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STATUTORY INSTRUMENTS

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**2016 No. 645**

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

**PART 6**

Regulation and Appeals

**Audits**

**35.**—(1) The Office of Rail and Road may carry out an audit or initiate an external audit of an infrastructure manager, service provider and, where relevant, railway undertaking to verify compliance with the accounting separation provisions laid down in regulation 9.

(2) For the purposes of paragraph (1) the power of the Office of Rail and Road under section 80 of the Act<sup>M1</sup>, as modified by regulation 36, to request relevant information to perform its functions includes a power to request any relevant party to provide all or part of the accounting information listed in Schedule 5 with a sufficient level of detail as is deemed necessary and proportionate.

(3) For the purposes of paragraph (2) “any relevant party” includes an infrastructure manager, service provider, railway undertaking or other entity performing or integrating different types of rail transport or infrastructure management as referred to in regulations 6 and 9(1).

(4) The Office of Rail and Road may draw conclusions from the accounts concerning state aid issues, which it must report to the Secretary of State.

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**Marginal Citations**

**M1** 1993 c. 43. Section 80 is amended by the [Transport Act 2000 \(c. 38\)](#), [Schedule 27](#), paragraphs 17 and 38 and Schedule 31, Part 4; the [Railways Act 2005 \(c. 14\)](#), [Schedule 1](#), Part 1, paragraph 33 and Schedule 11, paragraphs 1 and 12; [S.I. 2005/3050](#), [Schedule 1](#), Part 1, paragraphs 3(1) and 7 and [S.I. 2015/1682](#), [Schedule](#), Part 1, paragraph 1(xx). Section 80 is also amended by these Regulations (see [Schedule 1](#), paragraph 3(3)).

**Changes to legislation:**

There are currently no known outstanding effects for the The Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016, Section 35.