

# A railway fit for Britain's future

## Introduction

Thank you for responding to our consultation on legislation that transforms GB railways.

Closing date is 15 April 2025.

### **Accessibility statement**

Read our [accessibility statement for SmartSurvey forms \[opens in a new window\]](#).

### **Confidentiality and data protection**

The Department for Transport (DfT) is carrying out this consultation on legislation that transforms GB railways.

View our [DfT online form and survey privacy notice \[opens in a new window\]](#) for more information on how your personal data is processed in relation to this survey.

In addition for individuals we are asking your employment status and, if employed, your type of employment in order to ascertain your relationship with the topic.

Do not include personal information in your responses unless specifically requested.

## Personal details

### 1. What is your name?

Rob Lawson

### 2. What is your email?

rob@communityrail.org.uk

### 3. Are you responding on behalf of an organisation?

Yes

No (Go to 'Individual details')

## Organisation details

### 4. The name of your organisation is?

Community Rail Network

### 5. Your organisation is best described as:

- a rail operator
- a rail supply chain company such as members of the Rail Industry Association
- another private sector rail company such as Rail Freight Group
- a public sector body
- a devolved authority
- a passenger representative
- another type of organisation:

A third sector not-for-profit membership Organisation. See [www.communityrail.org.uk](http://www.communityrail.org.uk)

### 6. The number of employees of your organisation is?

- 1 to 50
- 51 to 100
- 101 to 500
- Above 500:

[Now go to 'Leadership of Britain's railways']

## Individual details

### 7. Are you employed?

- Yes
- No (Go to 'Leadership of Britain's railways')

## Individual employment

### 8. You work in:

- a rail operator
- a rail supply chain company such as members of the Rail Industry Association
- another private sector rail company such as Rail Freight Group
- a public sector body
- a devolved authority
- a passenger representative
- another type of organisation:

## Leadership of Britain's railways

We are committed to ending years of poor service and fragmentation on the railways, by creating a unified and simplified system with a relentless focus on improving services for passengers and freight customers, as well as delivering better value for money for taxpayers. The [Passenger Railway Services \(Public Ownership\) Act \[opens in a new window\]](#) was the first step towards fixing our railways, but now we need further, more fundamental reform to fix the underlying structural problems and put passengers and customers back at the heart of rail services.

The Railways Bill will enable the biggest overhaul of the rail sector in a generation. It will bring track and train back together and enable services to be planned on a system-wide basis, to better deliver for passengers and freight customers, and to unlock growth. Before the bill is introduced to Parliament, the next step is to find out what industry stakeholders and the public think of the proposals within it.

We have put forward the following headline proposals, which we are seeking your views on:

- leadership for Britain's railways: Great British Railways (GBR) will be established with clear lines of accountability, and streamlined governance achieved through the simplification of the sector, bringing together the activities of multiple organisations into one organisation. It will be supported by a licence that reflects the new model and intends to ensure GBR can deliver effectively for passengers and other users of the railway with the Office of Rail and Road (ORR) retaining a role in enforcing that licence. The Secretary of State will also produce a long-term strategy which will provide a framework for GBR and the rail industry to operate in and strategic priorities to deliver. Further detail can be found on pages 13 and 14 of the consultation document
- a new voice for passengers: a powerful new passenger watchdog will be established to independently monitor standards and champion improvement in service performance against a range of measures. It will also hold GBR to account on implementing measures to improve accessibility for all passengers across the network
- making best use of the rail network: the existing framework governing train operators' access to the rail network consists of a complex web of legislation, regulatory policies, contracts, and codes designed for a privatised railway, which has fuelled fragmentation and failed to deliver for customers. GBR will be able to make best use of the publicly owned rail network and provide a seamless service for both passengers and freight users. The bill will include safeguards to ensure that non-GBR operators continue to receive fair access to the network, including a statutory duty on GBR to promote the use of rail freight, alongside an overall growth target set by the Secretary of State
- modernising fares, ticketing and retailing: the legislation will enable and empower GBR to deliver industry-wide modernisation and reform of the

complex and fragmented fares landscape inherited from privatisation, where even minor changes meant securing agreement across multiple train operators with their own commercial interests. This will enable GBR to simplify the ticketing system and make it easy for passengers to find the right fare

- devolution: GBR will work closely with devolved governments and mayors from the outset, drawing on their experiences and expertise to manage, plan and develop the network. Furthermore, devolved governments and mayors will be empowered to integrate local railways with other transport modes.

