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29 March 2011

Dear colleague

Amending licences to give passengers the information they need to plan and make journeys – a consultation

Passengers need reliable information about what should be – and is – happening on the rail network, to enable them to plan and make their journeys with confidence. Information about the planned timetable is widely available and generally reliable, but when services are disrupted for any reason the position is less satisfactory, particularly in circumstances such as those seen last winter. In the latest Passenger Focus survey, only 40% of passengers said they were satisfied with this aspect of information provision.

The industry recognises this and is progressing wide-ranging plans to improve provision of information during disruption. **We strongly support this initiative.**

But this is a complex area where many organisations need to work together to deliver what passengers need. At present there are some relevant obligations in franchise contracts and others in licences and between them they do not provide a single clear and comprehensive statement. We believe that the public interest requires that these accountabilities should be clarified, to provide both assurance to passengers that the necessary improvements will be made, and to individual rail companies that their own efforts will be matched across the whole industry. We think that the most effective way forward is to align the responsibilities more clearly through a single mechanism under the licensing regime.

We are proposing **an amendment to operator licences** to make clear that train operators have lead responsibility for getting good quality information to their passengers, building on the existing obligation to work with Network Rail on timetable planning.

We propose **a corresponding amendment to Network Rail's network licence** to clarify its lead role in planning services and providing the vital information to train operators that they need to do their job.

We propose **an obligation in station licences** for station operators to play their part in delivering the information.

Our proposals are intended to underpin and provide assurance about existing industry processes and committed improvement plans, rather than to require significant further action beyond what is already planned.

In all cases the primary objective would be to provide good quality information about train services to all passengers across all timescales and consistently across all media, before

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INVESTOR IN PEOPLE

they travel, at point of sale and during their journey. To this end we have drafted proposals which we believe are clear, consistent and fair for consultation. These proposals do not cover the retailing of tickets which is dealt with by consumer law.

We have discussed our plans with DfT and Transport Scotland, particularly around the need to avoid duplicating or conflicting with franchise requirements. We will also discuss our proposals with other franchising bodies during the consultation period. Both DfT and Transport Scotland support our proposals. DfT is considering how new franchises might complement the proposed licence changes. Where there is an overlap with existing franchises we would agree with the franchising body the appropriate enforcement mechanism to avoid any duplication or double jeopardy.

I attach a consultation paper that sets out the problem we want to address and our particular proposals in more detail. A list of consultation questions is at the back.

Please send us your views on our proposals by **Monday 20 June**, making it clear if any part is confidential:

by post to: Abigail Grenfell,

 Manager, Licensing and Network Regulation,

 One Kemble Street,

 London, WC2B 4AN.

or by email to: abigail.grenfell@orr.gsi.gov.uk

We will consider carefully all the responses we receive. We expect to finalise the changes we want to make to licences and to start the necessary 28 day statutory consultation by late August. Changes to current operators' licences will then take effect as individual operators consent. At the same time, we will adopt the new wording for all new licences we issue and we expect the franchising authorities to consider how to make appropriate changes to future franchise agreements.

We would like the changes to be in place for all affected operators by this autumn.

If we cannot agree the appropriate changes to make to licences we have the option of referring the issue to the Competition Commission, who can impose changes in the public interest.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Bill Emery', with a small mark to the right.

Bill Emery

Amending licences to give passengers the information they need to plan and make journeys – a consultation

