

# Part H – Railway Operational Code

## Explanatory Note

- A. *Part H sets out a requirement for Network Rail, in consultation with the industry, to establish a Railway Operational Code (the “ROC”). The ROC has the objective of sustaining operation of train services on the network in accordance with the working timetable, as well as where necessary restoring operation in accordance with the working timetable, having regard to the needs of passengers and freight customers; the interests of safety and security; the efficient and economical operation of the network and of trains operating on it; and criteria published by the Office of Rail and Road.*
- B. *The ROC is to be kept under regular review, and covers such issues as notification of disruptive events; contingency plans; clearance of track blockages and assistance to failed trains; emergency timetabling procedures; control arrangements; train regulation; seasonal-preparedness; and other matters necessary or expedient to achieve its objective.*
- C. *Part H also sets out a procedure for varying the ROC, which includes all ROC Sections and Subsidiary Documentation. A ROC Section may also set out its own procedure for varying the ROC Section in question or Subsidiary Documentation produced under that ROC Section. Subsidiary Documentation may itself also contain procedures governing its own variation which are additional to or are intended to replace the procedures set out in Part H.*
- D. *Guidance on the management of operational disruption is now contained in the ROC, which can be found on Network Rail’s website.*
- E. *This Explanatory Note does not form part of the Network Code.*

## DEFINITIONS

In this Part H, unless the context otherwise requires:

“appeal” means, in relation to a ROC Section, the exercise by a person of a right under this Part H to make a reference in that respect in accordance with the ADRR;

“Appeal Body” means the dispute resolution forum from time to time constituted under or appointed to make the decision in accordance with the ADRR;

“Disruptive Event” means any event or circumstance which materially prevents or materially disrupts the operation of trains or any part of the Network in accordance with the Working Timetable;

“established” means, in relation to a ROC Section, or a variation to a ROC Section, as the case may be, that the ROC Section or the variation has come into effect whether:

- (a) following publication of the ROC Section or the variation (or if publication is not required notification of the ROC Section or the variation to affected Train Operators and Freight Customer Access Option Holders) with no appeal being lodged within the time limit for such appeal or, if such an appeal has been lodged, it has not been proceeded with; or
- (b) following any interim or final determination of an appeal in that respect if an appeal is lodged and proceeded with,

and subject always to:

- (i) adjustment following final determination of an appeal under Condition H4; or
- (ii) variation under Condition H5,

and “establish” and “establishment” shall be

“Extended Disruption”	<p>construed accordingly;</p> <p>means a Disruptive Event which is likely to be of sufficient duration as to make it practicable to adopt a revised timetable;</p>
“Objective”	means the objective of the Railway Operational Code specified in Condition H1.2;
“ORR ROC Criteria”	<p>means any document published by the Office of Rail and Road from time to time specifying the matters to which the Office of Rail and Road will expect to have regard and the relative weight which it will expect to be placed on such matters when any reference made under Condition HA7 is considered by an Appeal Body;</p>
“Permitted Exemptions”	has the meaning ascribed to it in Condition H3.3;
“Railway Operational Code”	has the meaning ascribed to it in Condition H1.1;
“ROC Plan”	<p>means a plan for the establishment of the Railway Operational Code which shall:</p> <ul style="list-style-type: none"> <li>(a) comply in all respects with this Part H;</li> <li>(b) be consistent with the ORR ROC Criteria;</li> <li>(c) specify a clear and achievable timetable for the establishment of each ROC Section and the full Railway Operational Code; and</li> <li>(d) show in reasonable detail the proposed organisation of the Railway Operational Code; and</li> </ul>
“ROC Section”	means a section of the Railway Operational Code covering one or more of the matters specified in Condition H3 or any part of them.
“Subsidiary Documentation”	means all plans, procedures and documents which are required to be produced under one or more ROC Sections and designated as Subsidiary Documentation under them.

