



Department  
for Transport

# **The Williams-Shapps Plan for Rail: Legislative Changes to Implement Rail Reform**

Department for Transport  
Great Minster House  
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## How to respond

Thank you for responding to this consultation. We want to know what you think about our proposals before we change the law about how the railways are run.

Closing date is 4 August 2022.

Please send consultation responses to:

Rail Transformation Programme Consultation

Great Minster House

33 Horseferry Road

London

SW1P 4DR

[railconsultation@dft.gov.uk](mailto:railconsultation@dft.gov.uk)

You can also reply via our [Online Survey](https://www.smartsurvey.co.uk/s/L1S3JB/) (<https://www.smartsurvey.co.uk/s/L1S3JB/>).

## Confidentiality and Data Protection

This consultation is asking for your views on our proposals ahead of introducing legislation that will support the delivery of this once in a generation transformation of our railways.

We are asking for:

- your name and email address, in case we need to ask you follow-up questions about your responses (you do not have to give us this personal information, but if you do provide it, we will use it only for the purpose of asking follow-up questions)
- whether you are representing an organisation or yourself

Your consultation response and the processing of personal data that it entails is necessary for the exercise of our functions as a government department. DfT will, under data protection law, be the controller for this information. [DfT's privacy policy \[opens in new window\]](#) has more information about your rights in relation to your personal data, how to complain and how to contact the Data Protection Officer.

Any information you provide will be kept securely and destroyed within 12 months after the closing date. Any information provided through the online questionnaire will be moved to our internal systems within 2 months of the consultation period end date.

# 1. Introduction

We are seeking your views on the proposed primary legislative changes required to implement commitments from the [Williams-Shapps Plan for Rail \('Plan for Rail'\)](#) [\[opens in a new window\]](#).

The plan for rail heralded the start of a major transformation of Great Britain's railways (Northern Ireland operates separately), to ensure better outcomes for passengers, freight customers and taxpayers.

At the heart of the proposals is the creation of a new public body, Great British Railways, that will bring the railway network together under single national, accountable, leadership, ending years of fragmentation.

Great British Railways will be the new guiding mind for the railway:

- bringing together the best of the public and private sectors
- integrating track and train by incorporating Network Rail
- taking on:
  - responsibility from the [Department for Transport](#) [\[opens in a new window\]](#) for procuring and managing passenger train services
  - elements of the [Rail Delivery Group](#) [\[opens in a new window\]](#)

The complicated and broken franchising system will be replaced by new Passenger Service Contracts, designed to:

- invigorate the competitive market
- improve services and create a more passenger focussed railway

The plan also outlines measures to:

- improve accessibility across the railway
- develop a comprehensive environmental plan to help meet our net-zero carbon emissions target
- reform fares and ticketing
- develop a new offer for rail freight
- create the first ever 30 year strategy to ensure our railways help level up every part of our country

The ambitious package of reform set out in the plan for rail will ensure that Britain's railways become more customer focused and financially sustainable, working in the national interest as a public service.

Many of the commitments set out in the plan for rail do not require legislation to enact, however, legislation is required to make important elements of structural reform possible.

This consultation provides details on the changes to primary legislation that are proposed and seeks your views on these.

Your feedback is critical to ensuring this once in a generation transformation of Britain's railways delivers for passengers, taxpayers and freight customers.



## 2. Establishing Great British Railways

### Core Functions of Great British Railways

There is a core set of things that Great British Railways will have to do as an integrated rail body:

plan and manage access to Great British Railways' network. Ensure that the network is used safely and effectively, consistent with guidance from the Secretary of State

manage Great British Railways infrastructure

manage and secure delivery of high-quality, reliable Great British Railways passenger services and be accountable for the customer offer

In doing these things, Great British Railways will be required to:

- Co-operate, support and provide leadership across rail systems in the short and long term
- Do these things in ways which pursue financial sustainability and promote efficiency
- Act transparently, including in relation to the promotion of open data
- Co-operate and collaborate with other organisations on day-to-day operations and long-term planning
- Encourage private sector involvement in the railway where it brings benefits for rail users and society as a whole
- Consider the impacts on railway operators and other rail bodies
- Ensure the safe, efficient and effective maintenance, renewal, improvement and development of the railways
- Ensure the capability of the railway, its people and systems, including in the longer term

**Question 1:**

Does the scope of the proposed designation of Great British Railways as an integrated rail body appropriately capture what you would expect for an effective guiding mind for the railways? Please explain.

