

Annex D
CONSULTATION RESPONSE FORM

PART 1 - Information about you

Name

Address

Postcode

email

Company Name or
Organisation
(if applicable)

Please tick one box from the list below that best describes you /your company or organisation.

- Small to Medium Enterprise (up to 50 employees)
- Large Company
- Representative Organisation
- Trade Union
- Interest Group
- Local Government
- Central Government
- Police
- Member of the public
- Other (please describe):

If you are responding on behalf of an organisation or interest group how many members do you have and how did you obtain the views of your members:

If you would like your response or personal details to be treated confidentially please explain why:

PART 2 - Your Comments

1. Do you think our proposal to enforce the provisions of the Regulation listed in Schedule II of the draft SI through the licensing and SNRP regime will provide for an enforcement regime that is effective and workable? Do you think there should be other enforcement mechanisms, in addition or in substitution to this? Do you agree with the content of that Schedule, or do you think provisions of the Regulation should be added or taken out? Do you agree with the provisions setting out the obligation to cause certain licensing conditions and SNRPs to be imposed, namely regulations 14 and 15, or do you think they should be more, or less, specific, or that anything should be added to them?

Please explain your reasons and add any additional comments you wish to make:

2. Do you agree with the way the Regulations provide details of the process to change existing licences and SNRPs? YES NO

Please explain your reasons and add any additional comments you wish to make:

3. Do you agree with the ORR being the designated enforcement body for the Regulation, and for Passenger Focus and London TravelWatch to handle complaints, and YES NO

that in matters relating to the Regulation they report to the ORR rather than the Secretary of State? Do you think the ORR powers as an enforcement body under the draft SI are adequate (i.e. neither insufficient nor excessive to enforce the Regulation effectively)?

Please explain your reasons and add any additional comments you wish to make:

4. The draft SI currently does not have any provision for the enforcement against ticket vendors that are not railway undertakings. We propose to apply to those vendors enforcement measures similar to those in the Railways Act 1993 for breach of licensing conditions (see section 55 and following). These would consist of a power of the ORR to impose an order to secure compliance, with civil penalties in case of default. Do you agree that the Regulation should be enforced, as against ticket vendors, by provisions similar to those in the Railways Act 1993 for breach of licensing conditions? YES NO

Please explain your reasons and add any additional comments you wish to make:

5. Do you approve of the way the rights of disabled persons and PRMs will be enforced under the draft SI? YES NO

Please explain your reasons and add any additional comments you wish to make:

6. Do you have any further comments on the enforcement regime? YES NO

Please explain your reasons and add any additional comments you wish to make:

7. Do you believe the exemptions in Articles 2(4) and 2(5) should be used? If you think the exemptions should be used, please provide details, giving supporting evidence wherever possible. In particular, we would need details of costs and benefits to domestic rail passengers and operators of not receiving the full benefits and burdens of the Regulation. As far as the Article 2(4) exemption is concerned, we would need this for 5, 10 and 15 years durations respectively. In particular, if the Commission does not object, do you think the exemption in Article 2(4) should be used in respect of charter train operators and other similar services?

Please explain your reasons and add any additional comments you wish to make:

8. We believe that if an exemption is used, it will be possible to define the classes of services to which it applies. If you are of the opinion that an exemption should apply only to certain services, do you have comments as to the legal criteria to be used to define the scope of the exemption? For example, in respect of charter train operators, two possible criteria which might be used for the definition are: the fact such services are demand-led, and the fact they are outside published timetables.

Please explain your reasons and add any additional comments you wish to make:

9. Do you have comments about the way we intend to deal with the inconsistency between section 2 of the Damages Act 1996 (as amended) and, Article 30(1) of Annex I the Community Regulation? YES NO

Please explain your reasons and add any additional comments you wish to make:

10. Do you agree with the approach regulation 6 reflects as far as remedies for breach of the right to an advance payment are concerned? In particular, do you agree with the requirement for the claimant first to approach the railway undertaking, and with the fact that the regulation leaves a discretion to the court as far as remedy is concerned? YES NO

Please explain your reasons and add any additional comments you wish to make:

11. An alternative to the drafting of regulation 7 would be to leave it to the court's discretion to settle the amount, the court being directed to have regard, in exercising this discretion, to have regard to the amounts for which the parties are liable in respect of the accident. Do you prefer the Regulation as currently drafted or the alternative approach outlined? YES NO

Please explain your reasons and add any additional comments you wish to make:

12. A draft Impact Assessment accompanying this consultation document is at Annex C. This has been prepared largely on cost estimates provided by the Association of Train Operating Companies. Are there any additional costs or benefits that you feel have not been reflected in the draft Impact Assessment? In particular, the Department seeks information from respondents on the potential benefits and costs to passengers so that the Department is able to monetise the benefits and costs.

Please explain your reasons and add any additional comments you wish to make:

13. What areas of the Regulation do you consider need clarification and you would like to see covered in guidance?

Please explain your reasons and add any additional comments you wish to make:

14. Do you have any other comments on the Statutory Instrument? YES NO

Please explain your reasons and add any additional comments you wish to make:

15. Do you agree with our overall approach for implementation? If not, please explain your concerns. YES NO

Please explain your reasons and add any additional comments you wish to make: