
STATUTORY INSTRUMENTS

2005 No. 3049

**The Railways Infrastructure (Access
and Management) Regulations 2005**

PART 2

ACCESS TO RAILWAY INFRASTRUCTURE AND SERVICES

Access to services

- 7.—(1) Subject to paragraph (2), applicants are entitled to services comprising—
- (a) the minimum access package; and
 - (b) the track access to service facilities and the supply of services,
- described in paragraphs 1 and 2 of Schedule 2.
- (2) If the infrastructure manager or service provider to whom a request has been made for the supply of a service referred to in paragraph (1) does not supply such a service, the infrastructure manager must, if he is the provider of the main infrastructure, use all reasonable endeavours to facilitate the supply of that service through the appropriate service provider.
- (3) The infrastructure manager or, as the case may be, service provider must ensure that the entitlements granted by this regulation are honoured, and access to the services referred to in paragraph (1) must be provided in a non-discriminatory manner.
- (4) Where the infrastructure manager or service provider supplies any of the services described in paragraph 2 of Schedule 2, requests for the supply of such services may only be refused if a viable alternative means of the service being provided under market conditions exists.
- (5) Where the infrastructure manager or service provider offers to supply any of the services described in paragraph 3 of Schedule 2 he must, in response to a request from an applicant, supply the services to that applicant.
- (6) An applicant may request the supply of any of the services described in paragraph 4 of Schedule 2 from an infrastructure manager or service provider but that infrastructure manager or service provider is under no obligation to supply the services requested.
- (7) Without prejudice to the generality of regulation 29, if an applicant is denied the entitlements conferred on it by this regulation, that applicant has a right of appeal to the Office of Rail Regulation in accordance with regulation 29.