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**Form R32: Application to appeal**

*For use with appeals to ORR under regulation 32 of The Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 (the 2016 Regulations). You may also adapt this form for appeals under section 17 of the Railways Act 1993 for access to yards and freight terminals etc.*

**Using this form**

This form sets out our standard information requirements for considering appeals under regulation 32 of the 2016 Regulations.

Please read our [guidance module](http://orr.gov.uk/what-and-how-we-regulate/track-access/guidance) on the 2016 Regulations before making an application*.*

Please provide the following information:

**1. Your contact details:**

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| Company:Contact individual:Job title:Address:Telephone: E-mail: |

**2. Your appeal**

**2.1 Your status**

In what capacity are you making this application (eg Railway Undertaking, Infrastructure Manager, Service Provider or other *Please specify*):

**2.2 Grounds for applying to ORR**

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| Which matter are you appealing about under regulation 32? (*Please tick at least one box.)** 32(2)(a) a network statement in its provisional or final version ****
* 32(2)(b) the information to be included in a network statement ****
* 32(2)(c) the allocation process for infrastructure capacity and its result ****
* 32(2)(d) the charging scheme, the charging system or the Channel Tunnel charging framework ****
* 32(2)(e) the level or structure of railway infrastructure charges ****
* 32(2)(f) the arrangements for access provided for under Part 2 and Schedule 2 of the 2016 Regulations ****
* 32(2)(g) access to and charging for services provided under Part 2 and Schedule 2 of the 2016 Regulations ****
* 32(2)(h) traffic management ****
* 32(2)(i) renewal planning and scheduled or unscheduled maintenance ****
* Compliance with the requirements, including those regarding conflicts of interest, set out in regulations 8A, 8B, 8C, 9A, 14(9) and 19(4) ****
* unfair treatment, discrimination or aggrieved ****
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**2.3 The matter or issue subject to appeal**

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| Is the matter one in relation to which directions could be sought from ORR under sections 17 or 22A of the Railways Act 1993? *(Please tick Yes or No.)*Yes  Please stop and complete Form F or P instead, as appropriate.No  Please explain why: |

**2.4 Reasons for making this appeal**

Set out here the reasons for making this appeal under the 2016 Regulations (e.g. are you appealing against a particular decision concerning any of the matters set out in regulation 32(2) or do you feel unfairly treated or discriminated against or in any other way aggrieved?) Please provide copies of correspondence between the parties relevant to your application.

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**2.5 Summary**

Please provide in the box below a summary of the proposed appeal.

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**2.6 Events leading up to the appeal**

What were the events leading up to the appeal and what were you told by the infrastructure manager/service provider/ allocation body/charging body/railway undertaking? Were any codes of practices cited or used.

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**3. Supporting information**

**3.1 Other material**

If there is any further justification or relevant information that will support your application, please provide it below. Please itemise and describe any other material being submitted with this form.

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**3.2 Side letters and collateral agreements**

Please confirm that the whole of the proposed agreement, where applicable, between the parties has been submitted with this application. If there are any side letters or other documents which qualify or otherwise affect the proposed application, please list these below and provide copies.

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**3.3 Associated applications to ORR**

Please provide details of any other related applications that are also being made to ORR (*e.g.* under sections 17, 18, 22 or 22A of the Act).

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**4. Access appeals**

*Only complete section 4 for appeals relating to access under Part 2 and Schedule 2 of the 2016 Regulations. Otherwise go straight to* [*section 5*](#five)*.*

**4.1 Details of the facility to which access is requested**

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| Name of facility:Name of owner/provider:Contact individual:Job title:Address:Telephone: E-mail: |

**4.2 Details of which services you want**

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| Details of services you need:(eg stabling, tyre turning, loading, unloading, shunting, refuelling,….) |

**4.3 Suitability of preferred facility** *(if applicable)*

* Explain the purpose for requiring the access/service and why you consider that this particular facility is competent to supply the access/service.

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**4.4 Summary**

* Please provide in the box below a summary of the type and level of rail access required (including number of train slots and timings if relevant) or services required from the infrastructure manager/service provider
* the commercial terms proposed; and
* your reasons for seeking the contract in the terms proposed.

This section should also include an explanation of the extent to which you have evaluated available capacity at the named facility to satisfy yourself that the level and type of services being sought can be provided. Please also include a draft agreement showing the contractual terms between the applicant and infrastructure manager/service provider.

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**5** **Confidentiality and market sensitivity**

**5.1 Confidentiality**

Indicate clearly any elements in the application and the proposed agreement (if relevant) that you believe should be excluded from any wider consultation on the grounds of confidentiality. Please provide a summary that can be cited instead, if we agree to make redactions.

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**5.2 Market sensitivity**

Indicate clearly whether you consider that a final decision in relation to the application would be market sensitive.

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| *Note: Under regulation 42 of the Regulations if any person, in giving any information or making any application under or for the purposes of any provision of the Regulations, makes any statement which s/he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, s/he is guilty of an offence and liable to prosecution.* |

**6. Signature**

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| Signed: Date: Name (in caps):Job title:For (company): |

**7. Submission**

Please check you are sending electronic copies of:

* this application form;
* the proposed draft agreement (where appropriate);
* any documents incorporated by reference (other than established standard industry codes or other instruments); and
* any other attachments, supporting documents or information.

Send by e-mail to: track.access@orr.gov.uk

# Privacy Notice

We respect your right to privacy. Our Privacy Notice sets out details about the way ORR processes personal data that we collect from and about you and how we may use your information in accordance with the General Data Protection Regulation (GDPR) and Data Protection Act 2018. For details please see our website: <https://orr.gov.uk/about-orr/corporate-data/freedom-of-information/privacy-notice>