## Proposed Factors for Public Interest Duty

Great British Railways will have an overarching duty to perform its functions, and act in the public interest, in a way that balances a range of factors which will be set out in the Great British Railways Licence. This will include a duty to act in a manner it considers maximises the social and economic value (as defined by Secretary of State) from the use of the network. In addition, these factors are likely to include:

- benefits for current and future rail passengers
- benefits from promoting the carriage and growth of rail freight
- benefits from improving accessibility
- benefits for communities, regions, the economy and the supply chain
- impacts on the environment
- benefits from promoting efficiency, affordability and value for passengers, taxpayers and rail funders

**Question 2:**

Are there any other factors Great British Railways should balance and consider as part of its public interest duty? Please explain.

## Option to Delegate Devolved Contracting Authority to Great British Railways

The existing role and responsibilities of the devolved administrations in relation to provision of passenger services will remain unchanged.

However, the [plan for rail \[opens in a new window\]](#) set out that devolved railways will be strengthened, through close collaboration with Great British Railways.

To support this and to enable the integration of track and train across Great Britain, we

propose to enable, through legislation, the ability for Scottish or Welsh ministers to delegate their contracting authority for devolved passenger services to Great British Railways. This proposal would not require such delegation but would enable it to happen in the future should Scottish or Welsh ministers decide to pursue it. The terms of any delegation would need to be mutually acceptable to ministers in the devolved administrations and the Secretary of State and clearly set out the roles and responsibilities of each party including appropriate governance controls, taking into account the existing devolution settlements.

**Question 3:**

Do you support the proposal to include a power in primary legislation to enable Scottish and Welsh Ministers to delegate their contracting authority to Great British Railways, subject to the terms of delegation being mutually acceptable to ministers in the Devolved Administration(s) and the Secretary of State? Please explain.

## Direct Award to Public Sector Operator

We propose amending [section 25 of the Railways Act 1993 \[open in a new window\]](#), which prohibits the appointment of a public sector operator for services that would be let by:

- Great British Railways
- Welsh Ministers

We propose to legislate to allow for a direct award to a public sector operator in specific circumstances such as to facilitate a major infrastructure project or a major industry reform programme.

The prohibition on public sector bidders in England and Wales for operators appointed via competition will remain.

The ability to make a direct award to a public sector operator provides an alternative route for ensuring passenger service provision if an existing contract ended mid-way through a major infrastructure project or delivery of a major industry reform programme, where the uncertainty associated with those initiatives meant that competition was likely to have poor value for the taxpayer.

**Question 4:**

Do you have any views on the proposal to amend Section 25 of the Railways Act 1993 to enable appointment of a public sector operator by Great British Railways by direct award in specific circumstances? Please explain.

## Facilitating Passenger Service Contracts (by amending EU regulation 1370)

To:

1. Assist the reforms outlined in the [plan for rail \[opens in a new window\]](#)
2. Ensure the smooth introduction and running of passenger service contracts

we will need to amend [Regulation 1370/2007 \[opens in a new window\]](#).

EU Regulation 1370/2007 creates a bespoke procurement and state aid or subsidy regime for 'public service contracts' in recognition that such contracts are needed in the general interest of the public and cannot be operated on an entirely commercial basis.

We propose amending Regulation 1370/2007 in primary legislation, with the purpose of ensuring the ongoing operation of the rail contracting regime in Great Britain and for the smooth delivery of the plan for rail. The proposed amendments are:

1. Introduce domestic legislation for awards made under Regulation 1370/2007 that reduces the limitation period for the challenge remedy (the route through which a train operator can challenge decisions) to provide a relatively short period for challenges to be made.
2. Introduce a recovery remedy to accord with the new UK subsidy regime and clarify who may bring a claim.
3. Reintroduce [Articles 5\(6\) \[opens in a new window\]](#) which provides maximum flexibility in making direct awards and [7\(3\) \[opens in a new window\]](#) which ensures transparency for awards made under Article 5(6) to ensure that flexibility and transparency in making direct awards is retained.
4. Amend wording within [Article 7\(2\) \[opens in a new window\]](#), which details the notice period for publishing a Prior Information Notice (PIN) before an Invitation to Tender (ITT) or direct award, to ensure clarity.