The importance of good quality information

1. Passengers need good quality information about what should be – and is – happening on the rail network, to enable them to plan and make their journeys with confidence.
2. Producing and publicising timetables is a core task for Network Rail and train operators, through the publication of the national timetable and pocket timetables for individual operators. Train service information is disseminated through various media, including ticket offices, station departure boards and internet and telephone enquiry services. It is essential that this information is, as far as possible, consistent and accurate across these media and is provided in a timely manner. This principle applies to normal services as well as to any planned or unplanned changes to those services.
3. The production of timetable information focuses on a twice yearly national ‘base’ timetable and an industry process for making planned weekly variations to it for engineering works and special events. Passenger train operators and third parties, such as National Rail Enquiries (NRE), convert this into information that will help passengers plan their journeys and buy tickets. Freight train operators use the timetable to plan the services they provide to their own customers.
4. The production of timetables is the responsibility of Network Rail, who must involve relevant participants such as operators. The provision of information to passengers is the responsibility of train operators. For franchised operators this is required by their franchise contracts. For other train operators there is no obligation but a commercial incentive to promote use of their services.
5. Good quality information is equally important when there is unplanned disruption to the network from events such as severe weather, equipment failures or trespass. At these times passengers need to be told something that they are confident is accurate. Over the year to date such disruption has resulted in about 170,000 trains being cancelled or delayed by over 30 minutes, which had an impact on a significant number of passengers. When these events happen Network Rail and operators should work together to restore services and, if necessary, plan alternative routes, implement emergency (or contingency) timetables or substitute transport. Relevant information should then be fed through industry systems to be given out on trains, at stations, on the internet and over the phone.
6. In practice, however, research shows that the industry is poor at providing useful information during unplanned disruption. The Autumn 2010 National Passenger Survey results show that only 40% of passengers are satisfied with the way delay is handled compared to overall satisfaction levels over 80%. Passenger Focus research¹ into the views of a panel of 1000 passengers shows that passengers are currently dissatisfied with the provision of information during disruption. Improving this area ranks fifth in passengers’ priorities (after prices, punctuality, frequency and crowding). This research identified six themes passengers associate with how disruption should be handled. These were: "treat

¹ Passenger Focus research can be found at <http://www.passengerfocus.org.uk/>

me with respect"; "recognise my plight"; "help me avoid the problem in the first place"; "you got me into this, help me get out"; "act joined up"; and "I am always 'delayed' do something about it". Clearly the industry needs to do better.

What is the industry doing?

7. The industry has recognised the need to make urgent improvements, highlighted particularly during the severe weather in the last two winters. In 2010 the industry implemented initiatives to embed a new code of practice, designed to specify key requirements to enable the provision of timely, correct and consistent information to passengers during disruption. These initiatives are designed to improve the provision of information for both small scale and widespread disruption. They are in addition to the wider work of the Passenger Information Strategy Group (PISG), a cross industry body with passenger representation which updates annually an industry good practice guide and oversees a code of practice for the general provision of information for passengers.

8. The quality of information provided to rail users during the disruption caused by severe weather in December 2010 was variable. There were improvements compared with the previous winter, notably where decisions were made in good time to operate contingency timetables and improvements were made to the NRE website to allow more people to use it at the same time. But in places information itself was again very poor, which is disappointing given the work done last year. Passenger Focus' evidence to the review of resilience of England's transport systems in December² identified that, despite the improvements, the online real time journey planner on NRE's website did not show correct information, station displays did not keep pace with events and tickets continued to be on sale for trains that were not running. Passengers on several lines had very bad experiences during this period.

9. Working with the cross industry National Task Force (NTF), we commissioned the independent reporter Arup to review the industry's progress with implementing its code of practice and the initial results were mixed. We welcome NTF's decision to take direct ownership of a further extensive improvement plan in 2011. This includes improving on site management of incidents to improve the quality of information at the start of the process; improving joint working arrangements on contingency planning during an incident; providing all station customer information systems with a real time feed from Darwin (the industry system with the most useful, up to date information); keeping front line staff better informed; and streamlining planning processes so that contingency timetables can be switched on and communicated to passengers more quickly. Over the next few months these initiatives should see more accurate information being supplied to passengers during times of disruption.

10. We welcome the industry's recognition that it must plan more thoroughly and implement more consistently to deliver the good quality information passengers expect. We strongly support the initiatives now underway and welcome the progress that is being made delivering them. But given the complexity of the problem, the number of people who need to work together to solve it and the volume of other changes likely to affect the industry this year, we believe these initiatives should be underpinned by clear obligations on all parties to clarify accountabilities and give assurance momentum will not be lost.

