
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 537

**The Railways Infrastructure (Access, Management
and Licensing of Railway Undertakings)
Regulations (Northern Ireland) 2005**

PART IV

INFRASTRUCTURE CHARGES

Establishing, determining and collecting charges

11.—(1) The Department must establish the charging framework and the specific charging rules governing the determination of the fees to be charged in accordance with paragraph (5).

(2) Subject to paragraph (7), the infrastructure manager must—

- (a) determine the fees to be charged for use of the infrastructure in accordance with the charging framework, the specific charging rules, and the principles and exceptions set out in Schedule 2; and
- (b) collect those fees.

(3) Applicants must, subject to the right of appeal to the Department provided in regulation 27, pay such fees as are charged by the infrastructure manager for use of the railway infrastructure.

(4) An infrastructure manager responsible for any of the functions of the infrastructure manager described in this Part and Schedule 2 must, in its legal form, organisation or decision-making functions, be independent of any railway undertaking and, where he is not so independent, that infrastructure manager must ensure that the functions described in this Part and Schedule 2 are performed by a charging body that is so independent.

(5) The separation require by paragraph (4) does not apply to the function of the collection of fees charged in accordance with paragraph (2)(b).

(6) The infrastructure manager must be able to justify that the charges invoiced to each railway undertaking for access to the infrastructure comply with the methodology, rules and, where applicable, scales laid down in the network statement and, where information about the charges imposed is requested by the Department the infrastructure manager must supply the information requested.

(7) Infrastructure managers must co-operate to achieve the efficient operation of train services which cross more than one infrastructure network and should, in particular, aim to guarantee the optimum competitiveness of international rail freight.

(8) Infrastructure managers may establish such joint organisations as may be appropriate to enable the co-operation referred to in paragraph (7) to be achieved and any such organisations, or co-operation arising out of the operation of such organisations, must be bound by the rules set out in these regulations.

(9) The infrastructure manager must respect the commercial confidentiality of information provided to it by applicants for infrastructure capacity.

Infrastructure costs and accounts

12.—(1) The Department through the access charges review must lay down conditions including where appropriate advance payments, to ensure that, under normal business conditions and over a reasonable time period, the accounts of an infrastructure manager shall at least balance—

- (a) income from infrastructure charges;
- (b) surpluses from other commercial activities; and
- (c) public funding,

with infrastructure expenditure.

(2) The infrastructure manager must, with due regard to safety and to maintaining and improving the quality of the infrastructure service, be provided with incentives to reduce the costs of provision of infrastructure and the level of access charges.

(3) It shall be the responsibility of the Department to ensure that the requirements set out in paragraph (2) are implemented.

Performance scheme

13.—(1) The infrastructure manager must establish a performance scheme as part of the charging system to encourage railway undertakings and the infrastructure manager to minimise disruption and improve the performance of the railway network.

- (2) The performance scheme referred to in paragraph (1) may include—
- (a) penalties for actions which disrupt the operation of the rail network;
 - (b) compensation for undertakings which suffer from disruption; and
 - (c) bonuses that reward better than planned performance.

(3) The basic principles of the performance scheme must apply without discrimination throughout the network to which that scheme relates.

Reservation charges

14.—(1) The infrastructure manager may levy an appropriate charge for capacity that is requested but not used, and the imposition of this charge must provide incentives for efficient use of capacity.

(2) The infrastructure manager must provide, to any interested party, information about the infrastructure capacity allocated to applicants.