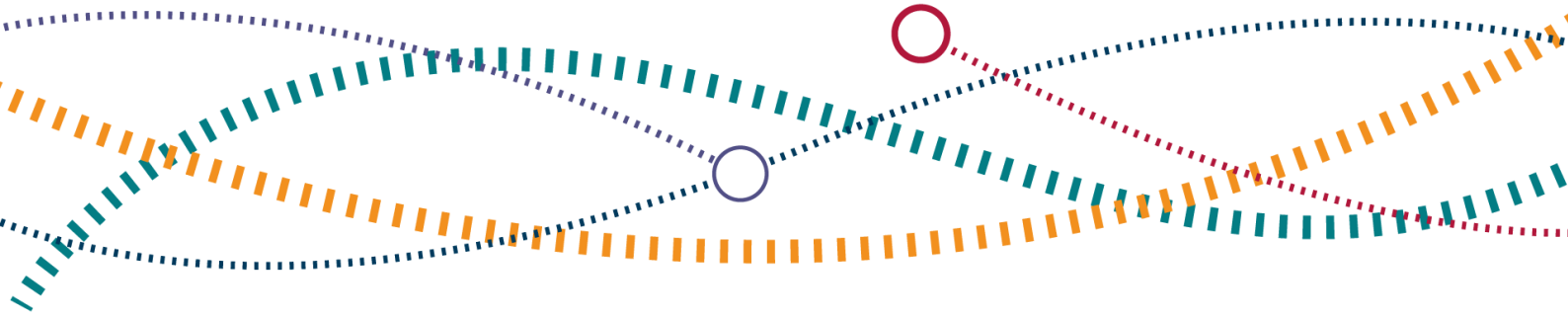
Development of ORR's appeals process for GBR industry response summary

04 June 2026



1. Introduction

Context and purpose

1.1 The Railways Bill proposes to establish Great British Railways (GBR) as an integrated directing mind which will make its own decisions on access to and use of its network in line with legislative requirements.

1.2 The Bill also proposes to establish an appeals function to be operated by the Office of Rail and Road (ORR). Decisions in scope of this appeal process will include:

(a) provisions within GBR's policies on access and use, its infrastructure capacity plans, and its charging and performance schemes;

(b) decisions made by GBR on access to or use of GBR infrastructure for the operation of trains including certain decisions relating to the working timetable; and

(c) decisions made by GBR under its charging and performance schemes.

1.3 The ORR appeals process will be available to "a person aggrieved" by specific decisions, or, in the case of appeals relating to the working timetable, those who have made an application for the inclusion of a train movement in the working timetable. In determining an appeal, the Bill states that ORR is to "apply the same principles as would be applied by the High Court on an application for judicial review, or in Scotland, on an application to the supervisory jurisdiction of the Court of Session".

1.4 As set out in Clause 68 of the Bill, in response to an appeal ORR may either allow the appeal in whole or in part, or dismiss the appeal. If ORR allows the appeal, the options available to us depend on the type of decision being appealed. For all types of decision, ORR can remit the matter back to GBR (potentially with directions as to its reconsideration). Some decisions can also be quashed in whole or in part. In the specific circumstances where GBR has committed an error of law, and there was only one lawful decision that it could have made if not for that error, ORR may substitute its own decision in place of GBR's decision.

1.5 As drafted, the Bill does not include requirements on the process that ORR must follow when considering appeals, although the Secretary of State may by regulations "make provision governing the practice and procedure to be followed in

the case of appeals". Ministers have indicated that this regulation-making power is intended to serve as a safeguard but is not expected to play a routine role, so we therefore expect to set out the process for appeals in our own policy.

1.6 We consider that our new appeals process needs to be in place for the point at which GBR begins making decisions on access and charging. We have therefore begun our policy development process early, to ensure industry and stakeholders have opportunities to contribute views.

1.7 We recognise that the Bill is still progressing through Parliament and potentially subject to change. All references to Bill clauses in this document therefore refer to the latest available version of the Bill as reintroduced at Report Stage in the House of Commons and published on 14 May 2026.

Discussion document and industry roundtables

1.8 In December 2025, we published a discussion document setting out some of the choices that we consider we will need to make in developing our approach to handling future appeals. We received 18 written responses to our discussion document.

1.9 Additionally, on 13 and 20 January 2026 we convened two roundtables with industry stakeholders to discuss key issues relating to the design of our future appeals process.

1.10 We invited a range of industry stakeholders who we consider are likely to be affected by our future appeals process. These included passenger train operators (including contracted, open access, and devolved operators), freight operators and their representatives, infrastructure managers, combined authorities, Transport Focus, and Network Rail (see Annex A for a full list of attendees).

1.11 Ahead of the roundtables, attendees were sent a questionnaire to prioritise potential topics for discussion. Responses to this questionnaire identified the following priorities:

(a) design principles;

(b) ORR's determination of appeals;

(c) the process and timescales; and

(d) the interaction between appeals and GBR's escalation process and contractual disputes.

1.12 The topics identified above were presented in turn by ORR and discussed in breakout rooms with interactive surveys (see Annex B for the results of those). Following the breakout room discussions, each group fed back to the main room for further discussion. At the end of each session, there was also an opportunity for stakeholders to make any other comments.

1.13 Section 2 summarises the responses we received to our discussion document and the feedback received at the roundtables.

2. Summary of responses

2.1 This section summarises the feedback we received through written responses to our discussion document, and at the roundtables we convened in January.

Design principles

2.2 In our discussion document, we set out five design principles to help inform our policy choices around our future appeals process. These were: proportionality; pace and efficiency; consistency and predictability; transparency; and evidence-based and independent.

2.3 Stakeholders expressed broad agreement with the five proposed design principles and particularly supported the principle of being independent and evidence-based. Additional principles proposed by stakeholders for consideration included:

(a) fairness;

(b) early resolution;

(c) clarity;

(d) finality;

(e) accountability;

(f) incorporation of industry knowledge into the process; and

(g) a balancing principle.

2.4 Some stakeholders noted that ORR's current Regulation 32 appeals process can sometimes take a long time to conclude and that it would be helpful to improve on this. There was also a consensus that pace, although important, should not be prioritised to the detriment of the other design principles and accuracy. If the other design principles are applied effectively, there was a view that pace and efficiency should naturally follow.

2.5 Some stakeholders noted that proportionality within the process needed to be considered for all organisations, recognising that some operators may not have access to the same resources as GBR. There may also be varying levels of resources required for different types of appeals and it was noted that the appeals process should minimise the burden on GBR and applicants. There should also be

consideration of the effect of decisions, for instance if a decision would have a disproportionate impact on a certain class of operator, or a certain community.

2.6 Transparency around ORR's approach to determining appeals was considered essential, and stakeholders noted this would be particularly important for initial appeals to set precedents.

2.7 **Next steps:** We consider that our original design principles remain broadly appropriate with some minor refinements. In the interests of achieving pace and efficiency, we will continue to support the principle of parties reaching early resolution on disputes wherever possible. To achieve proportionality, we plan to adjust the outline appeals process we originally proposed (see the section below on process and timescales).

