

## BUSINESS IMPACT TARGET - NON-QUALIFYING REGULATORY PROVISIONS (NQRPs) SUMMARY REPORT

Regulator: Office of Rail and Road

Business Impact Target reporting period covered 21 June 2018 – 20 June 2019

Excluded Category*	Summary of measure(s), including any impact data where available**
Measures certified as being below de minimis (measures with an EANDCB below +/- £5 million)	<p>Some of the following activities relate to policy development and therefore also fall into the policy development exemption:</p> <ol style="list-style-type: none"> <li>1. We have made simple factual changes to aspects of our guidance on safety management systems, safety certification and risk assessment. This has included publication of a toolkit (factsheet) designed to assist industry navigate which aspects of the legislation apply to them.</li> <li>2. Changes to ORR guidance and templates consequential to Periodic Review 2018 (PR18) in relation to Network Rail               <ul style="list-style-type: none"> <li>o Updated ORR model connection contract (change Retail Price Index (RPI) to Consumer Price Index (CPI))</li> <li>o Updated Freight track access contract and General Approval</li> <li>o Updated Passenger track access contract</li> <li>o Updated Charter track access contract</li> <li>o Updated our track access guidance models</li> </ul>               (See ORR's website for these <a href="#">new guidances</a> and <a href="#">new contracts</a>)             </li> <li>3. Research on passenger information during disruption, to be published 2019.</li> <li>4. Review of Disabled Persons Protection Policy (DPPP) guidance (November 2018).</li> <li>5. Statutory licence modification of the Complaints Handling Procedure (CHP) licence condition to require membership of an ADR scheme (February 2019)</li> <li>6. Remedies put in place, including undertakings accepted from the Rail Delivery Group to improve competition in the markets for automatic ticket gates and ticket vending machines. This exemption may also fall into the 'pro-competition' category. (March 2019).</li> <li>7. Research and publication of framework for monitoring the impact and on-going operation of Open Access Operators (March 2019).</li> </ol>
EU Regulations, Decisions and Directives and other international obligations, including the implementation of the EU Withdrawal Bill and EU Withdrawal Agreement	<ol style="list-style-type: none"> <li>1. We are in the processing of updating our access guidance to reflect new European legislation.</li> <li>2. We have published guidance on how, and in what circumstances, we will carry out an Economic Equilibrium Test on new proposed new 'open access' train services. This was required by new EU Implementing Regulation, which applies from 1 January 2019.</li> <li>3. We have published an up to date and comprehensive suite of guidance on the requirements of EU Directive 2007/59/EC on the licensing and certification of train drivers.</li> <li>4. We have published a suite of factsheets for industry on the "no deal exit Statutory Instruments" that touch on our areas of regulatory competence. It should be noted that these documents do not "come into force" during this reporting period.</li> <li>5. We are in the process of examining what changes may be necessary to train and station operator licensing arrangements as a result of the decision not to renew the exemption to the Passenger Rights Obligation.</li> </ol>
Measures certified as concerning EU Withdrawal Bill operability measures	

Excluded Category*	Summary of measure(s), including any impact data where available**
Pro-competition	Nothing to report
Systemic Financial Risk	Nothing to report
Civil Emergencies	Nothing to report
Fines and Penalties	Penalty of £5m on Govia Thameslink Railway for breaching condition 4 of its licence in respect of the provision of appropriate, accurate and timely information to passengers following the implementation of the 20 May 2018 timetable and during the subsequent disruption. (This is subject to any appeal by Govia Thameslink Railway and the penalty will be payable to HMT).
Misuse of Drugs	Nothing to report
Measures certified as relating to the safety of tenants, residents and occupants in response to the Grenfell tragedy	Nothing to report
Casework	<p>(The following casework covers period 1 April 2018 – 31 March 2019):</p> <p>8. <u>Licensing</u>: we issued licences to 5 operators of railway assets; we granted licence exemptions to 7 operators of railway assets; and we revoked 7 licences/exemptions.</p> <p>9. <u>Stations and depots</u>: we gave our specific approval to the following – 32 new agreements, 179 amending agreements. We ratified the closure of 1 station.</p> <p>10. <u>Track Access</u>: we approved numerous new track access contracts and amendments to existing contracts, which facilitate access to the rail network as follows:</p> <ul style="list-style-type: none"> <li>• Framework agreements of Train Operating Companies (TOCs) and Freight Operating Companies (FOCs) with Network Rail: <ul style="list-style-type: none"> <li>○ TOCs - Specific approvals: 103, notices of consent: 24</li> <li>○ FOCs – specific approvals 12, notices of consent 11.</li> </ul> </li> <li>• Connection contracts, where networks between different parties meet: Specific: 7 cases</li> <li>• Facility access contracts between TOCs/FOCs and facility owners: Specific: 1 cases</li> <li>• Parties were also able to use General Approvals for many other contracts.</li> </ul> <p>11. We made decisions on 2 appeals under <a href="#">Part M</a> of the Network Code – concerning disputes between industry parties.</p>
Education, communications and promotion	Nothing to report
Activity related to policy development	See de minimis exemption entries (measures with an EANDCB below +/- £5 million)
Changes to management of regulator	Nothing to report

\* For detailed guidance on the exclusion categories, please see <https://www.gov.uk/government/publications/better-regulation-framework>

\*\* Complete the summary box as 'Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.' where this is appropriate.