### Question 5:

Do you support the proposed amendments to Regulation 1370/2007, which include i) reducing the limitation period for a challenge, ii) clarifying who may bring a claim, iii) retaining the ability to make direct awards, and iv) clarifying the notice period? Please explain.

## Office of Rail and Road duty to facilitate the furtherance of Great British Railways' policies on matters of access to and use of the railway where these have received Secretary of State approval

It is important that the [Office of Rail and Road \(ORR\)](#) [\[opens in a new window\]](#) is an engaged participant and actively enables Great British Railways to plan and manage the railway network in the public interest.

ORR, Great British Railways and public sector funders will need to work to align and coordinate their decision-making processes and criteria.

This work aims to ensure the appropriate decisions about the use and operation of the network are more effectively led by Great British Railways as the Secretary of State's expert rail body, whilst maintaining effective safeguards through a rules-based regime that gives confidence to users of the network.

To enable this, we are proposing a new duty for ORR to facilitate the furtherance of Great British Railways' policies on matters of:

- access to
- use of

the railway, where these have received Secretary of State approval, and to take them into account when carrying out its functions as the regulator for access.

ORR will be a consultee on Great British Railways' policies on matters of access and will provide advice to the Secretary of State on whether they align with the requirements placed on Great British Railways through its legislative and governance framework.

This new duty and ways of working will be underpinned by updated Secretary of State guidance to ORR which will address priorities for simplification, efficiencies and management of the network in the public interest.

The government has worked closely with ORR to ensure that the new duty:

1. Does not conflict with existing duties.
2. Does not compromise ORR's independence.
3. Provides ORR with a clear and specific legal requirement to take Great British Railways' approved access policy into account in its decision-making.

### Question 6:

Do you support the proposed statutory duty on ORR to facilitate the furtherance of Great British Railways' policies on matters of access to and use of the railway, where these have received Secretary of State approval? Please explain.

## Amendments to enable Great British Railways to function as a guiding mind

Bringing track and train closer together under Great British Railways may require primary legislation to make some technical changes to the [EU derived Railways \(Access, Management and Licensing of Railway Undertakings\) Regulations 2016 \[opens in a new window\]](#).

These regulations set out requirements for separation of certain decision-making functions, for example the rules around:

- separation of management structures and processes
- capacity allocation and charging

Any such amendments will only apply to the Great British Railways network and will not directly affect other infrastructure managers.

We are seeking views on whether there are immediate legislative changes that need to be made to ensure we do not restrict collaboration, integration and a joined-up approach between track and train, which current retained EU rail markets legislation prevents.

We strongly recognise the need for the access regime to operate consistently and coherently as a whole. Any initial changes will be limited to those we consider necessary to enable the effective management of the network.

Government proposes to make any further changes to access-related EU derived railways regulations through secondary legislation in future via a 'Power to Amend' in order to reflect the outputs of the Great British Railways-led Commission on access and use of the railway. Any future secondary legislation to be brought under the proposed power will be subject to extensive consultation processes with stakeholders.

### Question 7:

Noting we will consult separately on the use of the power to amend the existing Access and Management Regulations, are you aware of any immediate essential changes that are needed to these Regulations to enable Great British Railways to deliver its guiding mind function? Please explain.

## Widening the scope of ORR's duty to promote competition

Rail is different to many consumer markets given the scale of public money involved, so it is important that this is given due consideration by the regulator when making decisions in what is a mixed public and private market.

In addition to ORR's existing duty to have regard to the Secretary of State's funds, we are proposing a limited legislative change to [ORR's existing section 4\(1\)\(d\) competition duty \[opens in a new window\]](#) so that, in addition to users, the ORR takes into consideration public sector funding of rail services in applying the competition duty including on access to the track.

ORR's duty to promote competition is just one duty the regulator must weigh alongside its other duties.

**Question 8:**

Do you agree with the proposed recasting of ORR's competition duty to better reflect public sector funding? Please explain.

## Removing barriers to collaboration between Great British Railways contracted operators

The plan for rail places a strong emphasis on collaboration across the whole of the industry to achieve benefits such as securing significant efficiencies, removing duplication, and a focus on the things customers have told us matter to them. These include:

- safe, punctual, reliable and good value services
- encouragement of more innovation that will continue to improve services and connections with other modes of transport
- a joined-up approach to finding a resolution when things go wrong
- a simple consistent fares structure

Great British Railways will also need to ensure that efficiencies are considered across all operators with rail passenger contracts with Great British Railways, across the system as a whole rather than by individual operators, to:

- reduce the need for public subsidy of the system
- protect taxpayers, growing the system and ensuring efficient use of available capacity

Passenger service contracts focus on improving the passenger experience and will support operators to collaborate effectively with Great British Railways as well as other industry partners, including other operators, local teams and suppliers, such as train-leasing companies, to improve services and performance.