Scope of appeals

2.8 The Bill defines the matters that will fall within the scope of ORR's appeals process.

2.9 Stakeholders noted that consideration would need to be given to how appeals relating to GBR will interact with appeals regarding other infrastructure managers, as well as international train paths in areas such as timetabling. We consider that the relevant appeals process in each case (i.e. whether an appeal would be considered under the new basis set out in the Bill, or under the Regulation 32 process set out in the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 (AMRs)) will be determined by which infrastructure manager is the relevant decision-maker in the case. This could mean that appeals relating to a single train path crossing multiple infrastructure managers would need to be considered under separate appeals processes, although we would aim to align processes where possible in practice. We note that GBR's role as a provider of service facilities (including the provision of service facilities at stations) will be governed by the AMRs.

2.10 Several respondents queried whether it would be possible to appeal changes to contracts or GBR's future Network Code where there was disagreement. We consider that GBR decisions in these areas would be appealable as they relate to the terms of access to and the use of GBR infrastructure under Clause 59, and under the broad right of appeal set out in Clause 67.

2.11 One respondent queried whether withdrawing an appeal would preclude further appeals on the same GBR policy. We consider that, once a party had withdrawn an appeal, we would be unlikely to accept a new appeal on the same issue from

that same party, but this would not preclude that party appealing against other elements of the same GBR policy.

Combining appeals

2.12 In our discussion document, we set out that it could be useful to include an option to combine our consideration if we receive multiple appeals of the same GBR decision.

2.13 There was broad support for ORR to be able to combine appeals, providing this does not cause delay or complexity. Respondents noted that combining appeals may be particularly useful for appeals relating to access rights, engineering access and timetabling.

2.14 There were several questions regarding how combining appeals would work. One respondent questioned whether parties would be able to add to an appeal at a later date. Some stakeholders proposed that appeals should not be combined if appellants did not agree on the outcomes that they were seeking from the appeal, and there was a suggestion that appellants should be able to opt out of a combined appeal. There was also a question of whether joint appeals would be accepted.

2.15 **Next steps:** We consider that it will be useful for ORR to retain the option to combine appeals where they relate to the same GBR decision and where combining appeals will facilitate a timely and consistent outcome.

2.16 Combining appeals will not affect how we consider the facts of each individual case. We are therefore minded that the decision to combine appeals (or not) will be at ORR's discretion without requiring agreement from either the appellants or GBR. In scenarios where multiple appellants are challenging the same GBR decision but seeking different outcomes as a result of their appeals (for instance two operators competing for the same network capacity), we will likely choose to combine such appeals to ensure that we are considering the issue once and on a consistent basis, rather than through separate appeals processes. We are minded to accept joint appeals.

2.17 We will further consider the conditions when we consider it will be most appropriate to combine appeals and reflect this in our policy.

Who can appeal

2.18 The Bill states that a "person aggrieved" by provisions in GBR's policies or a GBR decision (relating to access, charging or performance), or a person who has applied for inclusion in the working timetable, may appeal to ORR. We plan to develop a definition of a "person aggrieved" to support this and will need to determine whether a person has "sufficient interest", corresponding to the requirement for judicial review applications.

2.19 As set out in our discussion document, we think it is likely that the people or organisations that would have "sufficient interest" could be very similar to the definition of "applicant" in the AMRs, which refers to those with a public or commercial interest in securing capacity. Additionally, a person who has applied for a train movement to be added to the working timetable is able to appeal timetabling decisions, as set out in Clause 61(6) and 62(7) of the Bill.

2.20 There was general support from stakeholders for using the AMR definition and particular emphasis on the ability of infrastructure managers to raise appeals as well as operators. However, one respondent felt that the definition of public or commercial interest was too broad.

2.21 Several stakeholders suggested that local authorities, in particular Mayoral Strategic Authorities, should be explicitly reflected as persons with sufficient interest. It was also suggested that freight customers should be able to raise appeals. More clarity was requested on what sufficient interest would mean in practice and what evidence was required to demonstrate this.

2.22 Those who responded agreed that individual passengers would be better served by raising any concerns around use of the network through the new passenger watchdog which Government is establishing to champion passengers' interests.

2.23 **Next steps:** We consider that those stakeholders with "sufficient interest" are likely to be very similar to the current definition of "applicant" from the AMRs, with appeals open to those with a commercial or public interest in securing capacity. Within this definition, we consider that public authorities (including Mayoral Strategic Authorities) with a statutory role in local transport planning are likely to have a public interest in securing capacity where it relates to services in their areas. Similarly, freight customers, particularly those who hold (or are seeking to hold) access rights for freight services are likely to have a commercial interest in securing capacity. We think it likely that other infrastructure managers would also

have “sufficient interest” to be able to appeal as they are directly affected by services crossing between GBR infrastructure and their own.

2.24 We will consider whether the new passenger watchdog would have sufficient interest to raise appeals relating to use of the network on behalf of passengers.

Appeals windows

2.25 In our discussion document, we proposed to set deadlines (windows) by which parties should appeal GBR’s decisions, with varying windows depending on the substance of the appeal. These appeal windows would begin once any internal escalation processes within GBR had concluded and it had made a final decision, or after any industry disputes process had concluded (see following sections for more details), which respondents generally supported.

2.26 Appeal window deadlines were generally considered helpful in order to provide certainty around the point at which a GBR decision could be considered finalised. The Access Disputes Committee noted that it does not accept appeals outside of its current deadlines, even in exceptional circumstances. However, some stakeholders (especially freight operators) expressed concerns that future harm may not become apparent until after the deadline for raising an appeal had passed. This could particularly be the case for appeals against GBR’s policy positions on complex matters such as charging, where the practical implications of some policy decisions may not become clear until later. One stakeholder suggested that it should be possible to raise appeals against GBR’s policies and procedures at any time.

2.27 Several stakeholders requested clarification on whether the application of judicial review principles as required by the Bill meant there was a three-month time limit for raising an appeal. The Bill requires us to apply the same principles as would be applied on judicial review when we determine an appeal, but we do not consider that the Bill means we need to adopt the same process as a judicial review for managing appeals. The effect of our proposed appeals windows would be to shorten the time available for a party to raise an appeal, in order to enable GBR (and the industry as a whole) to move forward with decisions with certainty once the relevant appeal window has closed.

2.28 Some stakeholders suggested that the variety of different windows proposed by ORR for different types of GBR decision could be rationalised. One stakeholder queried why the appeal window regarding the working timetable was so much shorter than for other appeals. There was also suggestion that there should be an

opportunity to see how the windows work in practice, and that they should be subject to GBR's access and use policy and GBR Code being finalised.

2.29 In our discussion document, we proposed not to set a deadline for raising appeals in instances where GBR has not made a decision, or published information, in accordance with its stated timescales. Some stakeholders considered that there should be a defined appeal window in these cases and one respondent suggested 40 working days, although some respondents disagreed with this suggestion.

2.30 **Next steps:** We consider that establishing clear deadlines for appeals will support GBR's decision-making and enable persons providing railway services to plan the future of their businesses with a reasonable degree of assurance, as this will make it apparent when a GBR decision is finalised. However, we will reconsider the proposed windows in our final policy with a view to simplifying and aligning the windows for different types of appeals. We remain minded not to set a deadline for raising appeals in instances where GBR has not made a decision, or failed to publish information, in accordance with its stated timescales to avoid appeals on these matters being 'timed out' by inaction.

2.31 Where stakeholders have concerns that a provision in a GBR policy may cause them future harm, but this has not yet materialised, we consider that this could be the basis for an appeal (under Clauses 59(6), 60(6), 64(8) or 65(7)). However, there will need to be a high bar for re-opening GBR's policies after they have been developed, and the relevant appeals window has closed, to avoid undermining certainty for industry. We will consider this further in our final policy. Equally, we recognise concerns that the harm caused by a provision in GBR's policies may not become evident, or be reasonably foreseeable, until that provision is applied in practice. In these circumstances, an appeal could then be raised against the specific decision being made (under Clauses 61(6), 62(7) or 67 of the Bill).

Process and timescales

2.32 In our discussion document, we set out a proposed standard process and timescale for hearing appeals.

2.33 Overall, there was strong support for ORR to set out a standard process, but also a recognition that timescales may be different for different types of appeals (for instance appeals against GBR's policies, compared to appeals against specific access decisions) and dependent on the requirement for provision of information. Several stakeholders, including Network Rail, noted that there may be a need for flexibility or triage for urgent or simple cases (such as short-term plan timetable

changes) as well as the option for extensions in some circumstances. Some stakeholders suggested providing a range of timescales rather than an absolute number, although certainty in the process was considered important. It was suggested that ORR should work through some examples of how the timescales might apply in practice.

2.34 There were mixed views on the timescales suggested for the standard process. Some considered that proposed timescales were longer than expected and should be used as maximums rather than targets. In particular, 25 days for ORR's decision-making was considered by some to be too long and could delay decision-making. However, there was some recognition of the need for time for governance processes in complex cases, and that dealing with multiple appeals simultaneously could create capacity pressures for ORR and other organisations. There were some concerns that the industry disputes process or GBR's internal escalation process may slow down appeals. However, the 2 days allocated for the parties to review ORR's decision and make factual corrections was considered to be too short.

2.35 The asymmetry between different stages was questioned and several stakeholders suggested ORR should reconsider the rationale for this. In particular, many stakeholders believed that, in the interest of fairness, the process should allow equal time for GBR to respond to the appeal and for the applicant to then respond to GBR's representations. Five days was considered unrealistic for smaller organisations, suggesting both organisations should have 10 days. There was broad agreement among stakeholders that relevant evidence should be provided by appellants and GBR at the start of the appeal process, rather than being provided incrementally throughout the process.

2.36 Although there was general support for a single-stage process in which ORR determines the result of an appeal and any directions it may issue to GBR (regarding GBR's reconsideration of the decision) simultaneously, some stakeholders considered that there may be some exceptions where ORR needs to separate these stages for clarity. Several highlighted that a condensed process would be particularly useful where there is previous precedent or a quick decision was needed for operational matters.

2.37 **Next steps:** We consider that it will be useful to set out an indicative standard process and timescale for considering appeals, even if in practice this will need to vary on a case-by-case basis. We expect that we will confirm the timescales we plan to follow at the outset of each individual appeal process, which may be longer or shorter than the standard process depending on the complexity of the case. In

line with the Government's wider approach to ensure regulators and regulation support growth, we will consider how best to develop and express targets for the timeliness of our appeals process.

2.38 In light of stakeholder responses, we will also review the standard process we set out in our discussion document. We are minded to provide equal time for representations from GBR and applicants to ensure fairness and to extend the timeframe for them to offer corrections. We will explore whether it will be feasible to further compress our own decision-making, without compromising the quality and robustness of our processes.

Inclusion of a stage in which ORR decides whether to hear an appeal

2.39 In our discussion document, we proposed to have the potential to dismiss appeals at an early stage if they are found to be out of scope, without merit or vexatious.

2.40 There was broad support for ORR to have the ability to dismiss appeals at an early stage, but several stakeholders suggested that ORR should be required to explain why an appeal was rejected, and that the applicant should be able to challenge the decision. Several stakeholders noted that ORR should set out clear criteria on the grounds on which an appeal would be rejected, and that there should be a standardised level of evidence expected from appellants.

2.41 It was agreed that ORR should be able to consult the appellant for further evidence if there were any doubts as to whether an appeal should be accepted, as is current standard practice. Some respondents suggested that ORR should also consult GBR at this stage, but others felt this would be inappropriate.

2.42 **Next steps:** We remain minded to include an option for ORR to dismiss appeals at an early stage. We agree that any such rejection should be based on clear criteria (which we will develop for our final policy), and that each rejection should be supported by an explanation of our rationale. Before rejecting an appeal at an early stage, we would consult the appellant and provide a brief opportunity to provide further information, if necessary, but do not plan to consult GBR. Where ORR rejects an appeal, appellants would be able to judicially review ORR's decision.

ORR's determination of appeals

2.43 The Bill sets out the legal framework for how ORR will determine appeals. Through our discussion document and the roundtable discissions we provided some additional explanation of what the application of judicial review principles will mean in practice.

2.44 Some stakeholders expressed concern that the circumstances where ORR could substitute a decision were very narrow (in circumstances where there has been an error of law and, without the error, there would have been only one decision which GBR could have reached) and would prefer ORR to have a stronger role. However, this framework reflects the overall intention of rail reform for GBR to be the single directing mind for the railways. Stakeholders also requested more detail on the circumstances and implications of overturning and substituting a decision, how ORR would exert its power to make sure any directions are implemented in good time, and what would happen if GBR failed to comply with a direction.

2.45 Through the roundtable discussions, stakeholders queried the sort of evidence that could be required as part of an appeal, how ORR would judge whether GBR had considered the right evidence, and what would be the process for dealing with new or unconsidered evidence. It was recognised that there is a distinction between circumstances where GBR had not considered available evidence that it should reasonably have considered and circumstances where new evidence would be required. Stakeholders noted that there should be a high bar for requiring the creation of new evidence to avoid placing undue burdens on either GBR or appellants.

2.46 Additionally, some stakeholders questioned how ORR would weigh different types of evidence and priorities when hearing an appeal – for instance, where there are trade-offs that need to be made between competing objectives such as use of network capacity and journey times. Some stakeholders expressed a view that ORR should exercise its discretion in these judgements, whereas others were concerned that this could create uncertainty if ORR's subjective view differed to GBR's. We note that these trade-offs are ultimately for GBR to make in its role as directing mind, and that GBR's approach to this should be clearly reflected in its access and use policy.

2.47 Several respondents also questioned how competition law would be applied. We expect that this would be similar to today, as set out in our Competition Act 1998 guidance.

2.48 Several respondents questioned how the impact on adjacent parties would be considered within an appeal for example on other infrastructure managers, as well as wider social and economic benefit and investment decisions. It was also suggested that ORR consider operational deliverability and transition timelines when specifying remedies.

