



Department for
Business, Energy
& Industrial Strategy

BUSINESS IMPACT TARGET: SUMMARY TEMPLATE

Non-qualifying Regulatory Provisions
(NQRP) summary reporting template



Regulator: Office of Rail and Road (ORR)

Business Impact Target Reporting Period Covered: 13 December 2019 – 16 December 2020

Excluded Category*	Summary of measure(s), including any impact data where available**
<p>Measures certified as being below de minimis (measures with an EANDCB below +/- £5 million)</p>	<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"> 1. We published a range of operational guidance during COVID-19 covering medical fitness and competence standards for train drivers and other safety critical staff; additional guidance relating to licensed train drivers and periodic medical requirements (see EU section below); engineering standards requirements for periodic inspections and maintenance; practical guidance for on-train/tram and station activities; RIDDOR reporting in relation to COVID; and guidance to the heritage sector on resuming operations (during the period March to September 2020). 2. We revised Accessible Travel Policy guidance published on 16 September 2020 to amend requirements on train operators in relation to rail replacement services. 3. We published a consultation on 30 June 2020 on the possible introduction of a new licence condition and codes of practice to improve access to, awareness of, delay compensation. 4. We are monitoring compliance with the Government’s new Public Health Information Regulations introduced on 8 June 2020. In particular, Eurostar’s and Eurotunnel’s obligations to provide public health information to passengers. 5. We published a revised Health and Safety Regulatory Strategy document in September 2020. 6. We will be publishing some minor amendments to our guidance on the <i>Railways and Other Guided Transport Systems (Safety) Regulations 2006</i> (ROGS) by December 2020. 7. We published revised chapters in our suite of Strategic Risk Chapters covering level crossings (February 2020) and occupational health (March 2020).
<p>EU Regulations, Decisions and Directives and other international obligations, including the implementation of the EU Withdrawal Bill and EU Withdrawal Agreement</p>	<ol style="list-style-type: none"> 1. We have updated our guidance on access to service facilities to reflect European railway legislation as it applies to GB. 2. We produced guidance on “leaving the EU without a deal” and the effects for EU freight and passenger licences, on safety regulation and on train driving licences

Excluded Category*	Summary of measure(s), including any impact data where available**
	<p>3. We revised our guidance to implement the EC regulation on service facilities as it applies to Northern Ireland.</p> <p>4. We reviewed the implementation of the Consumer Protection Cooperation Regulation in January 2020 to evaluate whether it affects our consumer protection powers.</p> <p>5. We have updated guidance (March 2020, June 2020, September 2020 and October 2020) on the licensing of train drivers (EU Directive 2007/59/EC) in respect of the medical fitness requirements for train drivers during COVID-19. This included providing guidance on the effect of EU Regulation 2020/698 and Commission Decision 2020/1237.</p>
Measures certified as concerning EU Withdrawal Bill operability measures	Nothing to report
Pro-competition	Nothing to report
Systemic Financial Risk	Nothing to report
Civil Emergencies	Nothing to report
Fines and Penalties	Nothing to report
Misuse of Drugs	Nothing to report
Measures certified as relating to the safety of tenants, residents and occupants in response to the Grenfell tragedy	Nothing to report
Casework	<p>The following casework covers period 1 April 2019 – 30 September 2020:</p> <ol style="list-style-type: none"> 1. <u>Licensing</u>: we issued licences to 23 operators of railway assets; we granted licence exemptions to 18 operators of railway assets; and we revoked 9 licences/exemptions. 2. <u>Stations and depots</u>: we gave our specific approval to the following – 15 new agreements and 157 amending agreements. We ratified the closure of 2 stations. 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"> • Framework agreements of Train Operating Companies (TOCs) and Freight Operating Companies (FOCs) with Network Rail: <ul style="list-style-type: none"> ○ TOCs - Specific approvals: 109, notices of consent: 9.

Excluded Category*	Summary of measure(s), including any impact data where available**
	<ul style="list-style-type: none"> ○ FOCs – specific approvals/directions 12 completed plus 14 notices of consent issued. ● Connection contracts, where networks between different parties meet: Specific: 2 cases approved. ● Facility access contracts between FOCs and freight facility owners: Specific: 9 new agreements. ● Parties were also able to use General Approvals for many other contracts. <p>4. We made decisions on 3 appeals under Part M of the Network Code – concerning disputes between industry parties.</p> <p>5. 13 December 2019 – 16 December 2020: we have issued new, amended or renewed railway safety certificates to 10 passenger or freight train operators. We have issued safety authorisations to 5 infrastructure managers. We have not revoked, suspended or restricted any certificates or authorisations.</p> <p>6. We have issued 648 train driving licences between 13 December 2019 and 22 October 2020.</p> <p>7. 13 December 2019 – 3 October 2020: Interoperability – we have completed 31 authorisations under <i>The Railways (Interoperability) Regulations 2011</i> including: 12 rolling stock authorisations, 10 infrastructure authorisations and 9 authorisations of V4.0 GSM-R Cab Mobile sub systems.</p>
Education, communications and promotion	1. We published our Annual Report of Health and Safety Performance on Britain’s Railways 2019/20 in July 2020.
Activity related to policy development	1. We have realigned key documentation (principally the Network Rail Annual Assessment and the Regulatory escalator (one of ORR’s key monitoring tools) so that they fit Network Rail’s devolved Regional structure.
Changes to management of regulator	Nothing to report

* For full, legal definitions of these exclusion categories, please see <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2018-06-20/HCWS776/>

** 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.