It is essential that legislation enables this collaboration and additionally gives operators a level of reassurance and confidence that they can collaborate and share relevant information where this will lead to benefits.

Therefore we propose to set out in legislation that Great British Railways will have a power to issue directions which requires its Great British Railways operators to share information and undertake other collaborative activities with each other in circumstances where doing so could otherwise give rise to concerns under [Chapter 1 of the Competition Act 1998](#) [\[opens in a new window\]](#).

In particular, such a direction would only be possible where collaboration would lead to defined benefits, such as improving the operational delivery of services for passengers and improving the efficiency of the rail system as a whole for taxpayers.

**Question 9:**

Do you support the proposal to include in legislation, a power for Great British Railways to issue directions to its contracted operators to collaborate with one another, in particular, where this could lead to defined benefits to taxpayers and/or passengers?

**Question 10:**

Would Train Operating Companies be willing to share information and collaborate in the way envisaged without the proposed legislative provisions? What are the risks to them without the proposed legislation? Would the proposed legislative approach help to resolve these risks?

**Question 11:**

Are there any particular additional safeguards (in addition to the safeguards outlined above) that you consider necessary to support the interests of third parties (including freight, open access and charter operators) or to otherwise protect passengers and/or taxpayers?

## Customer Offer

We need to reform the industry to improve the customer experience of buying rail tickets, grow revenue and save taxpayers' money.

Great British Railways will set the approach for fares, ticketing and retailing, which means we will ask them to:

- act as a 'guiding mind' so that they can set a consistent customer offer over the network
- make fares simpler, clearer and easier to understand, and also reduce inconsistencies that have developed over time
- sell tickets through their website and app, learning from the best in-class providers' approach to digital ticketing and putting an end to current confusion



of multiple train operators selling tickets which will, as well as making it easier for customers, reduce the cost to the taxpayer

By customer offer we mean the ticket products and services developed to meet customers' needs.

Independent retailers will continue to sell tickets, and the industry as a whole will benefit from the innovation they will continue to bring.

We want to make sure that independent retailers are treated fairly. To ensure this, we think Great British Railways' online retailing activities should be independent of its wider decision making about retail strategy, including licensing decisions.

**Question 12:**

How should we ensure that Great British Railways is able to fulfil its accountability for the customer offer while also giving independent retailers confidence they will be treated fairly? Please explain.

## 3. Establishing the New Rail Sector

### Governance Framework

The governance framework for Great British Railways will be underpinned by a number of strong and effective instruments.

The approach resembles other customer focussed sectors (for example regulated utilities and highways) but has been tailored to reflect the rail sector.

The instruments are:

1. **Statute:** primary legislation will set out the essential requirements for the establishment of Great British Railways and the statutory framework for governance.
2. **Great British Railways Licence (the licence):** the licence will be consulted on and issued by the Secretary of State to Great British Railways. This will be redesigned from today's [Network Rail network licence \[opens in a new window\]](#) to reflect that Great British Railways will have integrated responsibilities across track and train.
3. **Directions and guidance:** these will allow the Secretary of State to set additional requirements on Great British Railways on policy issues, matters relating to the Secretary of State's role as a funder of the railway, and where a more direct or bilateral relationship between the Secretary of State and Great British Railways is considered appropriate. Directions and guidance will need to be consistent with the licence and statute.
4. **Business planning and funding process:** Great British Railways will be required to produce a five-year business plan setting out its planned activity in response to instructions from the Secretary of State and Scottish Ministers setting out what they want Great British Railways to achieve. The business plan will be produced to align with the five-year infrastructure funding settlements from government, and other income Great British Railways will receive during the business plan's period. Funding for passenger services will continue to be set through government fiscal events, such as Spending Reviews.

**Question 13:**

Does the proposed governance framework give Great British Railways the ability to act as a guiding mind for the railways, while also ensuring appropriate accountability? Please explain.

## Great British Railways Duties in Licence

The Secretary of State will issue a statutory licence to Great British Railways. It will focus on enduring duties, activities and behaviours about railway management and delivery.

