

**Railways Act 1993**  
**Freight Access**  
**(Track Access Contracts)**  
**General Approval 2012**

**2012 No. 1**

<i>Made</i>	<i>9 February 2012</i>
<i>Coming into force</i>	<i>10 February 2012</i>

The Office of Rail Regulation, in exercise of the powers conferred upon it by sections 18(1)(c) and 22(3) of the Railways Act 1993, gives the following general approval.

**Citation, commencement and revocation**

1. (1) This general approval may be cited as the Freight Access (Track Access Contracts) General Approval 2012.
- (2) This general approval comes into force on 10 February 2012.
- (3) The Freight Access (New Track Access Contracts) General Approval 2009, Freight Access (Changes to Track Access Contracts) General Approval 2009, Freight Access (Model Contract Amendments) General Approval 2008 and Freight Customer General Approval 2011 are hereby revoked from 10 February 2012.

**Interpretation**

2. (1) In this general approval:

"access contract" means an contract under which Network Rail grants a beneficiary permission to use its track for or in connection with the provision of service for the carriage of goods by railway;

"Consultation" means a consultation of potentially affected parties carried out by Network Rail in accordance with the Industry Code of Practice for track access application consultations;

"Cordon Cap" has the same meaning as defined in Schedule 5 to the Model Track Access Contract (Freight Services);

"Drawdown Notice" has the same meaning as defined in the Model Freight Customer Track Access Contract;

"Industry Code of Practice for track access application consultations" means the current document of that name published by the Office of Rail Regulation, which may be amended from time to time;

"Level One Right" has the same meaning as defined in Schedule 5 to the Model Track Access Contract (Freight Services);

"Level Two Right" has the same meaning as defined in Schedule 5 to the Model Track Access Contract (Freight Services);

“Level Three Right” has the same meaning as defined in Schedule 5 to the Model Track Access Contract (Freight Services);

“Model Freight Customer Track Access Contract” means the model access contract published under that name by the Office of Rail Regulation on 15 September 2010 as may be amended and re-issued by the Office of Rail Regulation from time to time;

“Model Freight Operating Company Customer Track Access Contract” means the model access contract published under that name by the Office of Rail Regulation on 15 September 2010, as may be amended and re-issued by the Office of Rail Regulation from time to time;

“Model Track Access Contract (Freight Services)” means the model access contract published under that name by the Office of Rail Regulation on 18 November 2009, as may be amended and re-issued by the Office of Rail Regulation from time to time;

“Model Track Access Contract (Freight Services) - Freight Customer Mark Up” means the model access contract published under that name by the Office of Rail Regulation and dated 18 November 2009 as may be amended and re-issued by the Office of Rail Regulation from time to time;

“Network Code” means the document of that name incorporated by reference in any track access contract;

“Network Rail” means Network Rail Infrastructure Limited, a company registered in England under number 2904587;

“Principal Change Date” has the meaning ascribed to it in Part D of the Network Code;

“Revocation Notice” has the same meaning as defined in the Model Freight Customer Track Access Contract;

“Sponsor” has the meaning ascribed to it in Part F of the Network Code;

“Subsidiary Change Date” has the meaning ascribed to it in Part D of the Network Code;

“Train Slots” has the meaning ascribed to it in Part D of the Network Code;

“Vehicle Change” has the meaning ascribed to it in Part F of the Network Code;

“Working Day” has the meaning ascribed to it in Part D of the Network Code;

“Working Timetable” has the meaning ascribed to it in Part D of the Network Code; and

“Y-path” has the meaning ascribed to “Y” in the Explanation of References contained in the Working Timetable.

(2) In this general approval:

(a) unless the context otherwise requires, terms and expressions defined in the Railways Act 1993 shall have the same meanings in this general approval;

(b) the Interpretation Act 1978 applies to this general approval in the same way as it applies to an enactment; and

(c) unless the context otherwise requires, any reference to a numbered paragraph is a reference to the paragraph in this general approval which bears that number.

### **New freight access contracts**

#### **3. (1) A new Track Access Contract (Freight Services)**

ORR gives its approval to Network Rail and another party entering into an access contract on the same terms as the Model Track Access Contract (Freight Services) in place at the time provided the restrictions/amendments set out in Annex A are followed.

#### **(2) A new Freight Customer Track Access Contract**

ORR gives its approval to Network Rail and another party entering into an access contract, regarding the provision of access rights to a freight customer, on the same terms as the Model Freight Customer Track Access Contract in place at the time provided that the restrictions/amendments set out in Annex B are followed.

#### **(3) A new Freight Operating Company Customer Track Access Contract**

ORR gives its approval to Network Rail and another party (“the Freight Operator”) entering into an access contract to reflect that rights have been drawn down to the Freight Operator in a Drawdown Notice, that is not subject to a Revocation Notice, on the same terms as the Model Freight Operating Company Customer Track Access Contract in place at the time provided that the restrictions/amendments set out in Annex C are followed.

### **Changes to current track access contracts**

#### **4. (1) Model Track Access Contract (Freight Services)**

Where Network Rail and another party have entered into an access contract on the same terms as the Model Track Access Contract (Freight Services), ORR gives its approval to the parties making the changes set out in Annex D.

#### **(2) Model Track Access Contract (Freight Services), Model Freight Operating Company Customer Track Access Contract and Model Freight Customer Track Access Contract**

Where Network Rail and another party have entered into an access contract on the same terms as the;

- (a) Model Track Access Contract (Freight Services);
- (b) Model Freight Operating Company Customer Track Access Contract and/or
- (c) Model Freight Customer Track Access Contract,

ORR gives its approval to the parties making changes to those contracts which reflect changes to the relevant model contract, as published on the Office of Rail Regulation website from time to time.

(3) Model Freight Operating Company Customer Track Access Contract  
Where Network Rail and another party have entered into an access contract on the same terms as the Model Track Access Contract (Freight Services) ("their Track Access Contract (Freight Services)") and subsequently enter into an access contract on the sa

me terms of the Model Freight Operating Company Customer Track Access Contract, they may make to their Track Access Contract (Freight Services) the amendments marked up in clauses 1, 11 and Schedule 9 in the Model Track Access Contract (Freight Services) - Freight Customer Mark Up.

**Consultation requirement**

5. (1) Where any of the Annexes to this general approval state that Consultation should be carried out in respect of an amendment, then before the amendment to the access contract can be made the parties to the access contract shall:

- (a) carry out the necessary Consultation; and
- (b) ensure that there are no outstanding objections from any consultee.



**BRIAN KOGAN**

**Duly authorised by the Office of Rail Regulation**  
**9 February 2012**