2.49 **Next steps:** As set out in the Bill, we will determine appeals in line with the principles of judicial review and will consider how we can further clarify this in our final policy. As we hear appeals in practice, we will begin to establish a body of precedent that will help clarify our approach. As set out in the Transparency section below, we will publicly document the rationale for our decisions to support this understanding.

2.50 The Bill also allows ORR to issue GBR with directions when we remit decisions back to it for reconsideration. As part of the roundtable discussions, we tested views on the sort of directions that we might issue to GBR if we remitted it to re-consider its decisions. For instance, we might direct it to adhere correctly to its own processes, to demonstrate how it has taken account of stakeholders' views, or to reconsider evidence that it should have fully considered in its original decision. We will further consider the range of directions that would be most appropriate for ORR to use, while recognising that GBR as directing mind should remain the ultimate decision maker.

Contractual disputes

2.51 The Bill requires GBR to establish a procedure for resolving disputes relating to the working timetable. We have assumed that a contractual disputes process, potentially similar to the role played by the Access Disputes Committee today, will exist.

2.52 There was broad stakeholder support for retaining an independent contractual disputes process, although one operator suggested that all decision-making should be consolidated in a single body to improve clarity and consistency. Some stakeholders expressed concerns that a contractual disputes process would extend the timescales associated with an appeal. Several stakeholders asked ORR to clarify the thresholds for escalation to the statutory appeals process, rather than to contractual dispute resolution.

2.53 **Next steps:** The shape and form of a contractual disputes process will be a decision for GBR as part of its access and use policy and the development of new access contracts (and a future GBR Code) – Network Rail is currently engaging

with industry on these issues. As we have set out previously, we consider that a contractual disputes resolution process is beneficial as it provides an opportunity for industry experts to resolve largely technical matters on behalf of industry. As today, we would not expect to hear an appeal until other available avenues for resolving disputes had been exhausted, and appeals windows would only begin once any contractual disputes process had concluded.

Internal escalation within GBR

2.54 In its December discussion document on the future access and use policy, Network Rail suggested that GBR may consider establishing an internal escalation mechanism within GBR that would give appellants a mechanism to challenge GBR decisions prior to escalating a formal appeal to ORR. This would sit alongside the contractual disputes process. In our discussion document, we noted that the window to lodge an appeal to ORR would begin once any internal escalation process within GBR had concluded.

2.55 There was general support for this, although several respondents requested that ORR scrutinise GBR's pre-appeals process to ensure that applicants are treated fairly. Some industry stakeholders were concerned that GBR's internal escalation process would risk exhausting the time window for raising an appeal and could extend the appeals process. Some believed that appeals to ORR should remain accessible at any point, even if an internal escalation process was still underway. Stakeholders agreed that an appeal should not go through both the GBR internal escalation process and another disputes process.

2.56 **Next steps:** Network Rail is continuing to engage with industry on proposals for an internal GBR escalation process, and the establishment of such a process is a matter for GBR. Our position remains that we would only consider that a GBR decision had been 'made' (and the appeal window would commence) once any internal escalation process had concluded. Should GBR choose to introduce an internal escalation mechanism, then we believe it should be fast, focused and time-bound to avoid delaying decision-making. We will continue to engage with Network Rail and industry as GBR's future policy is developed, including as a statutory consultee on GBR's access and use policy.

Interested parties

2.57 In our discussion document, we proposed to allow interested parties to make representations as part of the appeals process. We set out that we are minded to define interested parties as organisations which experience a demonstrable harm

or benefit as a result of the GBR decision being appealed. We proposed that it would ultimately be for ORR to define interested parties and to decide whether to accept them as interested parties for the purposes of the appeal.

2.58 Respondents generally supported the proposal to include interested parties but some raised concerns that their inclusion could prolong or complicate the appeals process. Some stakeholders suggested that interested parties should be identified as early as possible and subject to the same procedural requirements as other submissions. The Access Disputes Committee noted that its current process invited comment from interested stakeholders at the end of a hearing, having heard the submissions and that the Hearing Chair does not legally have to take their submissions into account.

2.59 Several respondents suggested that we should include a wider definition of interested parties to include Mayoral Strategic Authorities, freight customers, facility owners, rolling stock owners, and the passenger watchdog to represent passengers. One respondent queried whether it was appropriate to include interested parties in the appeals process given that the Bill does not include this.

2.60 There was also broad agreement among respondents that ORR should decide whether to accept interested parties' contributions, but several stakeholders suggested that there should be clear criteria around this. One stakeholder suggested there should be a mechanism to challenge the refusal or inclusion of interested parties.

2.61 **Next steps:** We consider that there is value in enabling interested parties to submit their views as part of an appeals process and will develop a clear definition of 'interested parties' for our final policy. However, we do not expect that we would proactively identify interested parties ourselves as part of an appeal. We are minded to require that any submissions from interested parties are provided alongside the responses from GBR and the appellant, in order to allow submissions to be considered by ORR when we determine an appeal, without prolonging the overall appeals process. We will consider providing guidance to interested parties around their submissions as part of our final policy, to help ensure that submissions are focussed on the decisions we will need to make under the principles of judicial review.

Transparency and disclosure

2.62 In our discussion document, we proposed that we will publish our decision and the associated documents at the end of an appeal. We set out that we intend to ask

applicants, GBR and any interested parties to provide an accessible redacted version of any document submitted that contains personal or commercially sensitive information, and to justify why information is confidential.

2.63 There was broad support for our proposed approach towards transparency and disclosure. Respondents agreed with the need to redact commercially sensitive information and several respondents emphasised the need for rationale as to why information was withheld. It was suggested by one organisation that ORR should set out grounds on which information should be redacted to ensure consistency and by another that ORR should be responsible for redacting confidential information.

2.64 One respondent raised how ORR would proceed if GBR does not cooperate with requests for information. If necessary, we could use information gathering powers under section 80 of the Railways Act 1993.

2.65 **Next steps:** We consider that transparency is a key principle underpinning our appeals function and plan to publish relevant documentation associated with an appeal. We expect the parties involved in the appeal to identify where any information they provide is confidential, as they are best placed to do so. As proposed, we will publish the rationale for our decisions at the conclusion of an appeal.

Other points raised

2.66 During the roundtables, several stakeholders raised questions about the transition to the new access regime and whether ORR will have sufficient time to consult GBR and establish the new appeals process before GBR begins making access decisions. ORR noted that it expected there to be a gap between GBR being designated and GBR's access powers coming into effect, during which we could formally consult GBR and finalise our policy and that we plan to undertake further engagement with industry towards the end of the Parliamentary process once the legislative framework is more certain.

2.67 Some stakeholders noted that GBR should consider how to provide independent views within its own decision-making processes, particularly in decisions involving its own operators and non GBR operators. More broadly, stakeholders noted the importance of GBR providing transparency around its data and decision-making more broadly, including around how costs are allocated.

Next Steps

2.68 As drafted, the Bill requires us to formally consult GBR on our appeals policy which means we cannot undertake a statutory consultation until the Bill has become law and GBR has been designated. We will therefore have to consider the timing of our statutory consultation in the context of the Government's plans for formally creating GBR and may need to consult for a shorter period than usual in order to ensure our processes are in place for the point at which GBR takes on decision-making powers on access.