The Licence will be redesigned and go beyond the current network licence because Great British Railways will have responsibilities across track and train and is not just an infrastructure manager.

We are proposing to capture the duties of Great British Railways in this Licence.

The Plan for Rail said that Great British Railways will have specific legal duties to improve accessibility, promote rail freight and to consider environmental principles in all its operations.

We propose putting a requirement in primary legislation for the licence to include duties on Great British Railways relating to accessibility, freight and the environment. The statutory nature of the licence means that any requirements on Great British Railways which are included in it are binding and can be enforced by ORR.

**Question 14:**

Do you agree with the proposal for Great British Railways' new duties to be captured in the licence and that primary legislation should require the licence to include specific duties in relation to accessibility, freight and the environment? Please explain.

## Not imposing financial penalties on Great British Railways in the event of a licence breach

ORR can currently issue a financial penalty for breach of licence conditions.

Issuing a financial penalty to a publicly funded and owned body has limited ability to incentivise behaviour and may diminish Great British Railways' ability to make improvements for passengers and end users.

We propose to remove the power for ORR to fine Great British Railways for breach of its licence, although ORR will still be able to fine Great British Railways if it disregards a decision made by ORR relating to access or charging.

ORR would also still have powers to fine other types of licence holders where it currently has those powers.

Great British Railways will be ultimately accountable to the Secretary of State, and the Secretary of State will hold the powers to sanction Great British Railways where necessary, by exercising corporate and funding controls, including appointing certain members of Great British Railways Board.

The Secretary of State would take into account Great British Railways' performance in this regard when considering performance-related pay recommendations.

**Question 15:**

Do you support the proposal to amend ORR's powers to exclude the ability to impose a financial penalty on Great British Railways for licence breach? Please explain.

## Great British Railways Business Planning and Funding

The [plan for rail \[opens in a new window\]](#) committed to a stable planning framework for Great British Railways, requiring Great British Railways to set out an integrated business plan, covering passenger services and infrastructure.

The Business Plan will cover a five-year period, addressing expected activity and outputs across Great British Railways' remit.

As today, the Secretary of State and Scottish Ministers will each continue to issue their 'High-Level Output Specification' (HLOS) and 'Statement of Funds Available' (SoFA) for infrastructure during the Periodic Review process. Funding for passenger services activities within Great British Railways will be agreed as part of the process of setting wider budgets across Government. Major enhancements will continue to be separately governed.

ORR will also independently assess Great British Railways' business plan for key matters including safety, performance, efficiency, deliverability, long-term asset sustainability and whether the expected level of funding available to Great British Railways is sufficient to deliver the proposed activities.

The Secretary of State will sign-off Great British Railways' business plan, as is the case for Network Rail today. Once agreed, Great British Railways will be accountable for the delivery of the five-year business plan and report on progress against delivery. Independent monitoring and assurance against delivery will also be provided by ORR. This will include a role assuring changes required to the business plan in-life.

Changes to the current legislation will be required to enact these changes. We propose:

- adding a requirement on Great British Railways to produce an integrated business plan (covering both track and train).
- amending current legislation to improve information flows between government bodies ahead of and during the periodic review process.

The detailed process for developing and agreeing the business plan will be supported by non-legislative levers, such as the Great British Railways Licence, issued by the Secretary of State.

**Question 16:**

Please provide any feedback on the proposed business planning arrangements for Great British Railways

## Independent Scrutiny and Challenge

Great British Railways will become a powerful guiding mind at the centre of the new, customer-focused system. As the independent safety and economic regulator, ORR will continue to play a central role in the new rail system by:

- providing whole-sector oversight that transparently holds Great British Railways and other railway businesses to account
- encouraging best practice and problem solving across the sector
- using its expertise and independent perspective to advise government
- continuing as health and safety regulator across Great Britain
- maintaining regulatory oversight of the access framework and continuing to regulate other infrastructure managers
- continuing to be responsible for taking action on certain rail-related competition and consumer law issues
- taking over sponsorship of the rail ombudsman
- continuing to monitor and enforce licences, including the proposed Great British Railways Licence
- maintaining a central position in the Periodic Review process, including in assessing and advising on infrastructure funding and outputs, and assuring subsequent changes to the plans

In order to give confidence that Great British Railways is meeting its objectives, ORR will also monitor and scrutinise Great British Railways' ability to meet its business objectives against its:

- Secretary of State-issued licence
- business plan

ORR will continue to have robust enforcement powers to take action if necessary, to require Great British Railways' compliance with its licence.

