

## Application to the Office of Rail Regulation for a connection contract, or amendment to a connection contract, under sections 17, 18 and 22 of the Railways Act 1993.

### 1. Introduction

This form is for parties applying for a connection contract that is not covered by ORR's our [general approval](#). Connection contracts set out the rights and obligations of the parties for the on-going maintenance of connections between two railway networks. New connection contracts do not need to be submitted to us for specific approval if they fall under the terms described in our general approval. We have powers to generally approve new connection contracts under section 18 of the Act and amendments to existing connection contracts under Section 22 of the Act. Parties to such contracts should send us a copy of the signed contract when it is entered into for addition to our [Public Register](#) and indicate if any redaction is required.

Please use this form to apply to us for:

- Directions under section 17 of the Railways Act 1993 for a new connection contract. Section 17 allows a facility owner, who wants the right to use a railway facility, to apply to ORR for a connection contract if they are not able (for whatever reason) to reach agreement with the other party.
- Approval under section 18 of the Railways Act 1993 for a new connection contract. Section 18 allows facility owners to apply for approval if they have agreed terms to be connected to another facility owner's network. Only apply under section 18 if your contract does not fit under the terms of the general approval.
- Approval of a proposed amendment (agreed by both parties) under section 22 of the Railways Act 1993 to an existing connection contract approved by us.

We have published a 2014 [model connection contract](#). You should use it as your starting point when agreeing the terms of a connection contract. We recommend that the parties to a proposed connection contract consult our C&Ps to better understand our regulatory requirements before applying.

“Facility Owner 1” will carry out a pre-application consultation. Please complete sections 2 & 3 of this application form before consultation. You should fill in the rest of the form after the consultation and before applying to ORR.

We would be happy to have a pre-application meeting before you apply. Please contact us [here](#) if you wish to do so. You can download a copy of this form, and of ORR's model connection contract, from our website: [www.rail-reg.gov.uk](http://www.rail-reg.gov.uk).

All the boxes below are expandable.

*(Figures marked with an asterix(\*) are subject to consultation)*

## 2. The application

**2.1 Title of contract or amendment** (please also include the section of the Railways Act 1993 under which you are applying):

**2.2 Contact details** (Company and named individual for queries):

<u>Facility Owner 1</u>	<u>Facility Owner 2</u>
Company:	Company:
Contact individual:	Contact individual:
Job title:	Job title:
Address:	Address:
Telephone number:	Telephone number:
Fax number:	Fax number:
E-mail address:	E-mail address:

## 2. The proposed contract or amendments not covered by the general approval

**2.1 Departures from ORR's model connection contract:** please set out and explain why any departures from ORR's published model connection contract have been made. If the annual charge is above £20,000\*, or the liability cap is below £500,000\* or above £1,000,000\* then it falls outside the general approval. Please include a breakdown of costs with your application if this is the case.

**2.2 Terms not agreed with the other party (for applications under sections 17 only):** please set out here any areas of the application which have not been agreed and why, and the reasons for seeking these provisions.

### 3. Other

**3.1 Associated applications to ORR:** please state whether this proposal is being made in parallel with, or relates to, any other current or forthcoming application to ORR (e.g. in respect of track or facility access contract).

**3.2 Supporting information and side letters:** please:

- state here any relevant information in support of the proposal, including a list and explanation of any other material being submitted (and supply copies with the application); and
- confirm here that the whole of the proposal between the parties has been submitted with this application and that there are no side letters or other documents which affect it.

**3.3 Confidentiality exclusions:** please list any parts of your application which you have excluded on the grounds of confidentiality, from the version of the application sent to consultees for any pre-application consultation process, and provide reasons. If there has been no pre-application consultation, you should state any parts of the application you want us to exclude from publication.

**Note: Where a pre-application consultation the remainder of this application should not be completed until after that consultation has been completed. Please note that Annex A of ORR's C&Ps<sup>1</sup> sets out some principles for conducting industry consultations. Although it refers to track access contracts, similar principles apply to connection contracts.**

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<sup>1</sup> [Criteria and Procedures for the approval of track access contracts](#)

#### 4. Pre-application consultation

**4.1 The consultation:** has a pre-application consultation been carried out in line with the Industry Code of Practice found in Annex A of the C&Ps? If yes, please:

- state who conducted the consultation;
- list all train operators and any other parties that were consulted, stating which parties responded and attach their responses and any associated documentation to this form; and
- state the period allowed for the consultation. If this was less than 28 days, please explain the reasons for this.

If a pre-application consultation has not been carried out, please explain why, and whether any informal discussions have been held with any third parties who might be affected by this application and the nature of any concerns which they raised.

**4.2 Resolved issues:** please set out any issues raised by consultees which have been satisfactorily resolved. You may wish to refer to responses attached to this form. Please explain any changes as a result of the consultation.

**4.3 Unresolved issues:** please set out any issues raised by consultees which have *not* been satisfactorily resolved, including any correspondence with that consultee. You may wish to refer to responses attached to this form. Please explain why you think these issues should not stop ORR approving the application.

## 5. Certification

*Warning: Under section 146 of the Railways Act 1993, any person who, in giving any information or making any application under or for the purposes of any provision of the Railways Act 1993, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, is guilty of an offence and so liable to criminal prosecution*

**In the case of agreed applications under section 18 or 22, each Facility Owner should fill in separately the required information in the boxes below. For disputed applications under section 17, the applicant should fill in the required information. NB for ease of submission this application may be signed in counterparts.**

**Facility Owner 1:** I certify that the information provided in this form is true and complete to the best of my knowledge

Signed ..... Date .....  
Name (in caps) ..... Job title .....  
For (company) .....

**Facility Owner 2:** I certify that the information provided in this form is true and complete to the best of my knowledge

Signed ..... Date .....  
Name (in caps) ..... Job title .....  
For (company) .....

## 6. Submission

**6.1 What to send:** please supply, in hard copy, the signed application form, one copy of the proposed contract or amendment, with copies of any documents incorporated by reference (other than established standard industry codes or other documents) and any other attachments, supporting documents or information.

Please also supply the application form, the proposed contract or amendment and, where possible, any other supporting information, in electronic form, by e-mail to [track.access@orr.gsi.gov.uk](mailto:track.access@orr.gsi.gov.uk) . Please supply one “comparison” document (comparing the agreed contract to our model connection contract) and one plain copy of the agreed contract.

### 6.2 Where to send it:

Bill Hammill –  
Track Access Manager  
Railway Markets and Economics  
Office of Rail Regulation  
One Kemble Street  
London  
WC2B 4AN

Email: [track.access@orr.gsi.gov.uk](mailto:track.access@orr.gsi.gov.uk)