[The full set of consultation material is available \[opens in a new window\].](#)

### 9. Do you agree or disagree that GBR should be empowered to deliver through:

	Agree	Disagree	Don't know
reformed incentives	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a simplified and streamlined regulatory framework	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Why?

We welcome the introduction of the Railways Bill, which we hope represents the start of a new era for rail, with it playing a more central role within our communities and helping us to create a sustainable transport future.

With regard to reformed incentives, the consultation states that Great British Railways (GBR) will focus single-mindedly on the best outcomes for passengers, and therefore communities. This ethos is something that chimes with the community rail movement, and its desire to encourage and support communities to get involved with their railways and stations. At Community Rail Network, we are engaged in active dialogue with partners in government and the rail industry, including Shadow GBR, to support the development of a more community-focused railway that delivers maximum social, environmental, and economic value, now and for generations to come.

We support, in principle, the role of GBR as a directing mind for the railway, the bringing together of track and train, and the need for coherence across the network. The consultation states that unifying track and train will make GBR more responsive to the needs of local areas and will be set up to ensure the railway delivers for local users and communities. This again is something we would support, and we look forward to further details on how this would work operationally at a local level.

Responsiveness to local needs comes from having the culture, support, and mechanisms in place for working with communities and being able to facilitate new

and evolving forms of local engagement with rail. It requires attitudes and processes that are people and community-minded, for community representatives to be regarded as partners, and for the industry to always have the door open to new ideas and opportunities emerging at regional and local level.

If GBR seeks to deliver for passengers, it needs to be open, collaborative and responsive, to ensure it's working with local communities and leaders. This isn't just about putting different processes in place, or even just devolution of decision-making, but a cultural shift, towards being more person-centred and socially minded. By person-centred, we mean thinking holistically about peoples' range of needs beyond their role solely as rail users. Community rail, and its strong, well-established network for involving communities with rail, can support and facilitate this step change. The movement not only works with rail to deliver community projects, but also provides routes into rail for community voices, ideas and opportunities, connects rail with diverse community stakeholders, reminding the rail industry why it's here and the difference it makes to people's lives. Numerous examples of this impact, across all key pillars of the Department for Transport's [Community Rail Development Strategy](#), can be found in our [reports and research](#), including our recent findings on the '[value of community rail](#)', and its significant return on investment.

With regard to GBR offering simplified and more streamlined regulatory frameworks across the industry, we would support, in principle, the greater levels of transparency and accountability this would provide. We recognise the complexity and fragmentation involved in projects affecting the rail estate, and how this creates difficulties for small, volunteer-led groups, e.g. local voluntary groups working at individual stations, in bringing about positive change. Our members would welcome the clarity of working with single organisations and points of contact – such as the proposed local GBR business units – and the associated reduction in levels of bureaucracy and uncertainty over communication and decision-making.

We do recognise, however, the risk of community rail partnerships and groups potentially losing the positive relationships they currently enjoy with existing rail partners, e.g. train operating companies, if these multiple organisations are merged into GBR. We would therefore seek to ensure that such mutually beneficial relationships are maintained despite the significant level of proposed structural and cultural change involved in the creation of GBR, and stand ready to work with rail industry partners to put the right mechanisms in place for such new relationships to develop.

We also recognise that this consultation only deals with the primary legislation needed to establish GBR, and therefore does not offer the opportunity to comment on the detail of its structure, functions, processes, and specific licencing conditions.

As a result, there are many issues of significant importance to community rail and our members likely to come under GBR control that are not mentioned in detail here, such as stations development, including projects to develop buildings/land, accessibility, and integrated sustainable travel. We are continuing to offer insights from across community rail to positively influence these issues, e.g. via ministerial meetings, dialogue with DfT and Shadow GBR, and liaison with rail industry



partners, and will continue to do so as legislation around this bill progresses.