ORR will help improve transparency by:

- supporting Great British Railways to develop mature and open self-assurance processes
- directly reporting on Great British Railways' delivery of objectives
- publishing key information to help inform decision makers and stakeholders
- continuing to publish Official Rail Statistics for the rail sector
- continuing to hold broad information gathering and investigatory powers in statute and through the licence

**Question 17:**

Will the proposed approach to independent scrutiny and challenge provide sufficient transparency and assurance that Great British Railways can be held to account? Please explain.

## Great British Railways fee to cover the cost of ORR functions currently funded by the Network Rail licence fee

To preserve ORR's independence in the new model and assuage any concerns that government could exert undue influence over ORR in the course of its duties, we propose to provide ORR with the statutory powers to levy a fee on Great British Railways in order to cover the costs of ORR's functions which are currently funded from the Network Rail licence fee.

ORR already has similar powers to raise levies to fund its safety activities, and its regulation of some other networks.

**Question 18:**

Do you support the proposal to give ORR a statutory power to levy a fee on Great British Railways to cover the costs of ORR's functions which are currently funded through the network licence? Please explain.

## 4. Wider Industry Reforms

### Independent Passenger Champion

In the new rail industry model Great British Railways will be accountable for the ‘customer offer’ on its contracted services.

Transport Focus will take on the passenger champion role.

The passenger champion role is in place principally to advise, monitor and help hold Great British Railways to account rather than to set or directly enforce policy.

The emphasis for Transport Focus will be to work collaboratively with Great British Railways and ministers to improve passenger experience through effective joint working.

Building on the plan for rail, in partnership with our stakeholders, we have further developed the proposed responsibilities of Transport Focus as the new passenger champion under the four broad themes of:

- passenger advocacy - which includes:
  - championing accessibility across all stages of the passenger journey
  - considering unresolved passenger complaints not covered by the [Rail Ombudsman \[opens in a new window\]](#)
  - ensuring the passenger (and non-passenger) voice is heard by Great British Railways and other contracting authorities and working with them to help resolve identified issues (while respecting the parameters of the agreed settlement and supporting good value for money)
  
- strategy development - this includes:

- providing ministers and Great British Railways with advice on passenger priorities to feed into five-year business plans
  
- holding Great British Railways to account through reporting to Secretary of State on how it is deploying its funding against passenger priorities
  
- inputting on strategy development where this impacts on the customer experience, and ensuring greater focus on multi-modal whole journey thinking.
  
- monitoring - which includes:
  - engaging passengers on their experience (adding value to work undertaken by Great British Railways and the Department for Transport)
  
  - monitoring Great British Railways' performance in relation to passenger experience
  
  - monitoring passenger complaint volumes and themes
  
- passenger watchdog - which includes:
  - investigating matters relating to rail passengers and station services generally to understand whether commitments to passengers have been met
  
  - conduct investigations at the request of Secretary of State on receipt of a complaint or proactively
  
  - work closely with Great British Railways to address problems or pass the matter to ORR where necessary with Transport Focus will retaining its ability to escalate issues to the Secretary of State or the relevant devolved authority for action where resolution cannot be reached

Transport Focus currently has a duty to investigate matters relating to the provision of:

- railway passenger services
  
- station services by licensed station operators



Where appropriate, Transport Focus can make representations to the providers of these services, as well as prepare a report with its findings for the Secretary of State.

Transport Focus also has a duty to keep matters affecting the public interest under review.

We propose to amend [section 76 of the 1993 Railways Act \[opens in a new window\]](#) to ensure the duty to investigate will apply to all matters that affect passenger experience and enable Transport Focus to make representations to the organisations that provide these services, including Great British Railways.

We will amend wording across Transport Focus legislation, where required, to reflect the proposed new rail industry structure. The role and scope of London TravelWatch will not change.

**Question 19:**

Will the proposed changes enable Transport Focus to effectively undertake the role of independent passenger champion in the new rail industry structure? Please explain.

## Improving Accessibility

While significant progress has been made to improve accessibility across the rail network in recent years, there are still several areas where improvements are needed and the call for evidence submissions to the Williams Rail Review highlighted an ‘urgent need’ to improve accessibility.

