

Freight connections contracts

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1. Introduction

This section of the code of practice is for existing and potential owners of freight facilities which connect directly to the rail network. Please refer to it if you're considering entering into a new connection contract, or if you're looking to vary an existing freight connection contract with Network Rail.

2. What is a connection contract?

Every time we develop a new connection with a freight facility, we'll draw up a connection contract (once you have committed to build the new connection via a separate agreement). The contract will refer to the connected premises owner as an adjacent facility owner, as they usually own or lease the connected premises.

The connection contract is a legally binding document between the facility owner and Network Rail, and covers both parties' duties and obligations regarding the rail connection. The contract is completely separate to other contracts (such as track access contracts) governing how trains are operated by or on behalf a freight operator.

3. What does a connection contract cover?

The connection contract covers issues such as the use and ongoing maintenance of the connection, what will happen if the facility closes, and the costs you'll need to pay in those circumstances.

The Railways Act 1993 considers connection contracts to serve as access contracts which means they must be approved by the Office of Rail and Road (ORR). The contract doesn't give you, as the connecting party, rights to use the network to run trains. To do this, you'd need to make separate arrangements under a track access contract.

The relevant senior route freight manager will negotiate the connection contract, coordinating input from other parts of Network Rail as needed.

4. Obtaining a connection contract

When you're applying for a connection contract the senior route freight manager will negotiate the terms with you, based on a regulated template contract and following our standard process:

We'll draft the contract, highlighting areas where it differs from the template.

- 1 We'll consult interested parties (such as users on the adjacent network) on the proposed connection.
- 2 You or Network Rail can submit the connection contract to the ORR, together with a letter from the other party confirming their agreement with the contract, plus the reasons for any amendments to the template.
- 3 If you're not satisfied with the terms of the contract, you can ask the ORR under section 17 of the Railways Act to apply alternative terms to those we propose. They may ask us to revise the contract on different terms or according to the terms you've requested. Section 17 of the Act allows you to submit the grounds for your alternative proposals where you've been unable to reach an agreement with us.
- 4 The ORR reviews the contract and will either approve it straight away or consult you and Network Rail about necessary changes. Once the ORR is satisfied, it will let us both know when we need to sign the contract.
- 5 Both parties sign the contract.
- 6 Either you or Network Rail send the signed contract to the ORR to be recorded in its public register – we're normally happy to do this. Some details in the contract (including financial terms) may not be recorded if the ORR agrees that they are commercially sensitive.
- 7 There's a similar process for amendments to and extensions of existing contracts.

We'll do all we can to help guide you through this process and meet your deadlines. There's no set timescale for when you need to submit your contract to the ORR, but bear in mind it can take 12 to 18 weeks to approve contracts, depending on how complex they are.

5. Are there any charges?

Each charge will reflect the costs of maintaining and renewing the connection, assuming you choose to pay for renewals as part of the yearly charges rather than when they arise.

6. Who do I contact?

If you'd like to discuss any part of the contract your first point of contact is the Network Rail Senior Route Freight Manager.

Depending on your area, please contact:

Scotland Route

Anne MacKenzie
Senior Route Freight Manager
Floor 3, Buchanan House
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If you have a general query however, or need to contact us for any other reason, please call our National coordinator:

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