

**APPLICATION TO THE OFFICE OF RAIL AND ROAD FOR
A DEPOT ACCESS CONTRACT, OR AMENDMENT TO A DEPOT ACCESS
CONTRACT,
UNDER SECTION 17 OR 22A OF THE RAILWAYS ACT 1993**

1. Introduction

This form should be used to apply to the Office of Rail and Road (ORR) for:

- directions under section 17 of the Railways Act 1993 (the Act) for a new depot access contract. Section 17 is the means by which those seeking the right to use a railway facility apply for compulsory third party access if they have failed (for whatever reason) to reach agreement with the facility owner; or
- directions under section 22A of the Railways Act 1993 for an amendment to an existing depot access contract. Section 22A allows anyone seeking an amendment to an existing depot access contract, which allows more extensive use, to apply for a compulsory amendment if they are not able (for whatever reason) to reach agreement with the facility owner.

The form sets out the ORR's standard information requirements for considering such applications.

It is very important that the application is made in good time and prospective applicants are strongly advised to read (and if necessary take advice on) the procedures which are laid out in the Act, (Section 17/22A and Schedule 4).

The Stations and Depots Team at ORR will be happy to discuss prospective applications. Applicants are strongly encouraged to contact the Office at an early stage, preferably before making an application, to discuss their likely requirements. Contact details are shown at the foot of this form.

A copy of ORR's template depot access contracts and amending document/agreements, can be accessed electronically and downloaded via the ORR website [here](#).

2. The application

2.1 Title of proposed contract or amendment:

2.2 Contact details: (*Company and named individual for queries*):

Company:

Contact individual:

Job title:

Address:

Telephone number:

Fax number:

E-mail address:

2.3 Licence and railway safety case: Please state whether the applicant intends to use the depot himself or whether someone else will use the depot on his behalf

Please state whether the proposed user of the depot (a) holds a valid train operating licence under section 8 of the Railways Act 1993 or an exemption under section 7, and (b) has an accepted railway safety case under the Railways (Safety Case) Regulations 2000. If the answer to (a) or (b) is no, please state the point which that person has reached in his obtaining of the licence, exemption or railway safety case (as the case may be)

3. The proposed contract or amendment

3.1 Executive summary: Please provide an executive summary of the proposed contract or amendment. This should cover the depot services, the commercial terms, and the applicant's reasons for making the application in the terms proposed. The summary in this section should also explain (here or by cross-reference to the answers in the sections below):

- where there is an existing agreement in respect of the services in question, any differences between the existing agreement and the proposed contract; and
- any aspects in which the proposed contract/amendment contains bespoke provisions departing from the published template depot access contract.

3.2 Terms not agreed with the facility owner: Please set out here those specific areas of the proposed contract/amendment which the applicant has not been able to agree with the facility owner, the reasons for the failure to agree and the reasons for seeking these provisions

3.3 Departure from ORR's template depot access contract: Please set out here, with reasons, any areas where the drafting of the proposed contract or amendment omits, amends or adds to the ORR's published template depot access contract (as appropriate, cross-referencing to the answers below). Wherever the proposed contract or amendment contains a new process (e.g. a self-modification provision) the ORR will wish to see a flowchart illustrating that the process is robust, internally consistent and leaves no loose ends

3.4 Duration of contract: Please indicate the commencement date sought for the proposed contract or amendment, and provide justification for the proposed duration if appropriate

4. The expression of access rights and the consumption of capacity

4.1 Benefits: Please set out what specific benefits will result from the proposed contract or amendment. In particular, please describe any new rights sought or significant changes in the facilities or services to be used, their benefits and any impact on existing beneficiaries.

4.2 Adequacy: Please set out to what extent and by what process (if any) the applicant has satisfied himself that the facilities and services required can be supplied at the depot in question.

4.3 Franchise obligations: Please indicate the extent to which the use of the depot in the proposed contract is necessary to fulfil obligations under a franchise agreement.

4.4 Public funding: Please indicate whether (and if so to what extent) the services in the proposed contract are subject to financial support from central or local government (other than the Secretary of State), and provide a point of contact at that body

4.6 General guidance given by the Secretary of State and/or Scottish Ministers: Please state here any general guidance given by the Secretary of State or the Scottish Ministers considered relevant to this application and why

5. Charges

Please indicate, and explain the reasons for, how the proposed charges were determined.

6. Enhancement

6.1 Enhancement details: Where the proposed contract or amendment provides for the delivery of any depot enhancements, or the services in the proposed contract or amendment are predicated on any planned depot enhancements, please give full details of the relevant enhancement schemes, including a summary of outputs from the scheme, timescales and the extent to which the depot change procedure in the depot access conditions (Part C) has been completed (where appropriate, by reference to submissions made under the ORR's enhancement reporting framework)

6.2 Enhancement charges: Please confirm that the arrangements for the funding of any depot enhancements are consistent with the ORR's enhancement framework, and summarise the level and duration of payments, and the assumed rate of return

7. Other

7.1 Associated applications to the ORR: Please indicate whether this application is being made in parallel with, or relates to, any other current or proposed applications to the ORR (*e.g.* in respect of track, station or light maintenance depot access contracts or agreements)

7.2 Supporting information: Please indicate here any further justification or relevant information in support of the application, including a list and explanation of any other material being submitted (and supply copies with the application)

7.3 Side letters and collateral agreements: Please confirm here that the whole of the proposed contract or amendment between the parties has been submitted with this application and that there are no side letters or other documents which qualify or otherwise affect the proposed access contract

7.4 Confidentiality exclusions: Please indicate clearly any elements in the application and the proposed contract or amendment that the applicant would wish to exclude from wider consultation on the grounds of confidentiality specified in section 71(2) of the Railways Act 1993, and provide a full justification for each instance by reference to those statutory grounds. Subject to its decision on such exclusions, it is the ORR's intention to publish this application and the proposed contract or amendment on the ORR website. (NB under the process established by Schedule 4 of the Railways Act 1993, the ORR is obliged to send a copy of the application **in full** to the facility owner)

8. Certification

Warning: Under section 146 of the Railways Act 1993, any person who, in giving any information or making any application under or for the purposes of any provision of the Railways Act 1993 (including section 17), makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, is guilty of an offence and so liable to criminal prosecution

I certify that the information provided in this form is true and complete to the best of my knowledge

Signed Date

Name (in caps) Job title

For (company)

9. Submission

9.1 What to send

Please supply, in hard copy, the signed top copy of this application form, three copies of the proposed draft contract or amending document/agreement, copies of any documents incorporated by reference (other than established standard industry codes or other instruments) and any other attachments, supporting documents or information.

Please also supply the application, the proposed contract or amending document/agreement and, insofar as it is possible, any other supporting information, in electronic form, by E-mail, **either in Microsoft Word format or OpenDocument Text (.odt) format** (excluding any macros, auto-paragraph or page numbering, or other auto-formatting).

9.2 Where to send it

Head of Stations and Depots
Directorate of Railway Markets and Economics
Office of Rail and Road
One Kemble Street
London
WC2B 4AN

Email: stations.depots@orr.gsi.gov.uk