## **H1     *Railway Operational Code and its Objective***

### **H1.1   *Railway Operational Code***

The Railway Operational Code is a code established under this Part H and references to the Railway Operational Code include each ROC Section when it is established and all Subsidiary Documentation.

### **H1.2   *Objective***

The objective of the Railway Operational Code is to sustain and, where necessary, restore expeditiously the operation of Services in accordance with the Working Timetable and in a manner consistent with the ORR ROC Criteria, having regard to:

- (a)    the needs of passengers and freight customers;
- (b)    the interests of safety and security; and
- (c)    the efficient and economical operation of the Network and of trains operating on it.

### **H1.3   *Relationship to the Network Code***

The Railway Operational Code:

- (a)    may only be varied under Part H of the Network Code; and
- (b)    does not form part of the Network Code.

## **H2     *Obligation to observe the Railway Operational Code***

H2.1 Network Rail and each Train Operator shall comply with the Railway Operational Code.

H2.2 Each Freight Customer Access Option Holder shall comply with those ROC Sections that are expressed in the Railway Operational Code to apply to Freight Customer Access Option Holders.

## **H3     *Scope of Railway Operational Code***

H3.1 The Railway Operational Code contains:

- (a) a specification of the procedures and policies by which Network Rail, in cooperation with Train Operators and Freight Customer Access Option Holders, will promote achievement of the Objective, including:
  - (i) a procedure for notification of, and communication in relation to, Disruptive Events or reasonably foreseeable Disruptive Events;
  - (ii) train regulation policies;
  - (iii) an emergency timetable procedure in the event of Extended Disruption;
  - (iv) arrangements for clearance of track blockages and assistance for failed trains;
  - (v) arrangements for:
    - (A) the provision of equipment to deal with adverse weather conditions; and
    - (B) the preparation for and response to seasonal disruptions;
  - (vi) control arrangements; and
  - (vii) other matters which it is necessary or expedient should be covered in order to promote achievement of the Objective;
- (b) procedures for reviewing and monitoring the effectiveness of the Railway Operational Code; and
- (c) procedures for the production, review, approval and publication of Subsidiary Documentation.

### H3.2 *Publication*

The ROC shall be published on its website by Network Rail subject to:

- (a) Condition A3 of the Network Code; and
- (b) Permitted Exemptions.

### H3.3 *Permitted Exemptions*

Permitted Exemptions are any matters contained in a ROC Section in respect of which the ORR ROC Criteria provide that general publication under Condition H3.2 is not required.

### H3.4 *Subsidiary Documentation*

All Subsidiary Documentation shall:

- (a) be of a standard which is consistent with promoting the achievement of the Objective and the requirement for compliance under Condition H2; and
- (b) be subject to procedures for review and (where applicable) approval which are in accordance with the ORR ROC Criteria.

## **H4 *Appeals***

### H4.1 *Right of appeal in accordance with the ADRR*

Subject to Condition H4.3, if any Train Operator or Freight Customer Access Option Holder is dissatisfied as to any matter concerning or in connection with:

- (a) any variation of a ROC Section issued under Condition H5; or
- (b) any decision by Network Rail not to implement a variation proposed by a Train Operator or Freight Customer Access Option Holder under Condition H5.2,

the Train Operator or Freight Customer Access Option Holder may refer the matter for determination in accordance with the ADRR (as supplemented or varied by this Condition H4).

### H4.2 *Time limits for appeal*

A Train Operator's or Freight Customer Access Option Holder's right of appeal under Condition H4.1 shall lapse if the relevant matter is not referred in accordance with the ADRR in the case of a variation under Condition HA5:

- (a) if Condition H5.5(a) applies, within 30 days of the later of the date on which it is published and the date on which it is notified to that Train

Operator or Freight Customer Access Option Holder under Condition H5.9, or

- (b) if Condition H5.5(b) applies, within the period specified for such appeal in the relevant ROC Section.

