

Andrew Eyles, Esq,
Senior Executive, Investigation and Legal Support Team,
Office of Rail Regulation,
One Kemble Street,
LONDON WC2B 4AN

28 September 2010

Dear Mr Eyles,

RESPONSE TO CONSULTATION:

CPT/17/10

Publication of ORR Enforcement Notices

The Confederation of Passenger Transport UK (CPT) is the national trade association for the bus, coach and light rail industry. Our members include the owners and operators of all the principal UK light rail and tramway systems.

Thank you for your consultation issued 6 July 2010 regarding the proposal to publish Enforcement Notices immediately on the ORR website. We are grateful for the opportunity to comment, and I am responding on behalf of the light rail and tramway sector of CPT.

Our members discussed the proposals at their recent meeting, and I have to report that they do not agree with the proposals. They felt that the proposal goes against natural justice, in that there is an element of “guilty until proved innocent” in publishing the result before any appeal has been resolved. The proposed period of three days is too short for operators to prepare a response to any potential adverse comment in the press. In this connection, ORR needs to be aware that such matters tend to receive a great deal of press attention which often over-simplifies or mis-interprets the issues. The public will take the issue of an enforcement notice as a signal that there is a serious safety problem, which is not necessarily the case

We would support Option 1, the “do-nothing” option, which allows the appeal period to expire, or an appeal to be resolved, before ORR publishes. We appreciate the argument that the information might leak into the public domain, but such leaks will not have the stamp of official ORR approval.

If ORR decides to opt for Option 2, the preferred option of publication after 3 days, we would ask that operators be given advance notice so that they have an opportunity to brief the press and issue a response.

Confederation of Passenger Transport UK

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I can confirm that CPT has no objection to its response being made public.

Yours sincerely,

David Walmsley
Fixed Track Executive

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