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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 420**

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

**PART 6**

**REGULATION AND APPEALS**

**Monitoring the rail services markets**

**34.**—(1) The Office of Rail and Road must monitor the competitive situation in the rail services markets.

(2) In particular it must-

- (a) control the matters referred to in regulation 32(2) on its own initiative and with a view to preventing discrimination against applicants; and
- (b) check whether the network statement contains discriminatory clauses or creates discretionary powers for the infrastructure manager that may be used to discriminate against applicants.

(3) The Office of Rail and Road must, where appropriate and on its own initiative, give appropriate directions to correct—

- (a) discrimination against applicants;
- (b) market distortion; or
- (c) undesirable developments in relation to the competitive situation in the rail services markets, in particular with reference to the matters referred to in paragraph 32(2).

(4) Without prejudice to the right of any person to make an application to the court under Order 53 of the Rules of the Supreme Court (Northern Ireland) 1980, it is the duty of any person to whom a direction is given under paragraph (3) to comply with and give effect to that direction.

(5) The Office of Rail and Road must regularly, and in any case at least every two years, consult representatives of users of the rail freight and passenger transport services, to take into account their views on the rail market.

(6) The Department must, while respecting the role of social partners, supply to the European Commission on an annual basis necessary information on the use of the networks and evolution of framework conditions in the rail sector.

(7) Information under paragraph (6) must conform with any provisions to ensure consistency in the reporting obligations contained in Commission Implementing Regulation (EU) 2015/1100 of 7<sup>th</sup> July 2015 on the reporting obligations of the Member States in the framework of rail market monitoring<sup>(1)</sup>.

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(1) O.J. No. L181/1, 9.7.2015

(8) The Office of Rail and Road and the Department as safety authority must co-operate closely, in particular with a view jointly, to develop a framework for information sharing and co-operation aimed at preventing adverse effects on competition or safety in the rail services markets.