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7 February 2012

The Company Secretary
Network Rail Infrastructure Limited
Kings Place,
90 York Way
London
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To the Company Secretary

Notice of modification of Network Rail Infrastructure Limited's network licence

Network Rail Infrastructure Limited (Network Rail) has been granted a network licence (the network licence) and a station licence (the station licence) under section 8 of the Railways Act 1993 (the Act).

In accordance with section 12(2) of the Act, on 1 December 2011¹, ORR gave notice of its proposal to modify the licences.

The notice published by ORR set out the reasons for the modifications and their effect. It required any representations or objections to the modifications to be made on or before 30 January 2012.

ORR has considered the representations or objections which were duly made and not withdrawn.

In its representations Network Rail requested we include the words "including the funding available" at the end of the proposed condition 2.2 of the network licence. We have agreed to this amendment because it helps to clarify what is meant by 'all relevant circumstances' and makes this condition consistent with other conditions in Network Rail's licence as well as with the condition on information for passengers that we are proposing to put into the passenger licences. We are also mindful of our duties under section 4 of the Act, in particular the requirement to act

¹ ORR's 1 December 2011 consultation letter can be found at http://www.rail-reg.gov.uk/upload/pdf/passenger_information_consultation_dec2011.pdf



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in a manner which it considers will not render it unduly difficult for network licence holders to finance any activities or proposed activities.

The licence holder has given its consent to the modifications.

Under section 12(1) of the Act and with the consent of the licence holder, I therefore modify the network licence by deleting condition 2 of the network licence in its entirety and replacing it with the new condition 2 as set out in schedule 1 of this notice. I also modify the station licence by inserting a new condition 3: Passenger information, as set out in schedule 2 of this notice.

These modifications will take effect on 1 March 2012.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'John Larkinson', is written over a light blue horizontal line.

John Larkinson

Schedule 1: New condition 2 of Network Rail's network licence.

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, including the funding available.

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.
- 2.5 In particular, the licence holder shall:
- (a) use reasonable endeavours to resolve promptly any timetabling disputes; and
 - (b) respond expeditiously to any timetabling matter which a train operator reasonably considers to be urgent.

- 2.6 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

- 2.7 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:

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

- 2.8 The licence holder shall be in compliance with its obligation under condition 2.7 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.

- 2.9 In circumstances where the licence holder is not in compliance with condition 2.7 by virtue of condition 2.8, the licence holder shall not be in breach of its obligation under condition 2.7 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

2.10 The licence holder shall grant access to information it holds on the planned 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).

Schedule 2: New condition 3 of Network Rail's station licence.

Condition 3: Information for passengers

- 1 The licence holder shall cooperate with train operators so far as is reasonably necessary to enable them to meet their obligations to provide information to passengers.