

# Railways Act 1993

## Passenger Access (Model Contract Amendments) General Approval 2007

### 2007 No. 1

*Made* 19 July 2007

*Coming into force* 20 July 2007

The Office of Rail Regulation, in exercise of the powers conferred upon it by section 22(3) of the Railways Act 1993, gives the following general approval.

#### **Citation and commencement**

1.-(1) This general approval may be cited as the Passenger Access (Model Contract Amendments) General Approval 2007.

(2) This general approval comes into force on 20 July 2007.

#### **Interpretation**

2.-(1) In this general approval:

"access agreement" means an agreement entered into after 1 April 1994 under which the facility owner of track grants a beneficiary permission to use that track for or in connection with the provision of services for the carriage of passengers by railway.

(2) In this general approval:

- (a) unless the context otherwise requires, terms and expressions defined in the Railways Act 1993 shall have the same meanings in this general approval; and
- (b) the Interpretation Act 1978 applies to this general approval in the same way as it applies to an enactment.

### **Approval of amendments**

3. The parties to an access agreement may make to that agreement any amendments which incorporate into that agreement the underlined text and/or delete from that agreement the struck-through text, as shown in the marked-up version of the Model Passenger Track Access Contract published on the Office of Rail Regulation's website on 19 July 2007.

**BRIAN KOGAN**

**Duly authorised by the Office of Rail Regulation**

**19 July 2007**

## EXPLANATORY NOTE

*Section 22(3) of the Railways Act 1993 (“the Act”) enables the Office of Rail Regulation (“ORR”) to give its approval in advance to the making of amendments to access agreements. As long as an amendment falls wholly within the terms and conditions of a general approval, the parties to the access agreement in question may amend it without seeking the approval of ORR to the amendment. If it does not come within the scope of the general approval, a specific approval under section 22 or directions under section 22A, section 22C or Schedule 4A to the Act must be obtained.*

*Amendments of access agreements which have not been approved by ORR - either under a general approval or a specific one, or made pursuant to directions - are void.*

*A new version of the model passenger track access contract was published on the ORR’s web site on 19 July 2007. It has been updated to take account of a number of changes which have taken place since the previous model passenger track access contract was published on ORR’s web site in October 2004. The changes can be identified from a copy of the 19 July 2007 version marked-up against the October 2004 version, together with a list of the changes and the reasons for them, both of which were also published on the ORR’s website on 19 July 2007.*

*The marked-up version and the list necessarily show all the changes between the two versions of the model contract. Some of these changes will already have been made to some existing passenger track access contracts either when they were first entered into pursuant to directions under section 18 of the Act or by amendments approved under section 22, or directions given under section 22A or Schedule 4A to the Act. This General Approval covers any amendments which have not already been made to an existing contract.*

*Under section 72(5) of the Act, a copy of all amendments of access agreements, including amendments approved under a general approval, must be sent to ORR within 14 days of being made. Subject to the requirement in section 72(3) of the Act to have regard to the need for excluding certain information, such copies will be entered into the public register.*