² *The Resilience of England's Transport Systems in December 2010*, David Quarmby CBE, and earlier reports assessing winter 2009/10 can be found at: <http://transportwinterresilience.independent.gov.uk/>

Where do the responsibilities and accountabilities sit now?

11. We have reviewed how the industry provides information, looking at current responsibilities and the accountability framework, including what obligations operators have to meet their customers' needs and whether there are any gaps that should be filled.

12. The position is quite complicated. Operators and Network Rail are accountable to different people to do different things under different industry arrangements. There are obligations in licences³ enforced by us, in franchises or concessions enforced by franchising bodies, and in the contractual framework that is largely managed within the industry itself, with some oversight by us. There are requirements under consumer law relating to ticket retailing, which are enforceable by the courts, following investigation by us. There are also requirements under equality legislation.

13. However, the full responsibilities for providing good quality information to passengers are not clearly set out anywhere. The industry's multiparty contract known as the network code deals with how Network Rail and operators work together in the process for developing timetables. Network Rail's network licence and operator passenger licences have a similar emphasis. These obligations are ultimately about ensuring information can be passed to passengers, but it is not clear in those documents who is responsible for actually providing that information. Franchises do contain specific obligations to provide information but only on certain aspects.

14. Most of the obligations outlined above focus on providing information about planned short-term timetable changes within the industry; they do not deal adequately with the need to disseminate useful information quickly during unplanned disruption. They have been amended separately over time and the boundaries of both accountability and responsibility for planning the timetable and disseminating the information to passengers are not clear.

Is the accountability framework sufficient?

15. We believe not; no-one is formally accountable for providing all of the appropriate, accurate and timely information passengers need. This responsibility is not clearly set out in the accountability framework and the industry's codes of practice on information provision, whilst valuable, are voluntary arrangements. If one or more parties fail to deliver the only remedy is peer pressure and adverse publicity. We believe these features increase the risk that the much needed improvements will not be delivered consistently and could undermine the industry's credibility.

Do you agree that there is a lack of clear accountability in the current framework for providing information to passengers?

Options for improving the accountability framework

16. We have considered four options for improving the accountability framework.

³ Or in Statements of National Regulatory Provisions. These are equivalent to licence conditions and our proposals apply to them in the same way.

Rely on the industry plan

17. Industry-driven plans have the advantage that solutions are developed by those with the greatest understanding of the problems and there is greater ownership of delivery. We recognise that good progress has been made so far, with the development of the industry code of practice and implementation of many changes across the industry. But, where there are many parties involved, with no formal accountability, there is a risk that momentum could be lost or that some parties will not agree, and there is no mechanism for ensuring progress if this happens.

Amend franchises

18. There are already some obligations within franchises which could be extended but Network Rail and open access operators would not be covered and the arrangements would involve multiple enforcement bodies. This would not address the problems with the current framework outlined above, where an industry-wide solution is required.

Amend the network code

19. Incorporating the information requirements into the network code would retain the industry-led approach but in a more formal contractual relationship that is managed and enforced by the parties themselves. However, this does not provide accountability to rail users but relies on the parties themselves to take action under individual contracts to enforce the code.

Amend licences

20. All operators including Network Rail must have a licence to operate and all licences are enforced by one body (ORR). This means that the accountabilities framework can be aligned more easily, and everyone will be treated in the same way, in line with our legal duties. Licences can be much less prescriptive than contracts, focusing on the purpose of the obligation and outcomes.

21. Overall, we think amending licences is the best option for aligning responsibilities and accountabilities across the whole industry in a clear but flexible way. All licence holders would be able to manage the obligation in a way best suited to their business, while being held accountable consistently under the same system.

Do you agree that licences are the best place to set out aligned accountabilities for providing information?

How should accountabilities and responsibilities be split?

