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15 September 2017

Dear Liz

Changes to ORR's Economic Enforcement Policy and Penalties Statement to reflect The Railways (Access, Management and Licensing of Railway Undertakings) Regulations (Northern Ireland) 2016

Network Rail welcomes the opportunity to respond to ORR's consultation on the revisions to its economic enforcement policy and penalties statement to reflect the implementation of The Railway (Access, Management and Licensing of Railway Undertakings) Regulations (Northern Ireland) 2016. No aspect of this response is confidential and we are content for it to be published in full.

Given the limited scope of the current consultation Network Rail has no detailed comments to make. However for the avoidance of doubt Network Rail has not given any specific consideration as to whether ORR's policy remains fit for purpose in the context of Control Period 6 (CP6).

In this regard it is noted that paragraph 147 of the updated policy states that ORR will "carry out a review of this enforcement policy no later than two years after the date of publication to ensure it remains fit for purpose for industry control period cycles". This commitment means ORR's review may not be undertaken before the start of CP6. Network Rail would suggest that this timescale is amended so that the review is completed before 1 April 2019 meaning that CP6 starts with a policy that has fully considered the impact of route based regulation and reclassification.

Recognising that ORR's Overall Framework Consultation sets out ORR's intended approach to monitoring and enforcement in CP6, Network Rail would expect early engagement with ORR regarding a more detailed review of its policy together with indicative timescales.

Please contact me should you wish to discuss any aspect of this response.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Kara Chester', with a small dot at the end.

Kara Chester
Senior Regulatory Specialist