2.69 That is why we will continue to develop our policy as the Bill progresses through Parliament, considering the feedback received at these roundtables, from responses to our discussion document, and from bilateral discussions with stakeholders. We are keen to continue discussing this issue with stakeholders as the Bill progresses and plan to undertake further engagement towards the end of the Parliamentary process, once the legislative framework is more certain, recognising that the Bill is still potentially subject to change.

Annex A: List of respondents

List of organisations	Roundtable	Written Response
Access Disputes Committee	No	Yes
All Rail	No	Yes
Amey Infrastructure Wales	No	Yes
Arriva Rail London	No	Yes
Avanti West Coast	Yes	No
CrossCountry	Yes	No
DB Cargo UK Limited	Yes	Yes
Direct Rail Services	Yes	No
East Midlands Railway	Yes	Yes
Evolyn	Yes	No
First Greater Western Limited	Yes	Yes
Freightliner	Yes	Yes
GB Railfreight Limited	Yes	Yes
GTS Rail	Yes	Yes
Heathrow Airport Limited	Yes	Yes
Heathrow Express	Yes	Yes
Heavy Haul Rail Ltd	Yes	No
LNER	Yes	No
London St Pancras High Speed	No	Yes
Loram UK	Yes	No
Network Rail	Yes	Yes
Northern Railway	Yes	No

List of organisations	Roundtable	Written Response
Rail Freight Group	Yes	Yes
Southeastern Railway	Yes	No
South Western Railway	Yes	No
South Yorkshire Mayoral Combined Authority	Yes	No
TransPennine Express	Yes	No
Transport Focus	Yes	No
Transport for Greater Manchester	No	Yes
Transport for London	No	Yes
Transport Scotland	No	Yes
West of England Combined Authority	Yes	No
WMR	Yes	No

Annex B: Roundtable feedback

As part of each roundtable, ORR asked attendees the following questions to help inform the discussion and understand stakeholders' priorities. The aggregated results across the two workshops are set out in the following charts.

1. Design Principles

Number of respondents = 36

Figure 1.1 Respondents' views on the relative importance of the design principles

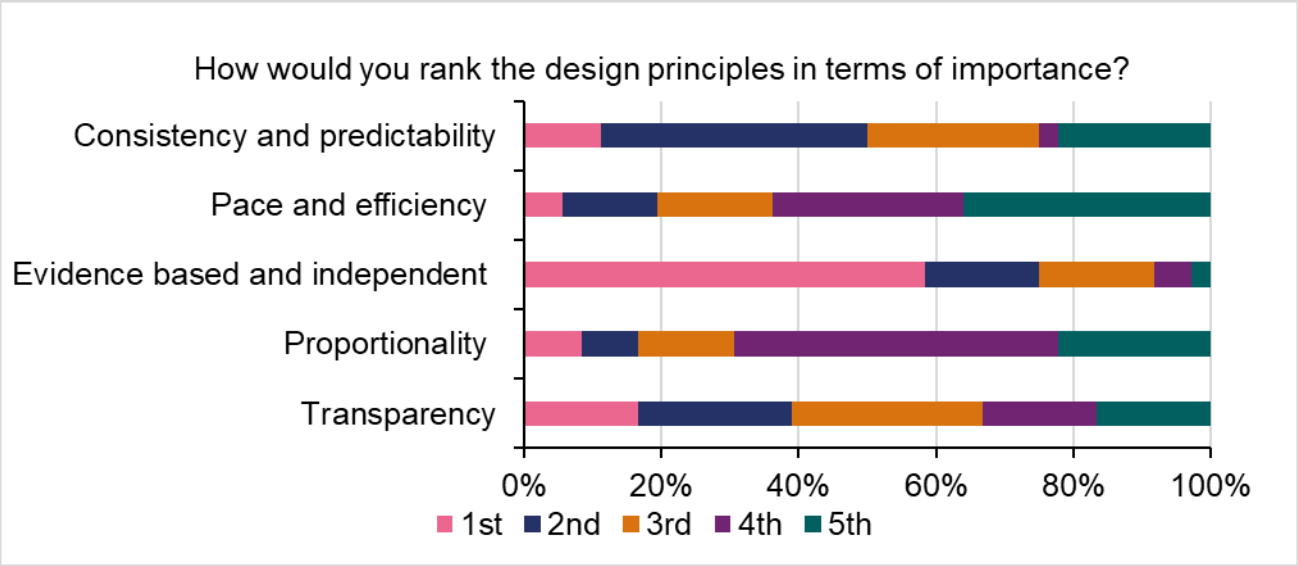
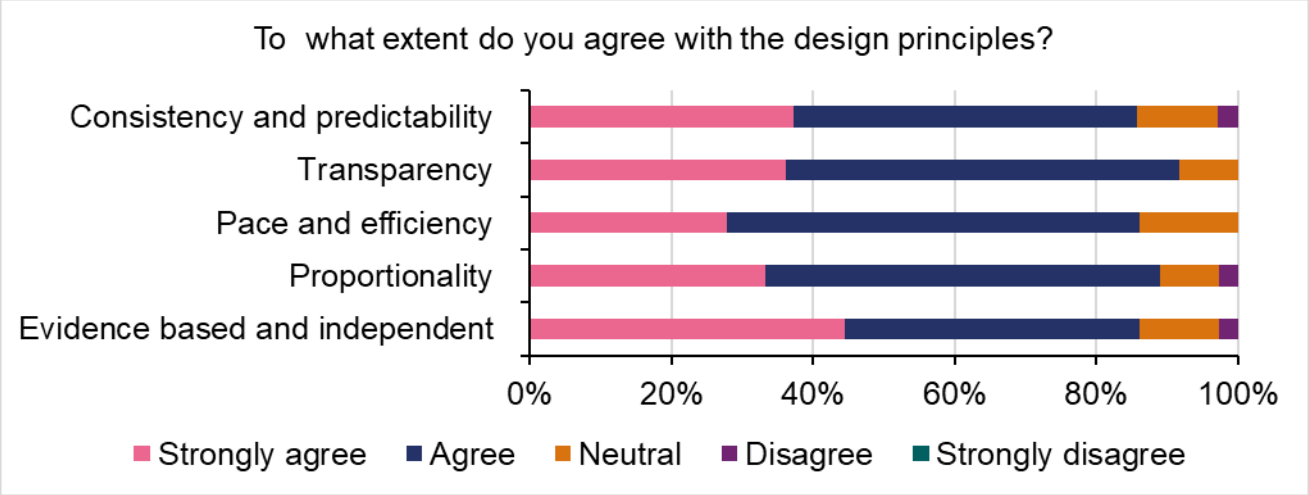


