STATUTORY INSTRUMENTS

2005 No. 3049

The Railways Infrastructure (Access and Management) Regulations 2005

PART 3

INFRASTRUCTURE MANAGEMENT

Network Statement

11.—(1) The infrastructure manager must, following consultation with all interested parties, develop and publish a network statement containing the information described in paragraph (4).

(2) Where, by virtue of regulations 12(7) or 16(3) a charging body or, as the case may be, allocation body is responsible for the functions of the infrastructure manager in Parts 4 or 5, that charging body or allocation body must provide the infrastructure manager with such information as is necessary to enable that infrastructure manager to—

(a) include the information described in paragraph (4) in the network statement; and

(b) keep the network statement up to date in accordance with paragraph (5).

(3) A service provider who is not the infrastructure manager must provide the infrastructure manager with such information as is necessary to enable that infrastructure manager to—

(a) include the information described in paragraph (4)(b) and, where applicable, (d) in the network statement; and

(b) keep the network statement up to date in accordance with paragraph (5).

(4) The information referred to in paragraph (1) is—

(a) a section setting out the nature of the railway infrastructure which is available to applicants and the conditions of access to it;

(b) details as to where further information may be obtained about the nature of the track access to, and supply of services in, any of the terminals, ports and service facilities to which access may be obtained pursuant to regulations 6 and 7;

(c) a description of the charging principles and tariffs, including details of the charging methodology, exceptions to the charging principles, and discounts;

(d) details of charges for the supply of those services listed in Schedule 2 which are provided by only one supplier;

(e) a description of the principles and criteria for the allocation of infrastructure capacity, setting out the general capacity characteristics of the infrastructure available and the restrictions on its use, including likely capacity requirements for maintenance;

(f) the procedures and deadlines in the capacity allocation process and specific criteria employed in that process, in particular—

(i) the procedures according to which applicants can request infrastructure capacity from the infrastructure manager;

(ii) the information to be provided by applicants;

(iii) the timetable for the application and allocation process;

(iv) the principles governing the co-ordination process, in particular the arrangement of international train paths, and the effect that modification of such paths might have on other infrastructure managers;

(v) information about the procedures established in accordance with regulation 17(4) for the allocation of infrastructure capacity at an international level, including information about the membership and methods of operation of any representative groups, and all relevant criteria used to assess and allocate infrastructure capacity which crosses more than one network;

(vi) the dispute resolution procedure established in accordance with regulation 20(5);

(vii) details of any section of railway infrastructure which has been designated for use by specified types of rail services in accordance with regulation 22;

(viii) the procedures to be followed for congested infrastructure, and any priority criteria for the allocation of congested infrastructure set in accordance with regulation 23(5) and (6);

(ix) the findings of any capacity enhancement plan completed in accordance with regulation 25;

(x) details of restrictions on the use of infrastructure;

(xi) the threshold quota to be applied by the infrastructure manager in requiring a train path to be surrendered under regulation 26(1); and

(xii) the conditions relating to previous levels of utilisation of capacity to be taken into account by the infrastructure manager in determining priorities in accordance with regulation 26(3); and

(g) the measures taken by the infrastructure manager to ensure fair treatment of freight services and international services, and in responding to *ad hoc* requests for infrastructure capacity.

(5) The infrastructure manager must keep the network statement up to date and modify it as necessary.

(6) The infrastructure manager must publish the network statement not less than four months before the deadline for applications for infrastructure capacity as described under paragraph (4)(f)(iii).

(7) Any fee charged by the infrastructure manager for the provision, on request, of a copy of the network statement must not exceed the cost of producing that copy.

(8) If the information required under paragraphs (2) or (3) is not provided to the satisfaction of the infrastructure manager, he may refer the matter to the Office of Rail Regulation for a determination as to whether additional information must be supplied.

(9) Where a matter is referred to the Office of Rail Regulation in accordance with paragraph (8), it is the duty of that Office to make the determination within such period as is reasonable in all the circumstances, and any such determination shall be binding on all parties.