Further work is also needed to ensure that disabled people and those with additional needs have the reliable information they need to use rail services. There needs to be a consistent level of customer service and a simple, effective process for addressing failures on the network.

Our aim is to drive culture change in the rail industry and transform the passenger experience through a suite of reforms, including a new accessibility duty on Great British Railways.

The new duty looks to ensure that accessibility, the need for passengers to access the network as easily as possible, is not a ‘nice to have’ but is considered in everything that Great British Railways does.

This duty would be in addition to the [Public Sector Equality Duty \(PSED\)](#)[\[opens in a new window\]](#) which will apply to Great British Railways.

**Question 20:**

How can we ensure that accessibility is integral to Great British Railways' decision making and leads to cultural change in the rail industry? Please explain.

## DPTAC's Remit

We propose that the role of the [Disabled Persons Transport Advisory Committee \(DPTAC\)](#)[\[opens in a new window\]](#) is expanded in primary legislation to become a statutory advisor to Great British Railways.

Established by the [Transport Act \(1985\)](#)[\[opens in a new window\]](#), DPTAC is the statutory advisor to the government on matters relating to disability and transport.

By acting as a critical friend and policy advisor, DPTAC has ensured accessibility is prioritised in the Department for Transport.

We believe that DPTAC will have an equivalent, highly positive impact on Great British Railways.

**Question 21:**

Do you support the proposal to expand DPTAC's remit to become a statutory advisor to Great British Railways, as well as to the Secretary of State, on matters relating to disability and transport? Please explain.

## Promoting Open Data

The Plan for Rail committed to an "open by default" approach to data sharing, in order to:

- better inform journeys
- improve transparency
- unlock new innovations

We want to unlock the full potential of data, harnessing it to power the services of the future.

Among its priorities, Great British Railways will need to make strategic decisions in the interests of the public. These decisions will require further open data sharing across the industry and its partners, to effectively collaborate and ensure efficient delivery of rail services that meet passengers' and freight customers' needs.

To promote open data, we plan to extend to Great British Railways powers around information and data currently granted to the Secretary of State in section 145 of the [Railways Act 1993 \[opens in a new window\]](#).

While information obtained by Great British Railways will be subject to existing legislative requirements for confidentiality, Great British Railways will be enabled to make permitted information disclosures for the purpose of carrying out its functions and activities.

**Question 22:**

In addition to providing Great British Railways with powers to make "permitted information disclosures", are there any other revisions to the Railways Act 1993 or barriers to promotion of open data that you consider need to be addressed? Please explain.

## Luxembourg Rail Protocol

The UK signed the [Luxembourg Rail Protocol \[opens in a new window\]](#) ("the protocol") in 2016.

The protocol is an international treaty which aims to reduce the cost of finance for rolling stock and leasing companies by reducing the level of risk to creditors (for example private lenders or lessors) involved in these transactions.

Operators often face challenges in raising finance for large, high-value mobile assets such as rolling stock (locomotives, carriages, wagons or other vehicles used on a railway) given this often involves cross-border transactions with creditors financing assets across different jurisdictions.

This leads to uncertainty for creditors and can translate into higher financing costs or barriers to operators securing finance for rolling stock.

The protocol aims to address this by establishing:

- a harmonised international legal framework for the creation and registration of international interests (similar to mortgages and leases) in rolling stock
- legal remedies for default or insolvency

We are committed to unlocking the benefits of greater private sector financing of rolling stock to deliver new vehicles and upgrade existing fleet, secure inward investment and promote UK rail exports.

To do so requires new legal powers in legislation which will enable the UK to implement and then ratify the terms of the protocol through secondary legislation in due course.

We therefore propose to include new powers within the legislation to enable the UK to give effect to its obligations under the protocol via subsequent regulations.

**Question 23:**

Do you support the proposal to include a power in primary legislation to enable the ratification of the Luxembourg Rail Protocol? Please explain.

## Impact Assessments

The [impact assessments \[opens in a new window\]](#) for this consultation outline our current best understanding of the:

- costs
- benefits
- risks
- disbenefits

associated with the policy proposals from engagement with stakeholders and internal analysis of the policies.

We are looking to further develop our understanding of the impact of these legislative proposals.

**Question 24:**

Are there impacts or risks of the policies proposed which have not been covered by the impact assessments? Please explain or provide evidence.

**Question 25:**

Do you have evidence relating to the impacts and risks identified and discussed in the impact assessments? Please provide it to us.