22. We believe the current split of responsibilities across the industry is broadly right but there should be greater clarity about specific roles set out in the framework. In particular, there needs to be clear responsibility for providing appropriate, accurate and timely information to passengers. We believe this role lies with passenger train operators, who already have the direct relationship with their customers.

23. Network Rail is responsible for preparing the bi-annual timetable and for managing the processes for dealing with both planned short-term changes and unplanned disruption. It must disseminate revised plans and information about what is happening on the network in a timely manner so that the train operators can in turn pass on the information that

passengers need. For planned disruption, in most cases this is at least twelve weeks before the disruption is due to take place. For unplanned disruption this should be as quickly as is reasonably practicable, depending on the nature of the event and the needs of those affected.

24. Station operators have a key supporting role in passing information on to passengers through their staff and customer information systems. In most cases the station operator is also a train operator, but not all stations are managed by train operators (Network Rail managed stations, for example).

Do you agree the split of responsibilities described is sensible?

Are there any other changes in the way the industry handles information for passengers that would complement new licence obligations and help the industry deliver the needed improvements?

Proposed extended licence obligations

25. We propose to revise and extend the current timetabling licence conditions to set out the clearer responsibilities and accountabilities above. This would involve changes to the passenger train operator licences (annex a), a short new obligation for station operators (paragraph 32) and some parallel changes to Network Rail's network licence (annex b) to ensure that the obligations are clearly aligned. We have drafted proposals which we believe are clear, consistent and fair.

Passenger licences

26. For these licence holders, we propose to introduce an overarching purpose to secure the provision of appropriate, accurate and timely information to allow passengers (and prospective passengers) to plan their journeys. This would go wider than the current obligation to participate in the timetabling process and provide information to enquiry services, in addition covering information provision to passengers across all timescales and cooperating with Network Rail so it can plan services and produce timetables. Train operators would have a general duty to achieve the purpose to the greatest extent reasonably practicable in all the circumstances.

27. Underpinning this would be specific obligations that clarify responsibilities.

28. Our proposals retain the current obligation to provide Network Rail with the information it needs for the timetabling process, participating in any timetabling consultation and working to resolve disputes. But this would be set in a wider context of a requirement to cooperate with Network Rail and other train operators to facilitate train service planning, including during disruption.

29. Alongside this, we propose a new obligation to publish one or more codes of practice for providing information to passengers and to deliver plans for making improvements. The codes must between them set out the principles and processes that will enable the operator to achieve the purpose of the licence condition. We envisage that in practice the relevant codes of practice would be Parts D and H of the network code (including the railway operational code (ROC)) and the ATOC codes of practice on information provision and passenger information during disruption, although these would not be specified in the licence itself, to retain flexibility. Operators would be expected to

review the codes of practice from time to time to ensure that they still fulfil the purpose and ORR would retain the right to direct such a review if necessary.

30. If improvements were needed to the arrangements, we would require the relevant operator(s) to develop and deliver a plan showing how and when it will make those improvements. In most cases we would leave it to the operator to decide whether improvements were needed, but we may need to direct an operator to produce a plan if we think it is not fulfilling the purpose of the licence condition.

31. Finally, we propose a change to the current obligation to provide information to intermediaries within 3 weeks of receiving it from Network Rail. We believe that this fails to address the timescales required to provide information during disruption and propose that the timescale should be “as soon as reasonably practicable”, to allow for very short term changes. In any case, we think that the 3 week limit is no longer relevant with modern IT systems and information is currently passed on within days.

Station licences

32. For station operators we propose a new short obligation “to cooperate with train operators so far as is reasonably necessary to enable them to meet their obligations to provide information to passengers”. This is necessary to ensure that those station operators who do not also have a passenger licence (such as Network Rail) are also made responsible for passing on relevant information to passengers.

