging, rather than the new structure for GBR. It does not serve anyone, including open access operators, for valuable access contracts to become inoperable and outdated. Therefore, this clause ensures that once GBR is established, those with existing contracts can continue to operate with confidence.

Recommendation 18: While the role of open access passenger services is a matter for debate, we note that it is the Government's clear intention to promote greater freight use of the railway. The appeal mechanism for open access decisions set out in the Bill—applying judicial review principles—is overly narrow and jeopardises this aim. The Bill should be amended to give freight operators the ability to appeal access decisions to the Office of Rail and Road on additional grounds that reflect the outcomes the Government is seeking from an increase in rail freight.

The Government notes this recommendation.

The Government recognises the environmental and growth opportunities rail freight provides and is committed to growing this important sector. That is why the Railways Bill contains two duties specifically related to increasing freight on our railways. Not only will the Secretary of State set a freight growth target that GBR must have regard to but GBR, the Secretary of State and the ORR will have a statutory duty to promote the use of rail freight on our network. This means that when GBR is deciding on 'best use' of the network, it must consider these statutory requirements and cannot prioritise its own services unfairly ahead of freight.

However, the Government disagrees with the Committee's proposed amendment because if freight operators feel they have been unfairly treated, there is already a robust route of appeal to the ORR within the Bill. The ORR applying judicial review principles when it determines appeals is a deliberate and essential feature of this framework. Applying judicial review principles focuses the appeals process on legality, fairness and consistency with GBR's statutory duties and published policies, rather than re-running strategic judgements about network use. This strikes the right balance between accountability and effective decision-making.

For example, if GBR were to not allocate certain capacity for freight use during the capacity planning stage, an affected freight operator could appeal that decision to the ORR. The ORR would assess whether GBR had acted lawfully and rationally, including whether the decision was compatible with its statutory duties, such as its clause 18 duties which include the duty to promote rail freight. The ORR will also consider whether the decision was consistent with GBR's other legal obligations, such as the clause 17 duty to have regard to the freight growth target, and whether GBR had followed the process set out in its Access and Use policy.

The appeals mechanism therefore supports the Government's overall aims for rail freight growth: if GBR fails to pay proper regard to its freight duties, or if it fails to comply with its own published policies and procedures in a way that disadvantages freight, we would expect the ORR to uphold an appeal on those grounds.

However, GBR must be empowered to act as the access decision maker, or we will not see the benefits of a more coordinated timetable, including fewer delays, more reliable services, or the possibility of new routes. The ORR is there to ensure that GBR has acted correctly, not to be the directing mind in its place. This is the only possible solution to ensuring that decisions regarding access to the network are taken strategically and make the best use of the limited capacity we have.

We would like to clarify the Government's position on open access as part of this response: we have been clear that open access can add value to the network by improving choice and connectivity for passengers and, where an open access application offers this in a way that does not detract from the wider network performance or the public interest, that operator should be granted access. The aim of this Bill is for the best possible railway network – regardless of who runs trains on it.

The current position on appeals in the Bill – which upholds that the access decision maker must be GBR – could benefit both freight and open access. Currently open access operators have expended considerable effort and resources developing proposals for access to the network, many of which have ultimately been rejected by the ORR. Only GBR can review the network

holistically with a view to creating more space and deliver for passengers and freight customers across the country. The ORR's role is to ensure that GBR has done this fairly – not to unpick its decisions without GBR's whole system view.

Devolution

Recommendation 19: Mechanisms in the Bill comprising the new statutory role for Mayoral Strategic Authorities (MSAs) could risk being too subject to goodwill. GBR should be required to enter into mayoral partnerships when requested to do so by an MSA whose request meets certain criteria in line with the Long-Term Rail Strategy. MSAs should be statutory consultees on the Long-Term Rail Strategy, and GBR should be required to give weight to—not simply have regard to—the Local Transport Plans of MSAs and Passenger Transport Executives.

The Government notes this recommendation.

It is vital that GBR ensures local priorities are a key consideration in decision-making to develop a railway that reflects the priorities of the communities it serves. As the Committee recognises, the Government is committed to strengthening devolution in England, and is progressing that through both this Bill and the English Devolution and Community Empowerment Bill. As part of this, we want to see the role of Mayors enhanced by working closely with GBR on local rail priorities recognising the clear benefits this approach can bring to local communities across the country. It is therefore inconceivable that GBR would refuse to work with a Mayoral Strategic Authority (MSA) given the clear advantages this approach can bring, and the Government therefore disagrees with the Committee that the Bill needs to be amended to achieve this.

By enabling GBR to enter into arrangements with MSAs, rather than mandating them, the Railways Bill seeks to provide both parties with sufficient flexibility and not undermine GBR's role as the directing mind. This will allow partnership arrangements that meet the varying ambitions of Mayors to be agreed. Additionally, legislation is not needed to ensure engagement with local leaders on the Long-Term Rail Strategy. The Government has already begun this and is actively feeding in the views of local leaders as the strategy is developed.

Finally, the Bill is clear that GBR must have regard to Local Transport Plans of MSAs. Including the word “must” here rather than “may” means GBR cannot ignore these plans and must consider them exercising its statutory functions. This will ensure the plans of local leaders are considered throughout GBR's work and the Government is confident the amendment suggested in this space would be unnecessary.

Recommendation 20: We acknowledge that effective local control over rail services can best be exercised at the level of strategic authorities. It is essential that all parts of England should be able to engage effectively with GBR and, in particular, to hold it to account for its local or regional performance. The Government must ensure that all Local Transport Authorities can receive information from GBR on request, and should investigate a role for MSAs and other LTAs on bodies reflecting GBR's planned regional business units.

The Government partially agrees with this recommendation.

The Government agrees that working with local leaders will be key to providing a railway that better suits the needs of local communities up and down the country. That is exactly why GBR will be organised locally, so that it can work collaboratively with devolved leaders to meet local needs. This means that all tiers of local government in England will benefit from empowered local GBR business units which will provide a single point of contact for local railway matters.

The reason that the Bill focuses on MSAs is because rail journeys, even local ones, usually span local authority boundaries. MSAs are usually large enough, or contain sufficient rail services, to consider a local railway network in the round. Mayors have a democratic mandate to take difficult decisions, can convene local partners, and tackle regional challenges. This provides the scale and authority needed to integrate rail with wider growth and transport strategies.

Equally the Government acknowledges that rail services usually serve a wider geography than MSA boundaries too, and some local areas do not have MSAs in place. As the Government agrees with the Committee that GBR will need to work with local leaders of all levels, we will continue to consider their role as the design of GBR and its local business units is developed.

Recommendation 21: The provisions in clause 5 should be amended to enable GBR to enter into a single arrangement with more than one relevant local government body, to allow for effective co-operation on local services that cross authority boundaries.

The Government partially agrees with this recommendation.

The Government agrees that GBR will need to have the flexibility to engage multiple MSAs on local services that cross authority boundaries. This will enable joint working on rail and wider transport priorities, giving Mayors genuine influence over outcomes while maintaining national integration.

That is exactly why the detail of each partnership is not included in the Bill. The Bill provides Mayors and GBR with the framework and the principles for how they should work together, but deliberately allows for flexibility as we recognise that every local area is different.

The Bill would not prevent GBR from entering into an arrangement with more than one MSA, for example, should it be beneficial for the effective co-operation on local services that cross authority boundaries. Therefore, while the Government agrees with the principle the Committee identifies, we do not believe an amendment is needed to the Bill to achieve this.