

# Response to ORR’s technical consultation on the Schedule 4 possessions regime and 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 1 July 2022.

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*\*This information will not be published on our website.*

## Overall approach

### Question 1: Do you agree with ORR’s position that train operators should be able to opt out of Schedule 4 in CP7, subject to limitations on timings of decisions to opt in or out?

Click or tap here to enter text.

### Question 2: We envisage that Schedule 8 will continue to apply between Network Rail/GBR and all operators. We would consider timely and practicable new proposals for alternative arrangements that meet legal requirements – these would need to be settled by autumn 2022 for them to be reflected in our PR23 decisions on charges and incentives. If current legislation is amended, it may be possible to adopt alternative arrangements that for example do not feature Schedule 8’s financial payments. Do you agree with this position?

Click or tap here to enter text.

### Question 3: Do you agree with ORR’s proposal to limit the number of changes to Schedules 4 and 8?

Click or tap here to enter text.

## Schedule 4

### Question 4: Do you agree with ORR’s preferred approach to take forward the proposals detailed in chapter 2? Do you have comments on these proposals and the specific implementation approaches for each?

Click or tap here to enter text.

## Schedule 8

### Question 5: Do you agree with ORR’s preferred approach to only take forward one of our initial proposals? Do you have any comments on this proposal?

Click or tap here to enter text.

## Are there any other comments you would like to make?

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.