Network Rail's network licence

33. We propose to amend the timetable information condition in Network Rail's network licence to better emphasise that all planning timescales are covered and to ensure its key role helping the train operators fulfil their duty to provide information to passengers is clear. So a key change is the introduction of a purpose which emphasises Network Rail's obligation is to provide information to enable *train operators* to meet their information obligations to passengers. Network Rail's current obligation is more general, requiring it to provide information to enable passengers to plan their journeys. There would then be a general duty to achieve the purpose to the greatest extent reasonably practicable, reflecting the need for some flexibility delivering the complicated timetabling process. A final addition would be to incorporate a specific obligation to cooperate with operators to enable them to achieve the purpose in their licences.

34. This approach reflects our legal duties and the five principles of good regulation (that proposals are consistent, targeted, transparent, proportionate and accountable). Most of our duties are relevant but, in particular, requiring greater accountability for providing information to passengers at all times will better protect the interests of the users of railway services and making responsibilities and accountabilities clearer will help to promote improvements in railway service performance. The clearer requirements on industry parties to cooperate in the timetabling process and providing information will also help those providing services to plan their businesses with a reasonable degree of assurance.

Do you have any suggestions to improve the proposed licence drafting?

Effects of the proposals

35. Network Rail and the operators have already committed to producing the codes and plans that we are proposing to underpin through these licence changes, so we do not believe that these proposals place a greater regulatory burden on licence holders. However, they do introduce a mechanism by which operators and station managers can properly be held accountable to passengers and to each other. The clearer split of responsibilities will make it easier for each party to plan its business, with an assurance that other parties on whom they rely will be working to the same goal.

36. The proposals do go wider than the current obligation to participate in the timetabling process to allow Network Rail to meet its obligations, additionally requiring operators to cooperate with Network Rail. This is a slightly stronger requirement which is intended to make sure that the timetabling process works smoothly.

37. The proposals make the operators accountable for getting the information to passengers through codes of practice and improvement plans. These already exist although operators would need to publish them and ensure they covered properly their own particular circumstances. ORR would have the right to direct parties to make changes to the codes and the plans following consultation with all interested parties.

38. The proposals make it more explicit what timescales are included. They are also applicable to all passengers, including disabled passengers and others protected by equalities legislation whose information needs may differ. All passengers will benefit from these proposals and they will complement the requirement to have disabled persons' protection policies that already exists in all licences.

39. The proposals do not cover ticket retailing because we believe that there is adequate protection under consumer law against selling tickets for services that have been cancelled or delayed. However, it does require operators to ensure accurate and timely information is available across all media, including information about cancellations and delays at the point of sale. In 2011-12 we will also be undertaking research into ticket complexity.

40. The changes to Network Rail's network licence will clarify its obligations. They will not add any additional regulatory burden.

41. We think that the changes to passenger licences should apply to all main line train operators apart from charter operators, who do not sell tickets for train services in the national timetable. Changes to the station licences should apply to all licensed operators.

42. We do not expect these proposals will have any negative impact on health and safety, sustainable development or competition. There could be a positive impact on the management of crowding at stations.

Who do you think should be covered by these proposals?

What impact do you think these proposals would have?

How would it work in practice?

43. We expect operators would continue to deliver their plans to improve information provision, working through NTF and PISG as appropriate, as they are doing now. We think the current codes of practice and industry improvement plans are adequate but they should be made more visible to passengers and may need revision over time.

44. We expect operators would find it helpful if we set out our approach to monitoring and enforcing these strengthened obligations. Our starting point is that our current economic enforcement policy would apply so we would focus on any systemic or serious issues. We expect to monitor delivery of the current industry plan and codes of practice, in which we are already involved. We will continue to report progress and any concerns we have with delivery to passenger representatives, funders and other stakeholders.

45. We recognise that there is some overlap with current franchise commitments. We expect the franchising authorities to consider how to make appropriate changes to future franchise agreements. In any event, our enforcement policy is clear that we would not expect to use two different methods of enforcement for any failure to meet an obligation. We would therefore coordinate with franchising authorities to avoid double jeopardy and to ensure it was clear who was leading in resolving any particular problem where regulatory action was needed.

