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STATUTORY RULES OF NORTHERN IRELAND

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**2019 No. 15**

**The Railways Infrastructure (Access, Management  
and Licensing of Railway Undertakings)  
(Amendment) Regulations (Northern Ireland) 2019**

**Independence of the essential functions**

**10.**—(1) In regulation 14 (establishing, determining and collecting charges) after paragraph (6) insert—

“(6A) In paragraph (6) the infrastructure manager is not independent in its organisation or decision-making functions if, in particular—

- (a) a railway undertaking or any other legal entity exercises a decisive influence on the infrastructure manager in relation to the infrastructure charging elements of the essential functions, without prejudice to the charging framework established pursuant to this regulation;
- (b) a railway undertaking or any other legal entity within the vertically integrated undertaking has decisive influence on appointments and dismissals of persons in charge of taking decisions on the infrastructure charging elements of the essential functions; or
- (c) the mobility of persons in charge of the infrastructure charging elements of the essential functions creates a conflict of interest.”.

(2) In regulation 19 (capacity allocation) after paragraph (3) insert—

“(3A) In paragraph (3) the infrastructure manager is not independent in its organisation or decision-making functions if, in particular—

- (a) a railway undertaking or any other legal entity exercises a decisive influence on the infrastructure manager in relation to the train path allocation elements of the essential functions, without prejudice to the allocation framework established pursuant to this regulation;
- (b) a railway undertaking or any other legal entity within the vertically integrated undertaking has decisive influence on appointments and dismissals of persons in charge of taking decisions on the train path allocation elements of the essential functions; or
- (c) the mobility of persons in charge of the train path allocation elements of the essential functions creates a conflict of interest.”.