

# Response to ORR’s consultation on outstanding matters in the Schedule 8 performance regime

This pro-forma is available to those that wish to use it to respond to our consultation. Other forms of response (e.g. letter format) are equally welcome.

Please send your response and any queries to [performance.incentives@orr.gov.uk](mailto:performance.incentives@orr.gov.uk) by 9 January 2023.

## About you

Full name: Click or tap here to enter text.

Job title: Click or tap here to enter text.

Organisation: Click or tap here to enter text.

Email\*: Click or tap here to enter text.

*\*This information will not be published on our website.*

## Scope of application of Schedule 8

### Do you agree with ORR’s proposal to insert new sub-paragraphs into Schedule 8 which would allow ORR to ‘switch off’ the majority of Schedule 8 payments for GBR-contracted operators if the required legislative change is implemented?

### Do you agree that the proposed new Schedule 8 sub-paragraphs should apply only to GBR’s contracted operators?

### Do you have any comments on the proposed approach to this issue and the drafting of the proposed new sub-paragraphs under Schedule 8?

Click or tap here to enter text.

## Adding flexibility to Schedule 8 in CP7

### Do you agree with our proposal to allow ORR to initiate a mid-control period recalibration of Schedule 8 in the event of a material change in circumstances?

### Do you think that this should be a feature of each of the passenger, freight and charter regimes?

### Do you have views on the circumstances under which such a power should be used?

Click or tap here to enter text.

Thank you for taking the time to respond.

## Publishing your response

We plan to publish all responses to this consultation on our website.

Should you wish for any information that you provide to be treated as confidential, please be aware that this may be subject to publication, or release to other parties or to disclosure, in accordance with the access to information regimes. These regimes are primarily the Freedom of Information Act 2000 (FOIA), the UK General Data Protection Regulation (UK GDPR) the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004.

Under the FOIA, there is a statutory code of practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this, if you are seeking confidentiality for information you are providing, please explain why. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on ORR.

If you are seeking to make a response in confidence, we would also be grateful if you would annex any confidential information, or provide a non-confidential summary, so that we can publish the non-confidential aspects of your response.

Any personal data you provide to us will be used for the purposes of this consultation and will be handled in accordance with our privacy notice, which sets out how we comply with the UK General Data Protection Regulation and Data Protection Act 2018.

### Consent

In responding to this consultation you consent to us:

* handling your personal data for the purposes of this consultation; and
* publishing your response on our website (unless you have indicated to us that you wish for your response to be treated as confidential as set out above.)

Your consent to either of the above can be withdrawn at any time. Further information about how we handle your personal data and your rights is set out in our privacy notice.

### Format of responses

So that we are able to apply web standards to content on our website, we would prefer that you email us your response either in Microsoft Word format or OpenDocument Text (.odt) format. ODT files have a fully open format and do not rely on any specific piece of software.

If you send us a PDF document, please:

* create it directly from an electronic word-processed file using PDF creation software (rather than as a scanned image of a printout); and
* ensure that the PDF's security method is set to no security in the document properties.