What extra information about how these conditions would work in practice would be useful?

Conclusion

46. We support the progress the industry has made to improve passenger information so far, but we believe that there needs to be greater accountability to passengers. Properly aligned obligations set out in licences will create a clear, consistent and fair accountability framework for ensuring passengers are given the good quality, timely information they need to plan and make journeys with confidence. This does not require operators to do any more than they have already committed to do voluntarily, but it will provide greater assurance to passengers and within the industry that everyone is working together to a common goal.

Annex a: Proposed extended TOC licence condition 4

Condition 4: Information for passengers

Purpose

- 4.1 The purpose is to secure the provision of appropriate, accurate and timely information to enable railway passengers and prospective passengers to plan and make their journeys with a reasonable degree of assurance, including when there is disruption.

General duty

- 4.2 The licence holder shall achieve the purpose to the greatest extent reasonably practicable having regard to all relevant circumstances.

Specific obligations

- 4.3 The following obligations in this condition are without prejudice to the generality of the general duty in condition 4.2 and compliance with these obligations shall not be regarded as exhausting that general duty. In fulfilling these obligations the licence holder shall at all times comply with the general duty in condition 4.2.

Planning services

- 4.4 The licence holder shall cooperate, as necessary, with Network Rail and other train operators to enable Network Rail to undertake appropriate planning of train services and to establish or change appropriate timetables, including when there is disruption.
- 4.5 In particular, the licence holder shall:
- (a) provide Network Rail with such information about the licence holder's licensed activities as may be reasonably necessary for Network Rail to fulfil its obligations relating to timetabling in its network licence;
 - (b) participate constructively in any timetabling consultation carried out by Network Rail;
 - (c) use reasonable endeavours to resolve promptly any timetabling disputes;
and
 - (d) respond expeditiously to any timetabling matter which Network Rail reasonably considers to be urgent.

Code(s) of practice and improvement plan(s)

4.7 The licence holder shall, unless ORR otherwise consents, publish one or more code(s) of practice or other documents setting out the principles and processes by which it will comply with the general duty in condition 4.2.

4.8 Where the licence holder considers, or is directed by ORR, that improvements to its arrangements for the provision of information to railway passengers and prospective passengers are necessary or desirable to enable it better to fulfil the general duty in condition 4.2, it shall develop, publish and deliver a plan, which sets out the improvements it intends to make and the dates by which such improvements will be made.

4.9 The licence holder shall, from time to time and when so directed by ORR, review and, if necessary, revise, following consultation, anything published under condition 4.7 and any plan under condition 4.8 so that they may better fulfil the general duty in condition 4.2.

4.10 ORR shall not make any direction under conditions 4.8 or 4.9 without first consulting the licence holder.

Provision of information to intermediaries

4.11 The licence holder shall as soon as reasonably practicable:

- (a) provide to the holders of passenger and station licences; and
- (b) provide to all timetable information providers on request reasonable access to

appropriate, accurate and timely information to enable each on request to provide passengers with all relevant information to plan their journeys including, so far as reasonably practicable, the fare or fares and any restrictions applicable.

4.12 In this condition:

“Network Rail” means Network Rail Infrastructure Limited (a company registered in England and Wales under number 02904587), and its successors and assigns.

Annex b: proposed changes to Network Rail's network licence

Network Rail's timetabling obligations are set out in two conditions. We are not proposing any changes to the condition 1 obligation.

Condition 1: Network management

Purpose

1.1 The purpose is to secure:

- (a) the operation and maintenance of the network;
- (b) the renewal and replacement of the network; and
- (c) the improvement, enhancement and development of the network,

in each case in accordance with best practice and in a timely, efficient and economical manner so as to satisfy the reasonable requirements of persons providing services relating to railways and funders, including potential providers or potential funders, in respect of:

- (i) the quality and capability of the network; and
- (ii) the facilitation of railway service performance in respect of services for the carriage of passengers and goods by railway operating on the network.

