

# Appeals to the Office of Rail Regulation over RDG membership disputes

1. Any dispute arising under RDG Articles 28.8, 31.1 or 32.5 may be referred on appeal by the affected party to the Office of Rail Regulation (ORR) for determination.
2. Any appeal brought under paragraph 1 must be served by written notice (an Appeal Notice) on ORR and RDG:
  - (a) within 5 working days of receipt of a decision by RDG to which the objection is made; or
  - (b) where the period referred to in paragraph 2(a) includes Christmas Day, within 10 working days of such receipt.
3. ORR may extend the timeframe referred to in paragraph 2 if it considers it appropriate to do so.
4. An Appeal Notice must:
  - (a) identify the RDG decision that the affected party wishes to challenge;
  - (b) detail why the affected party considers that the RDG decision is wrong; and
  - (c) provide any evidence on which the affected party wishes to rely in support of the appeal.
5. On receipt of an Appeal Notice ORR may give RDG the opportunity to respond and provide evidence.
6. In determining any appeal ORR may exercise one or more of the following powers:
  - (a) it may direct that a challenged decision of RDG shall stand; or
  - (b) it may substitute an alternative decision in place of a challenged RDG decision.
7. Where an appeal is brought pursuant to RDG Articles 28.8, 31.1 or 32.5 the parties to the appeal shall comply with the final determination of ORR.
8. ORR shall not be liable in damages or otherwise for any act or omission to act on its part (including negligence) in relation to the conduct of any reference to appeal.