

## BUSINESS IMPACT TARGET - NON-QUALIFYING REGULATORY PROVISIONS (NQRPs) SUMMARY REPORT

Regulator: Office of Rail and Road

Business Impact Target reporting period covered 21 June – 12 December 2019

Excluded Category*	Summary of measure(s), including any impact data where available**
Measures certified as being below de minimis (measures with an EANDCB below +/- £5 million)	<p>Some of the following activities relate to policy development and therefore also fall into the policy development exemption:</p> <ol style="list-style-type: none"> <li>1. Changes to ORR guidance consequential to Periodic Review 2018 (PR18) in relation to Network Rail:               <ul style="list-style-type: none"> <li>○ Updated our guidance to Network Rail on our land disposal decision criteria (<a href="#">link</a>).</li> </ul> </li> <li>2. We have made minor updates to our suite of access guidance and forms to stakeholders in respect of our casework.</li> <li>3. We have submitted recommendations to the Williams Review to advise them of areas for potential action to deliver improvements in relation to delay compensation and accessibility. We also provided some cost-benefit analysis of different options for rail franchising e.g. management contracts vs traditional franchise contracts.</li> <li>4. Research on passenger information during disruption, to be published late 2019/early 2020.</li> <li>5. New Accessible Travel Policy (ATP) guidance published July 2019 (to replace the old Disabled People's Protection Policy).</li> <li>6. Statutory licence modification of the Complaints Handling Procedure (CHP) licence condition to require membership of an ADR scheme published July 2019.</li> <li>7. In September 2019 we published legal guidance on the potential applicability of the Public Service Vehicle Accessibility Regulations (PSVAR) to rail replacement bus services and how this might interact with ORR's new ATP guidance.</li> </ol>
EU Regulations, Decisions and Directives and other international obligations, including the implementation of the EU Withdrawal Bill and EU Withdrawal Agreement	<ol style="list-style-type: none"> <li>1. We have updated our guidance on access to service facilities to reflect European railway legislation as it applies to GB.</li> <li>2. We are in the process of updating our guidance to reflect European railway legislation as it applies to Northern Ireland.</li> <li>3. We have written to affected parties to explain the changes necessary to train and station operator licensing arrangements as a result of the decision not to renew the exemption to the Passenger Rights &amp; Obligations Regulation.</li> <li>4. We are in the process of considering whether the implementation of the Consumer Protection Cooperation Regulation in January 2020 will affect our consumer protection powers.</li> <li>5. We have updated our suite of guidance on the licensing of train drivers (EU Directive 2007/59/EC)</li> </ol>
Measures certified as concerning EU Withdrawal Bill operability measures	<ol style="list-style-type: none"> <li>1. We have produced guidance for UK industry on the impact of a no deal Brexit on railway safety certification, operator licensing and driver licensing.</li> <li>2. We have carried out the necessary activities to allow international train drivers previously licensed by ORR to obtain valid licences from other EU authorities.</li> </ol>
Pro-competition	<ol style="list-style-type: none"> <li>1. We have continued to implement our findings from the Automatic Ticket Gates/Ticket Vending Machines (ATG/TVM) market study, aiming to open up these markets to greater competition by widening access to hardware and intellectual property.</li> <li>2. We published our market review on delay repay, recommending that third party intermediaries, in a suitable controlled regime, could improve consumer outcomes. We are now working on implementing a licence condition to bring this about.</li> </ol>
Systemic Financial Risk	
Civil Emergencies	

Excluded Category*	Summary of measure(s), including any impact data where available**
Fines and Penalties	
Misuse of Drugs	
Measures certified as relating to the safety of tenants, residents and occupants in response to the Grenfell tragedy	
Casework	<p>(The following casework covers period 1 April – 12 December 2019):</p> <ol style="list-style-type: none"> <li>1. <u>Licensing</u>: we issued licences to 2 operators of railway assets; we granted licence exemptions to 2 operators of railway assets; and we revoked 1 licences/exemptions. (1 April 2019 to 30 October 2019.)</li> <li>2. <u>Stations and depots</u>: we gave our specific approval to the following – 5 new agreements and 80 amending agreements. We ratified the closure of 1 station. (1 April 2019 to 30 October 2019).</li> <li>3. <u>Track Access</u>: we approved numerous new track access contracts and amendments to existing contracts, which facilitate access to the rail network as follows: <ul style="list-style-type: none"> <li>• Framework agreements of Train Operating Companies (TOCs) and Freight Operating Companies (FOCs) with Network Rail: <ul style="list-style-type: none"> <li>○ TOCs - Specific approvals: 50, notices of consent: 6.</li> <li>○ FOCs – specific approvals 0 completed [10 expected by end December], plus 4 notices of consent issued.</li> </ul> </li> <li>• Connection contracts, where networks between different parties meet: Specific: 3 cases approved [and 2+ expected].</li> <li>• Facility access contracts between FOCs and freight facility owners: Specific: 4 new agreements.</li> <li>• Parties were also able to use General Approvals for many other contracts.</li> </ul> </li> <li>4. We made decisions on one appeal under <a href="#">Part M</a> of the Network Code – concerning disputes between industry parties.</li> <li>5. We have issued new, amended or renewed railway safety certificates to 7 passenger or freight train operators. We have issued safety authorisations to 4 infrastructure managers. We have not revoked, suspended or restricted any certificates or authorisations.</li> <li>6. We have issued 707 train driving licences.</li> </ol>
Education, communications and promotion	<ol style="list-style-type: none"> <li>1. We have updated our public advice on the health and safety risks associated with crowding on stations and on trains</li> <li>2. We published our Annual Report on the Health &amp; Safety Performance of Great Britain’s railways.</li> </ol>
Activity related to policy development	See de minimis exemption entries (measures with an EANDCB below +/- £5 million)
Changes to management of regulator	

\* For detailed guidance on the exclusion categories, please see <https://www.gov.uk/government/publications/better-regulation-framework>

\*\* Complete the summary box as ‘Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.’ where this is appropriate.