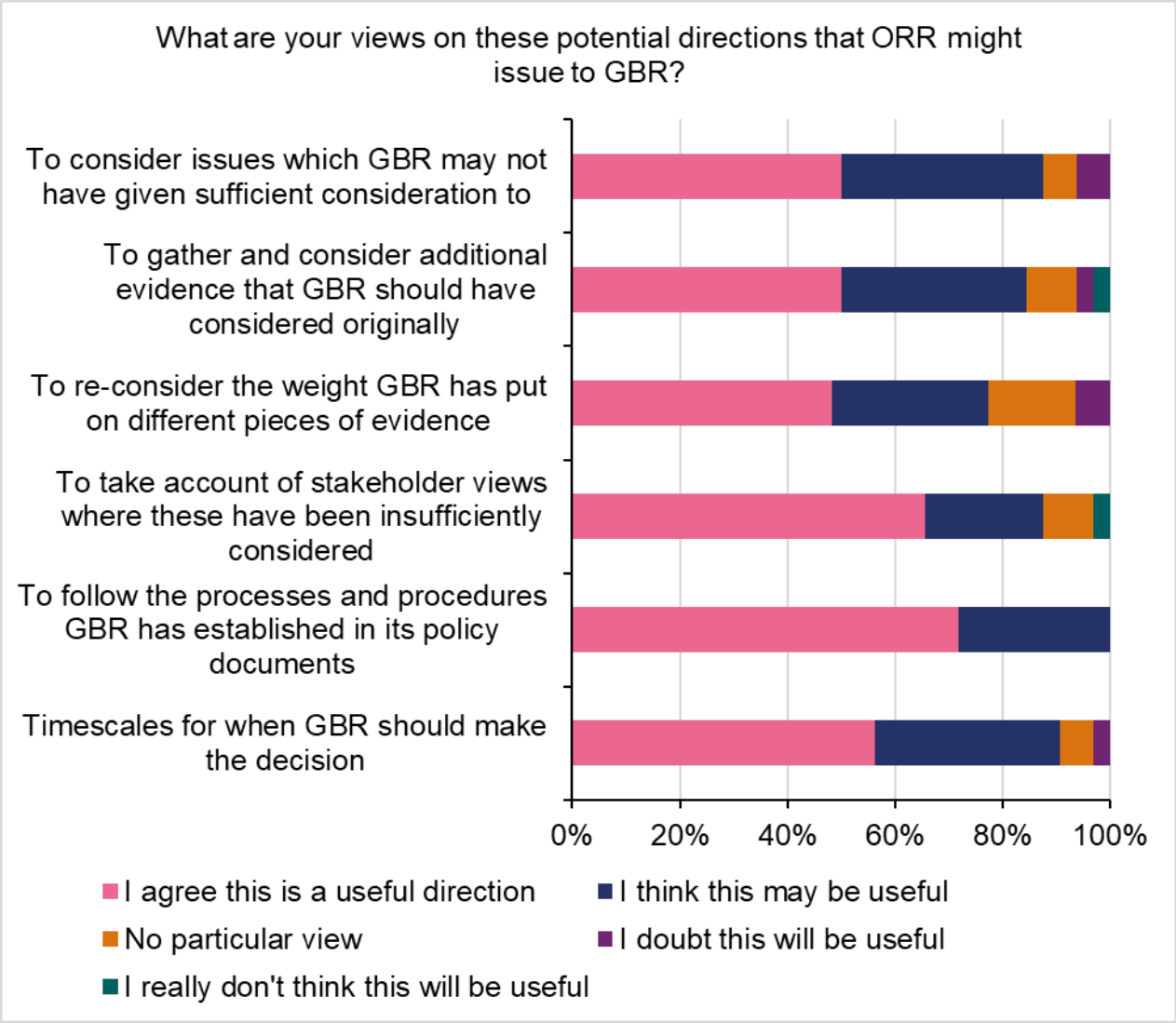
Figure 1.2 Percentage of respondents that agreed with the design principles



2. ORR's determination of appeals

Number of respondents = 32

Figure 2.1 Percentage of respondents that agreed with the proposed directions for ORR to follow in appeals decision-making



3. Process and timescales

Number of respondents = 34

Figure 3.1 Share of respondents that found standard process helpful

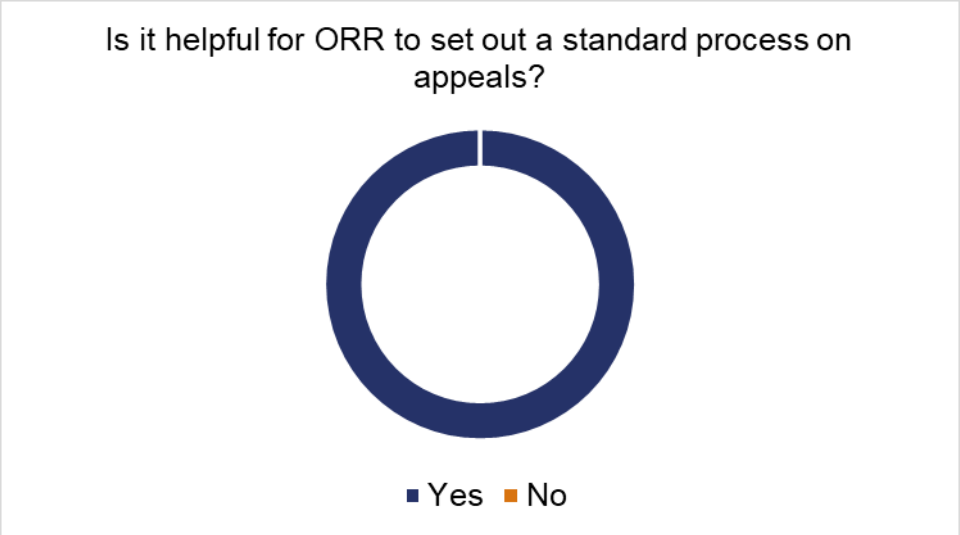


Figure 3.2 Share of respondents that thought ORR should dismiss appeals at an early stage if they are found to be without merit or vexatious

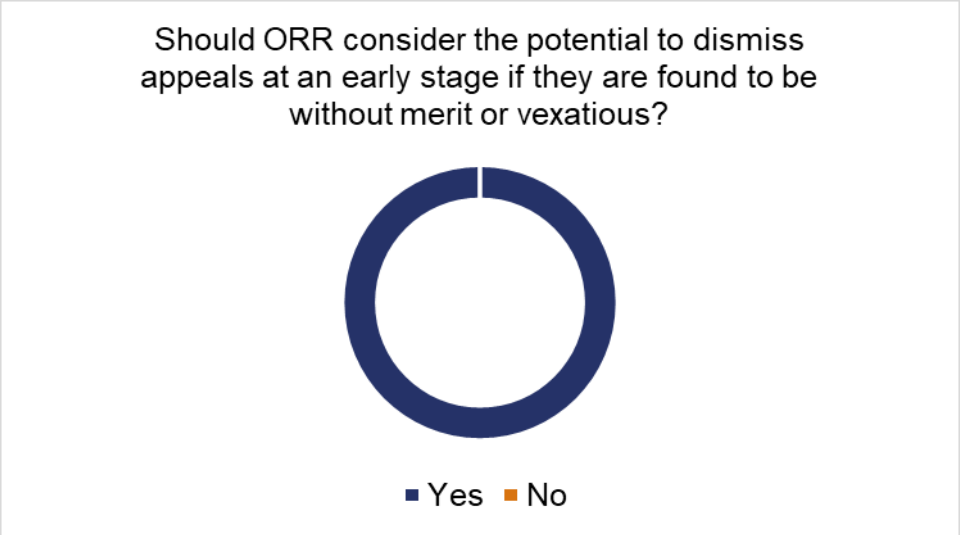


Figure 3.3 Share of respondents that found it helpful for ORR to retain an option to combine appeals

