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STATUTORY RULES OF NORTHERN IRELAND

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**2003 No. 532**

**The Railways Regulations (Northern Ireland) 2003**

**PART II**

**INFRASTRUCTURE MANAGEMENT**

**Separation of accounts between transport operations and infrastructure management and prohibition of transfer of state aid**

4. Any railway undertaking which is also the infrastructure manager shall –
- (a) prepare and maintain accounts for business relating to the provision of transport services which are separate from its accounts for business relating to the management of railway infrastructure; and
  - (b) ensure that there is no transfer of state aid granted to the undertaking between the provision of transport services and the management of railway infrastructure.

**Balancing infrastructure fees and infrastructure expenditure**

5.—(1) The infrastructure manager shall ensure that, under normal business conditions over a reasonable period of time, the expenditure on railway infrastructure which he incurs does not exceed the income which he receives from infrastructure fees and State contributions.

(2) The infrastructure manager may finance the development of railway infrastructure, including the provision or renewal of capital assets, and may make a return on the capital employed in his undertaking.

**Calculation of, and rules for the determination of, fees for the use of railway infrastructure**

6.—(1) The infrastructure manager shall charge, and be paid, fees for the use by railway undertakings and international groupings of railway infrastructure for which they are responsible.

(2) Infrastructure fees shall be determined so as to avoid any discrimination in the charging for services of an equivalent nature in the same market.

(3) Infrastructure fees shall be determined in accordance with the rules specified in Schedule 1.

(4) The rules in Schedule 1 apply to the determination of fees on the conclusion, modification or renewal of agreements for the use of railway infrastructure.

**Information to be provided by infrastructure managers**

7.—(1) Whenever requested in writing to do so by the Department, the infrastructure manager shall provide such information concerning infrastructure fees as the Department shall consider necessary to decide whether or not infrastructure fees are charged on a non-discriminatory basis.

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(2) The infrastructure manager shall inform in good time railway undertakings using the railway infrastructure in order to provide international services and international combined transport goods services of any major changes in the quality or capacity of the railway infrastructure concerned.