#### H4.3 *Information to be sent in relation to the appeal*

Without prejudice to Condition H4.6, if there has been a reference for determination in accordance with the ADRR under Condition H4.1:

- (a) in the case of a referral under Condition H4.1, Network Rail shall provide the Train Operator or Freight Customer Access Option Holder and the relevant ADRR Panel with the name and address of every other Train Operator and Freight Customer Access Option Holder who Network Rail reasonably considers may be affected by the ROC Section variation within 7 days of the making of the reference; and
- (b) the person making the reference shall:
  - (i) include with his reference a statement in reasonable detail as to the matter in question and his reasons for making the reference; and
  - (ii) within 14 days of the reference Network Rail shall publish a copy of the reference and the statement specified in Condition H4.4(b)(i).

#### H4.4 *Criteria for appeal*

Any matter referred under Condition H4.1 or H4.2 shall be determined by reference to the most effective manner of promoting the achievement of the Objective.

#### H4.5 *Issue of adjusted ROC Section*

When any appeal brought under this Condition H4 has been finally concluded, Network Rail shall promptly publish on its website and, if the outcome of the appeal is the adjustment of the ROC Section, send to each affected Train Operator and Freight Customer Access Option Holder and any other person who notified Network Rail that it wished to be consulted under Condition H5.6(c) and the Office of Rail and Road the ROC Section as adjusted by the outcome of such appeal.

## **H5     *Variations to Railway Operational Code***

Conditions H5.1 to Conditions H5.4 inclusive apply to all variations to the Railway Operational Code including all Subsidiary Documentation. Notwithstanding the provisions of Conditions H5.1 to H5.4 inclusive:

- (a) additional procedures for varying Subsidiary Documentation may be contained in and required by a ROC Section or the Subsidiary Documentation itself, and
- (b) procedures for varying Subsidiary Documentation in substitution for those under all or any of Conditions H5.1 to H5.4 inclusive may also be contained in and required by the relevant Subsidiary Documentation itself.

Conditions H5.5 and H5.9 apply only to variations to ROC Sections.

### **H5.1   *Mandatory Variations***

Network Rail shall propose variations to the Railway Operational Code:

- (a) at any time if it reasonably considers that this is necessary in order better to promote the achievement of the Objective, striking a balance between:
  - (i) the need for Network Rail, Train Operators and Freight Customer Access Option Holders to be able to plan their businesses with a reasonable degree of assurance; and
  - (ii) the need for flexibility to address new requirements, including new timetables, introduction of new rolling stock and changes to the infrastructure and traffic patterns; and
- (b) at any time, whether or not paragraph (a) above applies, if required to do so by notice from the Office of Rail and Road.

### **H5.2   *Variations proposed by a Train Operator or Freight Customer Access Option Holder***

A Train Operator or Freight Customer Access Option Holder may propose to Network Rail variations to the Railway Operational Code if it reasonably



considers that this is necessary in order better to promote the achievement of the Objective and any such proposal shall include:

- (a) the reasons why it is proposed to make the variation; and
- (b) details of the proposed variation.

#### H5.3 *Procedure for variations proposed by a Train Operator or Freight Customer Access Option Holder*

Following receipt of a proposed variation to the Railway Operational Code from a Train Operator or Freight Customer Access Option Holder under Condition H5.2 Network Rail shall:

- (a) evaluate and discuss the proposed variation with that Train Operator or Freight Customer Access Option Holder for such period as is reasonable having due regard to the likely impact of the proposed variation on any of Network Rail, other operators of trains and other Freight Customer Access Option Holder; and
- (b) following the evaluation and discussion;
  - (i) implement the variation under Condition H5.4; or
  - (ii) propose a variation under Condition H5.1 to implement the proposed variation; or
  - (iii) inform the Train Operator or Freight Customer Access Option Holder that Network Rail does not propose to implement the proposed variation, giving reasons for its decision.

