Lynn Armstrong
Head of Regulatory Policy

OFFICE OF RAIL AND ROAD

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Dear colleague

Rail reform – proposed ORR approach to access contracts granted by non-GBR facility owners

This letter is addressed to all parties **who are not due to be part of** Great British Railways (GBR) who grant access to railway infrastructure and facilities currently regulated by ORR i.e. track, stations and depots (which we refer to in this letter as "non-GBR facility owners"). It will also be of interest to parties who access those infrastructures and facilities (which could include GBR). It sets out the actions that facility owners must take now to consider and make amendments to your current access contracts, which will be required as part of preparations for rail reform. The letter also explains how ORR intends to support you in meeting your responsibilities.

Due to wider changes in legislation, non-GBR facility owners will need to identify and make changes to their existing access contracts as a result of the Railways Bill, in time for the new legislative framework for access granted by GBR to come into effect.

If you have any queries regarding this letter or related issues, please contact accessreform@orr.gov.uk.

ORR's role on GBR access contracts

Network Rail is currently consulting on a draft Access and Use Policy (AUP) and a new suite of model access contracts to be used by GBR where it is the facility owner when it grants access in future. This consultation was launched on 9 September 2026 and runs to 2 December 2026. Network Rail has proposed that the existing access contracts that operators hold with Network Rail will be substituted with new contracts with GBR based upon the new GBR models.

ORR is a consultee but we do not have any power to set or control the structure and content of GBR contracts. ORR's expected future role on access appeals also means it is unlikely to be appropriate for us to advise or comment in detail on the access terms GBR proposes to offer. As such it is important that current and prospective access parties participate in Network Rail's consultation process and assure themselves of the suitability of the proposed AUP and new contracts.

ORR's role on non-Network Rail / GBR contracts

Non-GBR facility owners currently grant access to a range of infrastructure and facilities (e.g. the high speed 1 line, Core Valley Lines, and numerous depots and stations around the country) and have their own access contracts and Codes in place. Those contracts are based on the existing ORR model access contracts but some are tailored to reflect the specific commercial or legislative circumstances of the infrastructure manager or facility owner.

Where these facilities and infrastructures remain outside of GBR these contracts will remain subject to existing access legislation - either or both of the Railways Act 1993 (RA93) and The Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 - and will continue to be regulated by ORR.

This existing legislation will be supplemented by the forthcoming Railways Act 2026 – for example, ORR's current duties in RA93 will be replaced. As such, existing non-GBR access contracts are also likely to also need some changes as a result of the new legislation.

What types of changes may be required to non-GBR access contracts

There are three main types of changes that will be needed. First, there are relatively minor wording changes to ensure references (e.g. to ORR's duties) are up to date. ORR is aiming to identify these and will consult on them in the new year.

Secondly, some non-GBR infrastructure managers or facility owners currently choose to align their processes to Network Rail's (e.g. around timetabling and delay attribution in particular, but also some station and track charging) and / or capture the rules that govern those processes in their access contracts and Codes/Conditions. We understand that non-GBR facility owners are currently engaging with Network Rail where this is the case, but we note the risk that current arrangements may no longer be workable or desirable if GBR's approach diverges in the future. **You will need to ensure that your contracts and Codes/Conditions are updated to reflect the arrangements that you decide to reach in this area.**

Finally, where existing contracts have bespoke terms which are different from our model terms, you will need to review your contract against the forthcoming legislation and determine what if any changes need to be made to those bespoke terms. As today, you will need to request specific approvals from ORR for any amendments which do not fall within scope of the changes our general approval permits you to make.

In the event that you do not make the necessary amendments to your contracts, there is a risk that your contracts will not function as you intend or expect.

Processes for changing contracts

As you will be aware, the affected contracts can be grouped into two broad types:

- **bilateral agreements** for specific access rights held by individual operators (Track Access Agreements, Station Access Agreements, Depot Access Agreements and Connection Agreements); and
- **multilateral agreements**, incorporated into the bilateral contracts and containing processes such as timetabling or management of delay which are common across every party accessing that network or facility (set out in each IM / facility owners' own Network Codes, Station Access Conditions and Depot Access Conditions).

Changing bilateral contracts

ORR does not have the power to direct changes to existing bilateral contracts. It is up to the relevant facility owners who grant those contracts to make necessary changes subject to our approval. As a current access party, **you** will need to take action to identify where your contracts need to change and to make those changes. ORR will support you to do this by:

- reviewing and identifying amendments to our model access contracts to make them fit for future contractual arrangements. This will enable you, where your existing contract includes clauses based on the models, to identify where and how you need to change those clauses.
- issuing a related General Approval that will enable you to make these changes without requiring our authorisation.

Changing multilateral contracts

Although there are limited circumstances whereby ORR does have the power to amend multilateral contracts, we do not currently consider it is helpful or appropriate for us to seek to impose any changes on industry. This is because:

- there are multiple different parties each with their own suites of multilateral contracts (for instance each infrastructure manager has their own Network Code). The circumstances for each party differ and different infrastructure managers or facility owners may choose to take a different approach, meaning a 'one-size-fits-all' solution may not be helpful; and
- we can only make changes under a limited set of circumstances and with procedural requirements for a 180-day implementation period, creating a significant and, in the circumstances, impractical lead time.

Existing non-GBR facility owners will need to consider what changes are appropriate for your respective contracts. We propose to support industry by highlighting which elements of the multilateral agreements are most likely to need to change, and in many cases the contract requires specific ORR approval for such changes. Please ensure that you allow 12 weeks for ORR approvals.

Next steps

We anticipate that contract changes will be required for the point at which GBR takes on its new access function, expected towards the end of 2027. We will follow the outcome of Network Rail's consultation on the proposed GBR suite. Once we are satisfied that the contractual wording is sufficiently settled, we will issue a consultation setting out our own proposed changes to the non-GBR contractual suite, with associated guidance and general approvals. We anticipate that this will be in early 2027, in order to allow time for consultation and subsequent material to be published in time for non-GBR facility owners to change their contracts and secure any necessary specific approvals before the end of 2027.

We also anticipate that GBR will further develop its processes and contractual structures over time (as currently happens with the existing access contracts). As such non-GBR parties will need to ensure that they remain aware of what changes are taking place and that their own contracts, codes and conditions remain fit for purpose. ORR will similarly keep its model contracts under review.

If you have any queries, please contact us at accessreform@orr.gov.uk. We aim to support the contract parties through this transition where we can, focussing on those matters with the widest and greatest impact.

Yours sincerely

Lynn Armstrong

Head of Regulatory Policy