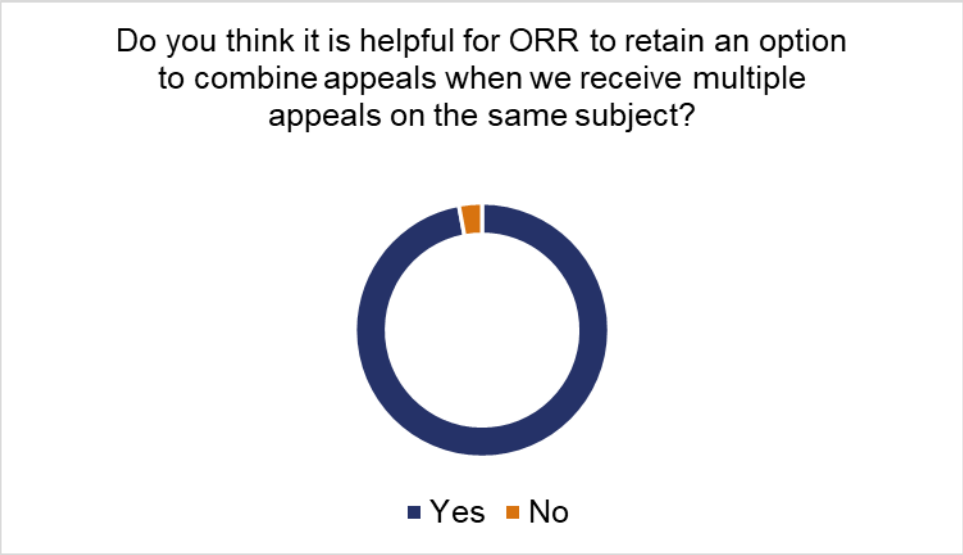


Figure 3.4 Share of respondents that agree a single stage process for merits of the case and remedy is helpful

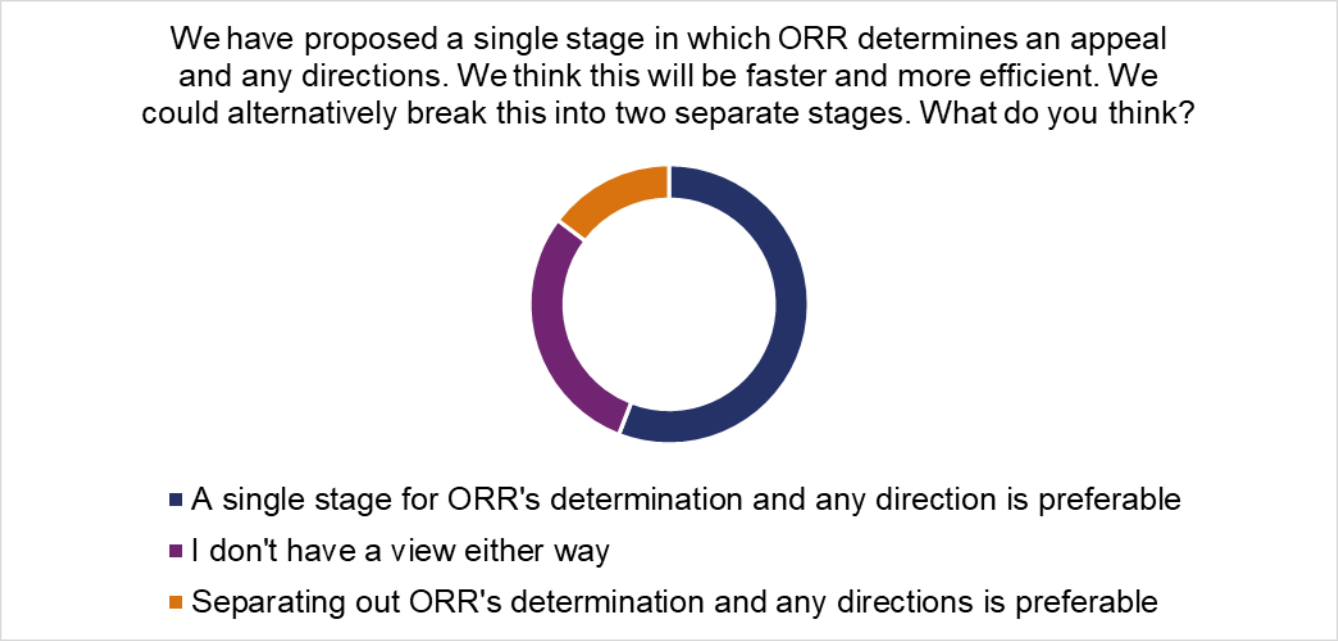
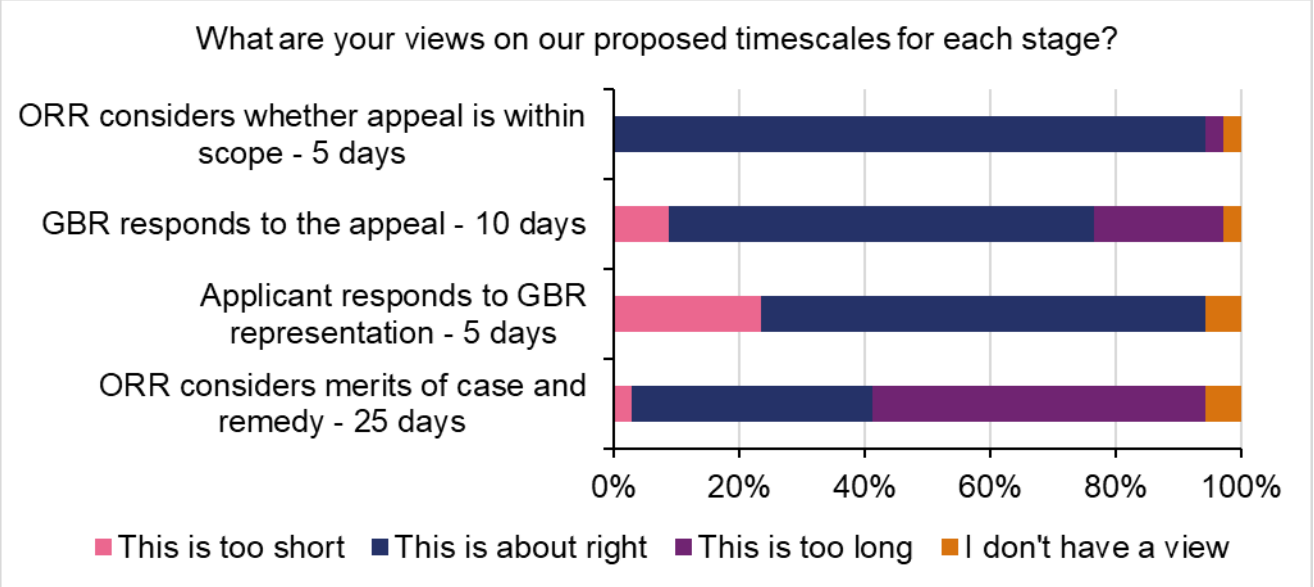


