

RAILWAY OPERATIONAL CODE [CVL IM]

INTRODUCTORY AND GENERAL SECTION

There is no explanatory note for this introductory section of the ROC.

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2. INTRODUCTION

2.1 The Railway Operational Code and its Objective

- 2.1.1 The Railway Operational Code (ROC) was established under Part H of the Network Code in 2005. Updated for CVL IM June 2023
- 2.1.2 The objective (Objective) of the ROC 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.

3. Definitions

3.1 Unless the context otherwise requires:

3.1.1 words and expressions defined in the Network Code shall bear the same meanings in the ROC; and

3.1.2 “Contingency Plan” as defined in ROC Section 1 – Control Arrangements.

4. Interpretation

4.1. Unless the context otherwise requires:

4.1.1 the ROC shall be interpreted in the same way as the Network Code (under Part A);

4.1.2 references to a ROC Section or to a section shall be to a section of this ROC;

4.1.3 references to a paragraph shall be to a paragraph of a section;

4.1.4 references to a Condition shall be to a Condition of the Network Code;

4.1.5 each reference to a Train Operator in:

- (a) this “Introductory and General Section” of the ROC; and
- (b) paragraph 7.1 of the section “Control arrangements”,

shall, unless otherwise expressly stated, also be deemed to be a reference to a Freight Customer Access Option Holder; and

4.1.6 each reference to a train being operated by a Train Operator in this “Introductory and General Section” of the ROC and each of the ROC Sections identified in paragraph 4.1.5 above shall, to the extent such reference to the Train Operator is, in accordance with paragraph 4.1.5 above, also deemed to be a reference to a Freight Customer Access Option Holder, be deemed to be a reference to a train being operated by a Train Operator on behalf of that Freight Customer Access Option Holder.

- 4.2 In the event of any conflict of interpretation between the Network Code and the ROC, the Network Code will prevail.

5. Common Elements - Variations

- 5.1 In proposing a variation to a ROC Section under Condition H5.1, CVL IM must comply with Condition H5.5. In doing so, it must, if the variation falls within any modification procedure contained in the relevant ROC Section, follow that procedure.

- 5.2 The modification procedure set out in this paragraph 5 shall apply to every variation of each section of the ROC, including this section, unless the relevant section otherwise provides.

- 5.3 In order to start the modification procedure, CVL IM shall give notice of the proposed variation. The notice shall specify the reason for the variation and the timing for implementing the variation (which shall be not less than 30 days from the date of notification of the proposed variation). Such notice shall be given to each Train Operator who may reasonably be expected to be affected by such variation and to those persons entitled to be consulted under paragraph 5.3.2 and shall be copied to the Office of Rail and Road. As soon as reasonably practicable on or after the date on which it gives that notice, Network Rail shall:

5.3.1 consult each such Train Operator in relation to the parts of the proposed variation relevant to such Train Operator, and invite the submission to it of representations or objections in respect of the proposed variation;

5.3.2 if the HSE, the Office of Rail and Road, any Passenger Transport Executive or the Scottish Executive gives notice to CVL IM that it wishes to be consulted on any matter concerning the relevant ROC Section(s), consult with that body; and

5.3.3 specify in a notice to all parties who are entitled to be consulted a date for concluding the consultation, and conclude the consultation by that date.

- 5.4 If CVL IM wishes to hold a meeting or if any relevant Train Operator gives notice to CVL IM requesting such a meeting within 10 days of the date on which the proposed variation is notified to that Train Operator (and that request is not withdrawn), CVL IM shall:

5.4.1 give at least 10 days' notice to all parties who are entitled to be consulted under paragraph 5.3 of a meeting to discuss the proposed variation; and

5.4.2 attend that meeting.

- 5.5 Each Train Operator or other body so consulted shall:
- 5.5.1 consider the matters on which CVL IM has consulted it; and
 - 5.5.2 give notice to CVL IM of any representations and objections it wishes to make in relation to the consultation no later than the specified date for concluding the consultation.
- 5.6 Following consideration of all representations and objections received under the preceding paragraph, CVL IM shall:
- 5.6.1 decide whether the proposed variation is to be made and if so, in what form; and
 - 5.6.2 if the proposed variation is to be made, then, subject to Condition A3, republish the relevant ROC Section(s) as varied and send a copy to each affected Train Operator and any other party entitled to be consulted under paragraph 5.3,
- and so, subject to paragraph 5.7, establish the variation.
- 5.7 The establishment of the variation is subject to a right of appeal for any Train Operator. If and while Condition H5.5 specifies that right of appeal, the specified right shall apply accordingly. If and while Condition H5.5 provides that the right of appeal shall be contained in this modification procedure, then paragraph 5.8 shall apply.
- 5.8 Any Train Operator who is dissatisfied as to any matter concerning or in connection with the variation may bring an appeal in relation to the variation. Such appeal must be brought 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 under paragraph 5.6.2. Condition H4 applies to the appeal.

6. Common Elements - Reviews

- 6.1 The review procedure set out in paragraphs 6.2 and 6.3 below is to be treated as incorporated in each section of the ROC, excluding this present section, unless the relevant section otherwise provides.
- 6.2 CVL IM shall review the effectiveness of the relevant ROC Section after a period of 6 months from its establishment, and then at annual intervals afterwards. In undertaking such a review, CVL IM shall consult Train Operators and such other persons as it shall consider appropriate and shall inform all consultees of the outcome of such review.

6.3 If the outcome is such that CVL IM reasonably considers that it may be necessary that changes be made to the relevant ROC Section:

6.3.1 to promote the achievement of any objective which that ROC Section is to secure; or

6.3.2 to modify that objective for the better achievement of the Objective;

then CVL IM will identify and pursue the steps required for a proposal to be made for such changes.

6.4 The effectiveness of this present “Introductory and General Section” shall be reviewed continuously by CVL IM, Network Rail and the industry ROC working group during the development of the ROC and the establishment of the remaining sections. After the establishment of the final section CVL IM will review this present section at annual intervals. In undertaking such an annual review, CVL IM shall consult Train Operators and such other persons as it shall consider appropriate and shall inform all consultees of the outcome of such review. Paragraph 6.3 will then apply.

7. Common Elements – Conflict with Railway Group Standards

7.1 If there is any conflict between the ROC and the provisions of any Railway Group Standard, the provisions of that Railway Group Standard shall, to the extent of any inconsistency, prevail.

8. Common Elements – Relationship with performance regimes

8.1 The provisions of the ROC shall have effect without prejudice to any regime established between CVL IM and a Train Operator in or pursuant to their Access Agreement in relation to any incentives and payments associated with the performance of their respective obligations under that agreement.