#### H5.4 *Variations by agreement*

- (a) Subject to the provisions of Condition H5.4(b), if Network Rail and any relevant Train Operator or Freight Customer Access Option Holder agree a variation to the Railway Operational Code which affects only that Train Operator or Freight Customer Access Option Holder:
  - (i) Network Rail shall notify the Office of Rail and Road of the proposed variation; and

- (ii) the variation shall become effective on the date agreed for its implementation (which shall be not less than 7 days from the date of Network Rail's notice under Condition H5.4(a)(i));
- (b) If Network Rail and any relevant Train Operator or Freight Customer Access Option Holder agree a variation to the Railway Operational Code which affects only that Train Operator or Freight Customer Access Option Holder and is a variation to Subsidiary Documentation only, the variation shall become effective on the date agreed for its implementation and Condition H5.4(a)(i) and (ii) shall not apply.

#### H5.5 *Variations proposed by Network Rail*

Where any change to the Railway Operational Code under Condition H5.1 is a change to a ROC Section, Network Rail shall:

- (a) follow the procedure for establishing the variation under Conditions H5.6, H5.7 and H5.8; or
- (b) if the proposed variation falls within any modification procedure contained in the relevant ROC Section as established, Network Rail shall follow that procedure provided that such modification procedure contains:
  - (i) a right of appeal for any Train Operator or Freight Customer Access Option Holder who is dissatisfied as to any matter concerning or in connection with the variation and a time limit for bringing that appeal; and
  - (ii) a mechanism for establishing the variation,

and in either case, Network Rail shall specify the reason for the variation and the timing for implementing the variation (which shall not be less than 30 days from the date of notification of the proposed variation in accordance with the relevant procedure).

#### H5.6 *Consultation on a ROC Section variation*

Where Condition H5.5(a) applies, Network Rail shall:

- (a) publish and send details of the proposed variation to each affected Train Operator and Freight Customer Access Option Holder, the Secretary of State, the Office of Rail and Road, any Passenger

Transport Executive, the Scottish Ministers, Transport for London and the Welsh Assembly Government;

- (b) consult each Train Operator and Freight Customer Access Option Holder likely to be affected by the proposed variation, and invite the submission to it of representations or objections within a period or not less than 30 Working Days from the date of notification; and
- (c) if the Secretary of State, the Office of Rail and Road, any Passenger Transport Executive, the Scottish Ministers, Transport for London or the Welsh Assembly Government gives notice to Network Rail that it wishes to be consulted on any matter concerning the ROC Section, consult with that party.

H5.7 Each Train Operator, Freight Customer Access Option Holder or other party consulted under H5.6 shall:

- (a) consider the matters on which Network Rail has consulted it; and
- (b) give notice to Network Rail of any representations or objections it wishes to make in relation to the consultation no later than the date for concluding the consultation specified under Condition H5.6(b).

H5.8 Following consideration of all representations and objections received under Condition H5.7, Network Rail shall consider whether the proposed variation should be implemented and if it concludes that it should, then Network Rail shall act in accordance with Condition H5.9 and thereby, subject to Condition H4, establish the variation.

#### H5.9 *Issue of varied ROC Section*

Network Rail shall publish on its website in accordance with Condition H3.2 any variation to a ROC Section, and send a copy of the revised ROC Section to each affected Train Operator and Freight Customer Access Option Holder, the Office of Rail and Road and any other person who notified Network Rail that it wished to be consulted under Condition H5.6(c).

#### H5.10 *Consequential changes to ROC Sections*

Where any changes are made to this Part H that require consequential changes to be made to any ROC Section, those consequential changes shall be made and be effective from the date on which the relevant change to Part H is established. Network Rail shall, within 30 Working Days of the

establishment of the revised Part H, make any necessary changes to the Railway Operational Code and publish and issue any revised ROC Sections in accordance with Condition H5.9