Figure 3.5 Percentage of respondents that agree with proposed timescales for each stage of the appeals process



4. Relationship between appeals and contractual disputes and internal escalation

Number of respondents = 33

Figure 4.1 Share of respondents that agreed that contractual disputes should be administered independently

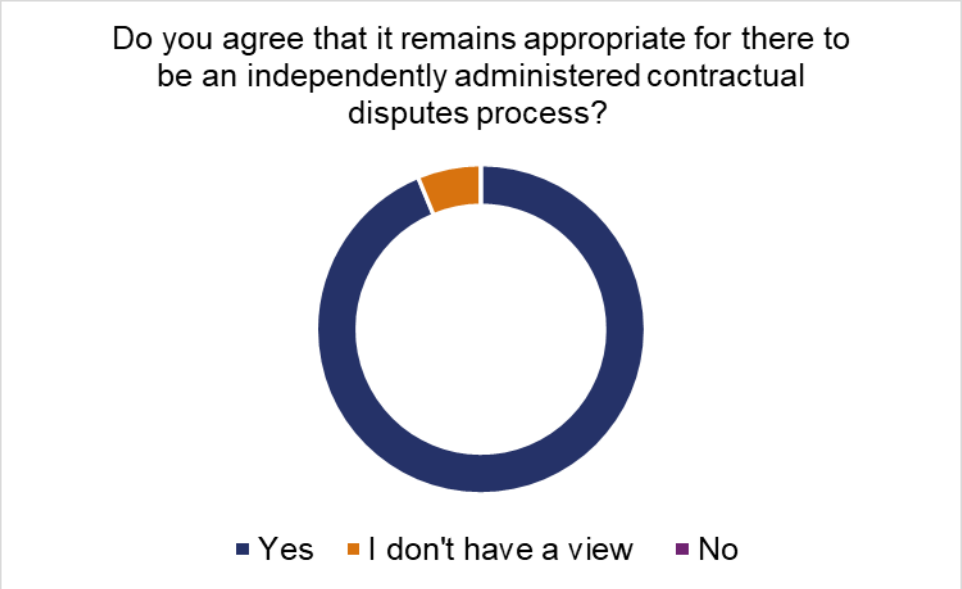


Figure 4.2 Share of respondents that agree ORR should not hear appeals until all other avenues have been exhausted

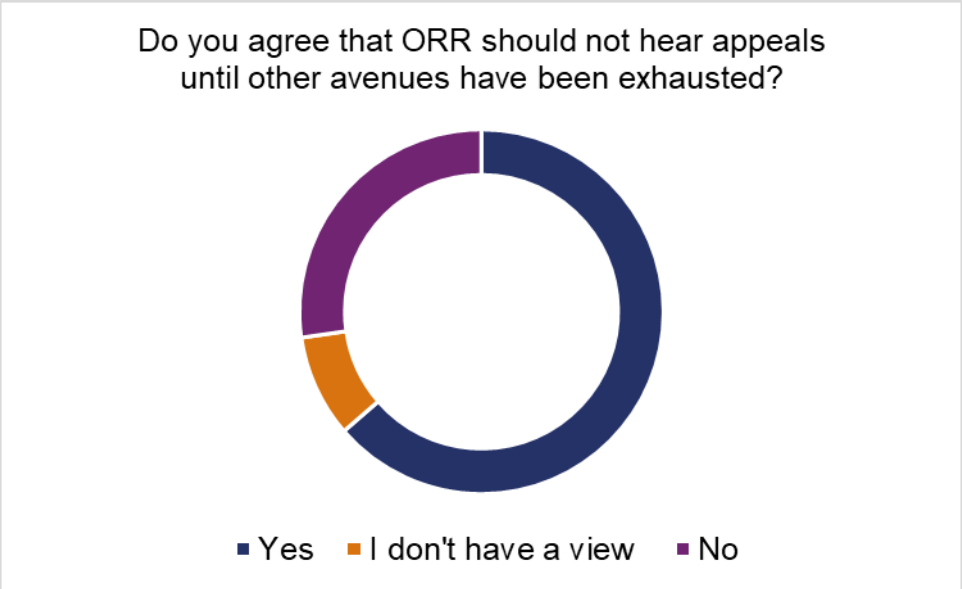
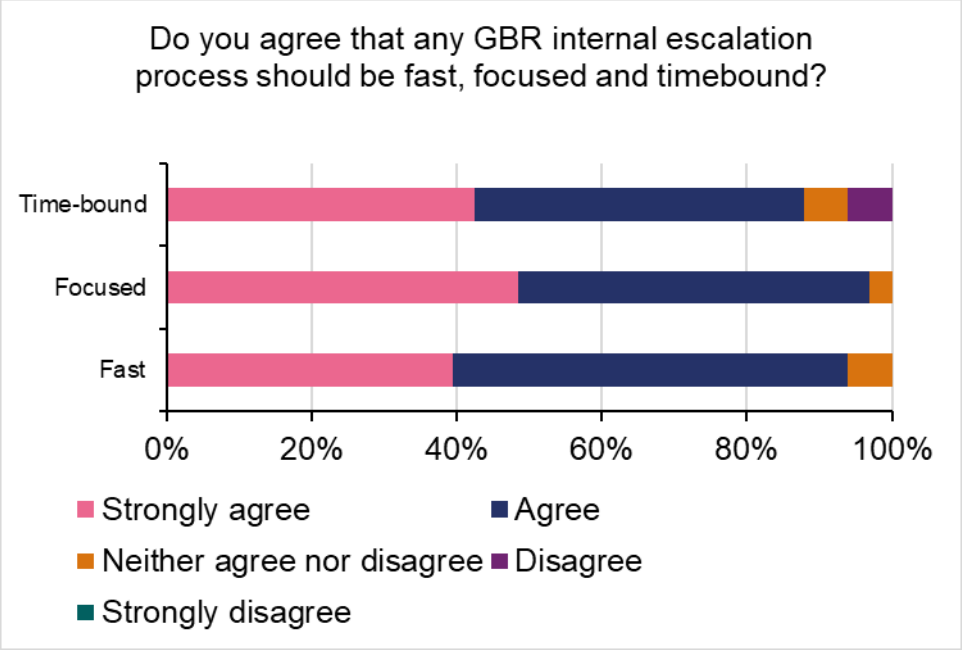


Figure 4.3 Percentage of respondents that agree that any pre-appeals internal escalation process should be fast, focused and time-bound



© Crown copyright 2026

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at orr.gov.uk

Any enquiries regarding this publication should be sent to us at orr.gov.uk/contact-us

