

General Approval

for connection contracts

1. ORR, under sections 18(1)(c), 18(9)(aa) and 22(3) of the Railways Act 1993, gives the following general approval.
2. This general approval comes into force on 17 April 2014. It replaces the general approval dated 16 July 2009, which is revoked with effect from 17 April 2014.
3. ORR approves connection contracts between Network Rail and an adjacent facility owner made under section 18(1)(c) of the Railways Act 1993 that meet the requirements in paragraphs 5 and 7 of this general approval.
4. ORR approves amendments to any existing connection contract between Network Rail and an adjacent facility owner under section 22(3) of the Railways Act 1993 that meet the requirements in paragraphs 6 and 7 of this general approval.
5. The connection contract must meet the following requirements:
 - a) The terms and conditions conform exactly with ORR's relevant model connection contract, with the exception only of:
 - areas marked by square brackets which shall be completed as appropriate, and agreed between the parties; and
 - areas in the Plan, so long as it identifies: the Adjacent Facility, the Connecting Network, the Connection Point(s), any Directly Connected part of the Adjacent Facility and the Premises.
 - b) The liability cap in paragraphs 1(a) and 1(b)(i) of Schedule 5 of the relevant model connection contract is between £500,000 and £1,300,000.
 - c) The annual amount payable by the adjacent facility owner to Network Rail, as set out in clause 15.1.1 in the relevant model connection contract, is £50,000 or less.
6. Amendments to any existing connection contract must be agreed by both parties and:
 - a) reduce the annual amount payable in the existing connection contract, whether or not the annual amount is still over £50,000; and/or
 - b) amend the terms and conditions of such a contract so that it conforms with the relevant model connection contract, as published at that time on ORR's website.

7. Network Rail and an adjacent facility owner may only enter into a connection contract or amend an existing connection contract, if a consultation in respect of that contract or amendment has been carried out, in accordance with subparagraphs (a) and (b) below:
- a) Network Rail shall be responsible for conducting the consultation. All potentially affected parties must be given a reasonable opportunity to raise any comments or objections in respect of the proposal and there must be no unresolved issues raised by any consultee, following conclusion of the consultation process.
 - b) Network Rail shall make all relevant information including the proposed terms and conditions about the contract or an amendment available to all potentially affected parties, except for any information which, if made public, would or might be likely to, in the opinion of Network Rail prejudicially affect the commercial interests of a party to the connection contract or a relevant third party.

8. In this general approval:

“connection contract” means an agreement entered into between Network Rail and an adjacent facility owner, granting permission for a rail network to be connected to another network;

“existing connection contract” means a connection contract which was approved by ORR under section 18 of the Railways Act 1993 prior to this general approval coming into force;

“relevant model connection contract” means either the version for use in England and Wales or Scotland (as the case may be), as amended from time to time, and published by ORR on its website;

“ORR” means the Office of Rail Regulation; and

“potentially affected parties” means:

- in the case of contracts pertaining to connections in England and Wales, the Secretary of State for Transport and in Scotland, the Scottish Ministers;
- all freight train operators; and
- any passenger train operator that operates services over that portion of network to which the adjacent facility (as defined in the connection contract) is directly connected.

9. Unless the context otherwise requires, the terms in the relevant model connection contract and the Railways Act 1993 shall have the same meanings in this general approval.



**Signed on behalf of the Office of Rail Regulation
17 April 2014**