



OFFICE OF RAIL AND ROAD

## General Approval

for Freight Facility Access Contracts

1. The Office of Rail and Road (ORR) makes this general approval under sections 18(1)(c), 18(9)(aa) and 22(3) of the Railways Act 1993 (the Act). This general approval comes into force on **\*\*/\*\*/2017**. It replaces the Freight Facility (Ports and Terminals) General Approval 2011 dated 9 December 2011, which is revoked from the same date.
2. ORR approves Freight Facility Access Contracts between a Relevant Facility Owner and an access beneficiary made under section 18(1)(c) of the Act that meet the requirements in paragraphs 4, 5, 6 and 7 of this general approval.
3. ORR approves amendments to any existing Freight Facility Access Contract between a Relevant Facility Owner and an access beneficiary under section 22(3) of the Act that meet the requirements in paragraphs 4, 5, 6 and 7 of this general approval.
4. The Relevant Facility Owner must:
  - a) Carry out a consultation, in accordance with any guidance issued by ORR for track access consultations;
  - b) make all relevant information including the proposed terms and conditions of the Freight Facility Access Contract or an amendment to an existing Freight Facility Access Contract available to all consultees, except for any information which, if made public, would or might be likely to, in the opinion of the Relevant Facility Owner, prejudicially affect the commercial interests of a party to the contract or a relevant third party; and
  - c) give all consultees 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.
5. The Freight Facility Access Contract must not have a longer duration than ten years. Any duration greater than five years must be justified by a related Framework Agreement to the connected network with the Infrastructure Manager, and with no longer a duration than that Framework Agreement. Any Freight Facility Access Contract with a duration longer than five years must be explained in a cover letter when a copy of that signed agreement is sent to ORR.
6. The Freight Facility Access Contract must contain a condition precedent to the permission to use and other operative provisions coming into effect that a copy of the signed Freight Facility Access Contract shall be sent by the Relevant Facility Owner to ORR within 14 days of the agreement being entered into.
7. The Freight Facility Access Agreement must contain a clause which provides that no amendment to it shall have effect until a signed copy of the agreement making the amendment has been sent by the Relevant Facility Owner to ORR.

8. In this general approval:

“Railway Facility” means any network which is not used by trains for the carriage of passengers by railway and is not a Light or Heavy Maintenance Depot;

“Relevant Facility Owner” means a facility owner of a Railway Facility who is not an Infrastructure Manager;

“Freight Facility Access Contract” means an agreement entered into between a Relevant Facility Owner and an access beneficiary under which an access beneficiary obtains permission from a Relevant Facility Owner to use its Railway Facility for the purpose of the operation of trains and/or the provision of services;

“existing Freight Facility Access Contract” means a Freight Facility Access Contract which was approved by ORR under sections 17 and 18 of the Act prior to this general approval coming into force; and

9. Unless the context otherwise requires, terms defined in the Act, The Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 and the relevant Freight Facility Access Contract shall have the same meanings in this general approval.

**Signed by authority of ORR**

**\*\*/\*\*/2017**