
STATUTORY INSTRUMENTS

2016 No. 645

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

PART 3

Infrastructure Management and Independence of Undertakings

Network Statement

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

(2) Where, by virtue of regulation 14(9) or 19(4) 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 (7).

(3) A service provider who is not the infrastructure manager must provide the infrastructure manager of the railway infrastructure to which the relevant service facility is connected with such information as is necessary to enable that infrastructure manager to—

- (a) include the information described in paragraph (4)(b) in the network statement; and
- (b) keep the network statement up to date in accordance with paragraph (7).

(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) information on access to and charges for the supply of service facilities listed in Schedule 2, including those service facilities which are provided by only one supplier, and including information on technical access conditions, or details of a website where such information is available free of charge in electronic format;
- (c) a description of the charging principles and tariffs, including appropriate details of the charging scheme, framework, methodology, rules and, where applicable, scales used in relation to the application of regulations 14, 16 and 17, of Schedule 3 and of the Channel Tunnel charging framework, as regards both costs and charges;
- (d) information relating to the performance scheme referred to in regulation 16;
- (e) the list of market segments to be published under paragraph 2(9) of Schedule 3, subject to any amendments made by the Office of Rail and Road;
- (f) information about procedures for dispute resolution and appeals relating to matters of access to railway infrastructure and services and to the performance scheme referred to in regulation 16;

- (g) a description of the principles and criteria for the allocation of infrastructure capacity, setting out the general capacity characteristics of the railway infrastructure available and any restrictions on its use, including likely capacity requirements for maintenance;
- (h) 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 may request infrastructure capacity from the infrastructure manager;
 - (ii) the requirements governing applicants under regulation 19(17);
 - (iii) the schedule for the application and allocation processes, and the procedures to be followed to request information about that schedule;
 - (iv) the procedures for scheduling planned and unforeseen maintenance work;
 - (v) principles governing the coordination process regarding requests for infrastructure capacity referred to in regulation 23, which must reflect the difficulty of arranging international train paths and the effect that modification of such paths might have on other infrastructure managers;
 - (vi) the dispute resolution procedure established as part of the coordination process in accordance with regulation 23(7);
 - (vii) information about the procedures established in accordance with regulation 20(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;
 - (viii) the procedures to be followed and criteria used where railway infrastructure is congested infrastructure, including any priority criteria for the allocation of congested infrastructure set in accordance with regulation 26(5) and (6);
 - (ix) details of restrictions on the use of railway infrastructure;
 - (x) the threshold quota to be applied by the infrastructure manager in requiring a train path to be surrendered under regulation 29(1); and
 - (xi) 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 29(3);
- (i) details of any section of railway infrastructure which has been designated for use by specified types of rail services in accordance with regulation 25;
- (j) the measures taken by the infrastructure manager to ensure fair treatment of rail freight services and international services, and in responding to *ad hoc* requests for infrastructure capacity;
- (k) a template form for requests for capacity and detailed information about the allocation procedures for international train paths;
- (l) information relating to applications for —
 - (i) a licence, as published under regulation 6(2) of the Railway (Licensing of Railway Undertakings) Regulations 2005(1);
 - (ii) a rail safety certificate issued in accordance with regulation 7 of the Railways and Other Guided Transport Systems (Safety) Regulations 2006(2); and

(1) S.I. 2005/3050, amended by Part 7 of these Regulations. There are other amendments not relevant to these Regulations.

(2) S.I. 2006/599, amended by S.I. 2015/1682, Schedule, Part 2, paragraph 6(d).

- (iii) a Part B certificate issued by the Intergovernmental Commission under Article 39(ii) of the Schedule to the Channel Tunnel (Safety) Order 2007(3);
- or, as an alternative to the information described in (i) to (iii), a reference to a website where such information is made available free of charge in electronic format;
- (m) a model agreement for the conclusion of a framework agreement between an infrastructure manager and an applicant in accordance with regulation 21; and
- (n) the criteria to determine failure to use capacity published under regulation 17(3)(a).
- (5) The information provided under paragraph (4)(a) must be made consistent, on an annual basis with, or must refer to, the register of infrastructure published in accordance with Article 35 of [Directive 2008/57/EC](#) of the European Parliament and of the Council of 17th June 2008 on the interoperability of the rail system within the Community (Recast)(4).
- (6) The information provided under paragraph (4)(b) and (c) must include—
- (a) information on changes to charges referred to in that paragraph already decided upon or foreseen in the next five years, if available; and
- (b) information on charges as well as other relevant information on access applying to services listed in Schedule 2 which are provided only by one supplier.
- (7) The infrastructure manager must keep the network statement up to date and modify it as necessary.
- (8) The infrastructure manager must publish the network statement in at least two official languages of the European Union.
- (9) 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 2(1) of Schedule 4.
- (10) 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.
- (11) The content of the network statement must be made available free of charge in electronic format on the web portal of the infrastructure manager and must be accessible through a common web portal.
- (12) The common web portal referred to in paragraph (11) must be set up by the infrastructure manager in the framework of its cooperation with infrastructure managers from other Member States, in accordance with regulations 18 and 20.
- (13) If the information required under paragraph (2) or (3) is not provided to the satisfaction of the infrastructure manager, the infrastructure manager may refer the matter to the Office of Rail and Road for a determination as to whether additional information must be supplied.
- (14) Where a matter is referred to the Office of Rail and Road in accordance with paragraph (13), 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 is binding on all parties.

(3) [S.I. 2007/3531](#), substituted by [S.I. 2013/407](#), article 2(1) and (8) and the Schedule. There have been other amendments to this provision which are not relevant to these Regulations.

(4) O.J. No. L 191, 18.7.08, p.1, to which there are amendments not relevant to these Regulations.