General duty

1.2 The licence holder shall achieve the purpose in condition 1.1 to the greatest extent reasonably practicable having regard to all relevant circumstances including the ability of the licence holder to finance its licensed activities.

...

Timetable planning

1.23 In complying with the general duty in condition 1.2 the licence holder shall:

- (a) run an efficient and effective process, reflecting best practice, for establishing a timetable, and any changes to it; and
- (b) where necessary and appropriate, initiate changes to relevant industry processes,

so as to enable persons providing railway services and other relevant persons to plan their businesses with a reasonable degree of assurance and to meet their obligations to railway users.

Condition 2: Information for passengers

Purpose

- 2.1 The purpose is to secure the provision of appropriate, accurate and timely information relating to planned and actual movements of trains on the licence holder's network to enable train operators to meet their information obligations to passengers and prospective passengers, including when there is disruption.

General duty

- 2.2 The licence holder shall achieve the purpose to the greatest extent reasonably practicable having regard to all relevant circumstances.

Specific obligations

- 2.3 The following obligations in this condition are without prejudice to the generality of the general duty in condition 2.2 and compliance with these obligations shall not be regarded as exhausting that general duty. In fulfilling these obligations the licence holder shall at all times comply with the general duty in condition 2.2.

Cooperation

- 2.4 The licence holder shall cooperate, as necessary, with train operators to enable them to provide appropriate, accurate and timely information to enable railway passengers to plan and make their journeys with a reasonable degree of assurance, including when there is disruption.

National timetable

- 2.5 The licence holder shall, except in so far as ORR may otherwise consent, publish, or procure the publication of, a national timetable of railway passenger services.

Changes to the national timetable

- 2.6 The licence holder shall:
- (a) establish and maintain efficient and effective processes reflecting best practice; and
 - (b) apply those processes to the greatest extent reasonably practicable having regard to all relevant circumstances,

so as to provide appropriate, accurate and timely information on relevant changes to train operators.

For the purposes of this condition 2, “relevant changes” are changes to the national timetable occasioned by:

- 1) any renewal, maintenance and enhancement of the network; or
- 2) any restriction of use of which the licence holder is, or reasonably ought to be, aware.

2.7 The licence holder shall be in compliance with its obligation under condition 2.6 to provide timely information where it has provided train operators with access to appropriate, accurate information about relevant changes not less than 12 weeks before the date such changes are to have effect.

2.8 In circumstances where the licence holder is not in compliance with condition 2.6 by virtue of condition 2.7, the licence holder shall not be in breach of its obligation under condition 2.6 to provide timely information to the extent that:

- (a) providing the information 12 weeks or more before the relevant changes are to have effect would conflict, to a significant degree, with its duty under condition 1.2; and
- (b) it provides access to appropriate, accurate information about relevant changes to holders of passenger licences as soon as is reasonably practicable having regard to all relevant circumstances.

Access to information for enquiry services

2.9 The licence holder shall grant access to information it holds on the planned [and actual] movement of trains on its network to persons providing or seeking to provide credible enquiry services relating to the operation of railway passenger services on the licence holder’s network. The licence holder shall grant access to such information as these persons may reasonably require for the proper carrying out of their operations. The licence holder shall grant access to the information on reasonable terms (including the prices charged, means of access and confidentiality).

Annex c: list of consultation questions

1. *Do you agree that there is a lack of clear accountability in the current framework for providing information to passengers?*
2. *Do you agree that licences are the best place to set out aligned accountabilities for providing information?*
3. *Do you agree the split of responsibilities described is sensible?*
4. *Are there any other changes in the way the industry handles information for passengers that would complement new licence obligations and help the industry deliver the needed improvements?*
5. *Do you have any suggestions to improve the proposed licence drafting?*
6. *Who do you think should be covered by these proposals?*
7. *What impact do you think these proposals would have?*
8. *What extra information about how these conditions would work in practice would be useful?*