

Railways Act 1993

Revised Passenger Access (Traction Electricity Charges) General Approval 2007

2007 No.4

Made 28 November 2007

Coming into force 29 November 2007

The Office of Rail Regulation, in exercise of the powers conferred upon it by section 22(3) of the Railways Act 1993, gives the following general approval.

Citation and commencement

1.-(1) This general approval may be cited as the Revised Passenger Access (Traction Electricity Charges) General Approval 2007.

(2) This general approval comes into force on 29 November 2007.

(3) The Passenger Access (Traction Electricity Charges) General Approval 2007 is hereby revoked from 29 November 2007.

Interpretation

2.-(1) In this general approval:

"access agreement" means an agreement entered into after 1 April 1994 under which the facility owner of track grants a beneficiary permission to use that track for or in connection with the provision of services;

(2) In this general approval:

- (a) unless the context otherwise requires, terms and expressions defined in the Railways Act 1993 shall have the same meanings in this general approval; and
- (b) the Interpretation Act 1978 applies to this general approval in the same way as it applies to an enactment.

Approval of amendments

3. The parties to an access agreement may make to that agreement the amendments to Schedule 7 as set out in the attached Annex.

Retrospective application

4. The parties to an access agreement may apply the amendments specified in paragraph 3 retrospectively from 1 April 2007.

BRIAN KOGAN
Duly authorised by the Office of Rail Regulation

28 November 2007

EXPLANATORY NOTE

Section 22(3) of the Railways Act 1993 (“the Act”) enables the Office of Rail Regulation (“ORR”) to give its approval in advance to the making of amendments to access agreements. As long as an amendment falls wholly within the terms and conditions of a general approval, the parties to the access agreement in question may amend it without seeking the approval of ORR to the amendment. If it does not come within the scope of the general approval, a specific approval under section 22 or directions under section 22A, section 22C or Schedule 4A to the Act must be obtained.

Amendments of access agreements which have not been approved by ORR - either under a general approval or a specific one, or made pursuant to directions - are void.

The amendments covered by this general approval are required because the index of electricity costs, which has been used as the basis for yearly adjustments to the traction electricity charge, has been found not to accurately reflect changes in Network Rail's costs. This has led to the charge being significantly higher than Network Rail's costs for the year starting 1 April 2007 and expected for forthcoming years. For this reason, amendments under this general approval will apply retrospectively from 1 April 2007.

The proposed changes link the traction electricity charge and its adjustments over time to Network Rail's actual costs, and enables franchised passenger train operators to influence the timing and nature of the purchase of electricity made by Network Rail. The changes to the traction electricity charges were agreed following discussions with an industry group comprising ORR, Network Rail and representatives of the train operators.

Under section 72(5) of the Act a copy of all amendments of access agreements, including amendments approved under this general approval, must be sent to ORR within 14 days of being made. Subject to the requirement in section 72(3) of the Act to have regard to the need for excluding certain information, such copies will be entered into the public register.