

---

STATUTORY RULES OF NORTHERN IRELAND

---

**2016 No. 420**

**The Railways Infrastructure (Access, Management  
and Licensing of Railway Undertakings)  
Regulations (Northern Ireland) 2016**

**PART 1**

**PRELIMINARY**

**Citation and commencement**

**2.—(1)** In these Regulations—

“access rights” means rights of access to railway infrastructure for the purpose of operating a service for the transport of goods or passengers;

“ad hoc request” means a request for individual train paths made other than in accordance with the timetable for the capacity allocation process as set out in Schedule 3;

“allocation” means the allocation of railway infrastructure capacity by an infrastructure manager;

“allocation body” means a body or undertaking, other than the infrastructure manager, which is responsible, by virtue of regulation 19(3), for the functions and obligations of the infrastructure manager under Part 5 and Schedule 3;

“applicant” means a railway undertaking or an international grouping of railway undertakings or other persons or legal entities, such as competent authorities under Regulation No. 1370/2007(1) and shippers, freight forwarders and combined transport operators, with a public service or commercial interest in procuring infrastructure capacity;

“capacity enhancement plan” means a measure or series of measures with a calendar for their implementation which aim to alleviate the capacity constraints which led to the declaration of an element of infrastructure as congested infrastructure;

“charging body” means a body or undertaking, other than the infrastructure manager, which is responsible, by virtue of regulation 14(6), for the functions and obligations of the infrastructure manager under Part 4 and Schedule 2;

“charging scheme” means the specific charging rules established in accordance with regulation 14 by the Office of Rail and Road or the infrastructure manager; governing the determination of access charges as set out in Part 4;

“competent authority” has the same meaning as in Article 2 of Regulation No. 1370/2007;

“cross-border agreement” means any agreement between two or more Member States or between Member States and third countries intended to facilitate the provision of cross-border rail services;

- “the Department” means the Department for Infrastructure;
- “the Directive” means [Directive 2012/34/EU](#) of the European Parliament and of the Council of 21<sup>st</sup> November 2012 establishing a single European railway area (recast)(2);
- “the environment” means all or any of the following media, namely the air, water and land (and the medium of air includes the air within buildings and the air within other natural or man-made structures above or below ground);
- “European licence” means a licence granted to a railway undertaking pursuant to these regulations (valid throughout the territory of any EEA State) by which the capacity of the railway undertaking as such is recognised and which authorises the undertaking to provide in and between EEA States such train services as may be specified in the licence;
- “framework agreement” means a legally binding general agreement under public or private law, setting out the rights and obligations of an applicant and the infrastructure manager in relation to the infrastructure capacity to be allocated and the charges to be levied over a period in excess of one working timetable period;
- “infrastructure capacity” means the potential to schedule train paths requested for an element of infrastructure for a certain period;
- “infrastructure manager” means any body or undertaking that is responsible in particular for establishing and maintaining railway infrastructure;
- “international freight service” means a transport service where the train crosses at least one border of a member State; the train may be joined and/or split and the different sections may have different origins and destinations, provided that all wagons cross at least one border;
- “international grouping” means any association of at least two railway undertakings established in different Member States for the purpose of providing international transport between Member states; “international passenger service” means a passenger service where the train crosses at least one border of a Member State and where the principal purpose of the service is to carry passengers between stations located in different Member States; the train may be joined and/or split, and the different sections may have different origins and destinations, provided that all carriages cross at least one border;
- “network” means the entire railway infrastructure managed by an infrastructure manager;
- “network statement” means the statement required to be prepared and published under regulation 13;
- “the Office of Rail and Road” means the body established under section 15 of the Railways and Transport Safety Act 2003(3);
- “public passenger transport”, “public service contract” and “public service operator” have the same meaning as in Article 2 of Regulation No 1370/2007;
- “railway infrastructure” means all the items listed in Annex 1 to the Directive;
- “railway service performance” includes, in particular, performance in securing each of the following in relation to railway services—
- (a) reliability (including punctuality);
  - (b) the avoidance or mitigation of passenger overcrowding; and
  - (c) that journey times are as short as possible;
- “railway undertaking” means any public or private undertaking licensed according to the Directive;

---

(2) O.J. No. L343, 14.12.12, p.32 as corrected by Corrigendum, O.J. L.67, 12.3.15, p.32

(3) [2003 c.20](#)

“reasonable profit” means a rate of return on own capital that takes account of the risk, including that to revenue, or the absence of such risk, incurred by the operator of the service facility and is in line with the average rate for the sector concerned in recent years;

“regional services” means transport services whose principal purpose is to meet the transport needs of a region, including a cross-border region;

“Regulation EC No. 1370/2007” means Regulation 1370/2007(4) of the European Parliament and of the Council of 23<sup>rd</sup> October 2007 on public passenger transport services by rail and road and by repealing Council Regulations (EEC) No. 1191/69(5) and 1107/70(6);

“Regulation No. 913/2010” means regulation (EU) No 913/2010 of the European Parliament and of the Council of 22<sup>nd</sup> September 2010 concerning a European rail network for competitive freight(7);

“SNRP” means a statement of national regulatory provisions, issued under regulation 46;

“service provider” means a body or undertaking that supplies any of the services—

(a) to which access is granted by virtue of regulation 5; or

(b) listed in paragraph, 2, 3 or 4 of Schedule 1;

or which manages a service facility used for this supply, whether or not that body or undertaking is also an infrastructure manager;

“the Treaty” means the Treaty on the Functioning of the European Union(8);

“train path” means the infrastructure capacity needed to run a train between two places over a given period;

“train service” means a service for the transport of goods or passengers (or both) by rail;

“transit rights” means rights of transit through a Member State using the railway infrastructure located in the Member State;

“urban” or “suburban” means, in relation to a transport service, a service whose principal purpose is to meet the transport needs of an urban centre or conurbation, including a cross-border conurbation, together with transport needs between such a centre or conurbation and surrounding areas;

“viable alternative” means access to another service facility which is economically acceptable to the railway undertaking, and allows it to operated the freight or passenger services concerned;

“working day” means any day which is not a Saturday, Sunday or a public holiday;

“working timetable period” means the calendar year commencing at midnight on the second Saturday in December.

(2) Except where a definition in paragraph (1) applies, expressions used in these regulations and in the Council Directives have the meanings given by the Directives.

(3) The Interpretation Act (Northern Ireland) 1954(9) shall apply to these regulations as it applies to an Act of the Northern Ireland Assembly.

---

(4) L.315, 3.12.2007

(5) L156, 28.8.69

(6) L130, 15.6.70

(7) L276, 20.10.10

(8) O.J. no. C326, 26.10.2012, p.47

(9) 1954 c.33 (N.I.)