

**Gerry Leighton**  
**Head of Stations and Depots**  
Telephone 020 7282 2030  
Fax 020 7282 2118  
E-mail [gerry.leighton@orr.gsi.gov.uk](mailto:gerry.leighton@orr.gsi.gov.uk)



OFFICE OF **RAIL REGULATION**

19 February 2008

Dear Stakeholder

**REVISION TO ORR'S POLICY ON THE EXCLUSION OF COMMERCIALY SENSITIVE MATERIAL FROM STATION ACCESS DOCUMENTATION ON THE PUBLIC REGISTER**

1. We recently consulted the industry on a proposal to adopt a revised policy on the exclusion of commercially sensitive material from station access documentation on the Public Register.
2. This consultation ended on 8 February 2008. All the responses we received were supportive in principle of our proposed revised policy.
3. From today, we will therefore be adopting the revised exclusions policy on which we consulted. As we explained at the time of consultation, this will involve us no longer excluding any items as a matter of course. If parties wish for any items to be excluded from the Public Register, they must specifically request this, explaining why they believe that the items they want excluded meet the test set out in section 72 of the Railways Act 1993.
4. This change of policy is not retrospective: we will not make any changes to documents already placed on the Public Register. This revised exclusions policy will apply from today to any documents that we receive for inclusion on the Public Register.
5. A copy of the revised exclusions policy is enclosed with this letter.
6. If you have any questions, or wish to discuss this further, please contact the Stations and Depots team at ORR ([stations.depots@orr.gsi.gov.uk](mailto:stations.depots@orr.gsi.gov.uk)).

Yours sincerely

**Gerry Leighton**



INVEST FOR US PEOPLE

Page 1 of 3  
Doc # 301732.01



## **Exclusion of Commercially Sensitive Material in Station Access Agreements from the Public Register**

1. This note sets out the policy of the Office of Rail Regulation (“ORR”) on the exclusion of information from station access documentation to be placed in the public register.

### *Background*

2. The Railways Act 1993 (“the Act”) requires ORR to maintain a register available for public inspection. In relation to access agreements and access contracts, the register must contain:
  - (a) every direction to enter into an access contract;
  - (b) every access agreement;
  - (c) every amendment to an access agreement; and
  - (d) every document issued or made by ORR under an access agreement.

This means that, among other things, all sets of Station Particulars that have been approved by the Office of Rail Regulation must be made available in the public register.

3. In entering any provision in the register, ORR is required to have regard to the need to exclude, so far as is practicable, the matters specified in section 71(2)(a) and (b) of the Act. These sections refer to:
  - any matter which relates to the affairs of an individual, where publication of that matter would or might, in the opinion of ORR, seriously and prejudicially affect the interests of that individual; and
  - any matter which relates specifically to the affairs of a particular body of persons, whether corporate or incorporate, where publication of that matter would or might, in the opinion of ORR, seriously and prejudicially affect the interests of the body.
4. ORR must use its judgment in interpreting these provisions, in a manner consistent with its duties under the Act.

*ORR's proposals for station access documentation*

5. In placing station access documents in the public register, ORR no longer feels that it is appropriate to exclude any items as a matter of course. This is because these items do not seem to automatically meet the criteria for exclusion set out in the Act.
6. Furthermore, the rationale for excluding these matters is weakened by the move to the Stations Code. Due to the multi-lateral nature of the Station Particulars all information contained within them will be visible to all contracting parties at a station.
7. Any requests for deletions from station access documentation submitted for inclusion in the public register should be made on an individual basis, and justified using the criteria set out in the Act. Such requests should be submitted at the time a document is sent to ORR for inclusion in the Public Register. ORR will exercise its discretion in considering such requests.