In order to maximise social and economic value from the railway, GBR will need to be responsive to communities as a whole and how the railway can meet their needs. We are already seeing many of our railway industry partners recognising this and going beyond a customer service approach, working with community rail, such as by reaching out to and engaging non-passengers, breaking down barriers to travel, improving multi-modal connectivity, and making stations into thriving community hubs. This delivers environmental value as well as social and economic value, and in future opportunities to comment on the licence and proposed priorities for GBR, we will recommend that these three types of value should be specifically recognised and given equal consideration and weighting.

### 10. Do you agree or disagree that the:

	Agree	Disagree	Don't know
Secretary of State should be responsible for issuing and modifying a simplified GBR licence enforced by the ORR	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ORR's duties with respect to GBR should be streamlined to reflect the new sector model	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Why?			

We believe there is a need to establish a set of long-term strategic priorities for the rail industry to work towards. We are therefore proposing that the Secretary of State produces a long-term rail strategy and uses this to hold GBR to account for the strategic alignment of the operational decisions it makes.

**11. Do you agree or disagree that the Secretary of State should be responsible for setting a long-term strategy for GBR to align with government priorities?**

Agree (Go to a 'A new voice for passengers')

Disagree

Don't know (Go to a 'A new voice for passengers')

## **Disagree with Secretary of State setting GBR's long-term strategy to align with government priorities**

### **12. Why not?**

We fully support the government's vision of a unified, simplified railway focused relentlessly on securing improved services for passengers and customers, and its six main objectives of reliable, affordable, efficient, quality, accessible, and safe services. We feel that these objectives are compatible with a positive overall direction and long-time strategic aim of growing rail as the backbone of sustainable travel in Britain.

However, we have stated that we neither agree nor disagree with questions 10-12. This is primarily because we feel the focus should concentrate on a long-term approach and commitment to rail reform and not be constrained by political and electoral cycles or parliaments and periods of tenures of Secretaries of State. While the relationship between GBR and the Secretary of State (SoS) will undoubtedly be a key one, we would be supportive of GBR being given the flexibility to play its proposed 'directing mind' for the industry role effectively, particularly considering the nuances between different regions and networks.

However, there is a lack of detail, at this stage, as to how stringently GBR will be held to account. While the consultation states it will answer to its chair and board, the detail of this accountability will come via the conditions of the GBR licence, which are not yet known. This information is particularly important if the licence is to be issued by the SoS but enforced by the ORR, so we would look forward to further details in due course outlining how enforcement will be both suitably effective and proportionate.

## A new voice for passengers

We propose to create a powerful new passenger watchdog to independently champion passenger interests and help ensure GBR and other rail operators deliver for their passengers.

The core functions of the new watchdog could include some or all of:

- ensuring operators and GBR meet established passenger-focused standards by independently monitoring and assessing performance fairly and transparently against published data
- advocating better service standards on behalf of passengers by being a statutory consultee on decisions affecting how services are delivered to passengers, such as government and GBR policies, strategies, business and infrastructure plans
- highlighting consumer issues through the use of its information gathering powers, conducting surveys, research and analysis on passenger experiences
- acting as a moderator to deal with unresolved passenger complaints
- taking on some consumer functions from the ORR (for example overseeing passenger information and complaints processes and producing guidance on accessible travel policies for rail operators and GBR)
- having an explicit role on accessibility by monitoring how services are delivered to disabled passengers and advocating improvements where issues arise

There are two approaches that could be taken to establish the passenger watchdog:

- statutory advisor which would mean for:
  - the advisory role: the passenger watchdog is established as a statutory advisory body and is consulted on strategies, plans, funding settlements and the setting of standards for the railway
  - the regulatory role: the passenger watchdog has no direct role in setting regulatory requirements on rail operators but may advise other bodies when these are set
  - monitoring of standards: the passenger watchdog has information-gathering powers which it would use to monitor operators' delivery of agreed plans and service standards
  - moderation of complaints: the passenger watchdog takes on the role of moderator on unresolved passenger complaints
- statutory advisor with regulation functions which would mean for:
  - the advisory role: the passenger watchdog has the same advisory and moderation of complaints role as described above
  - the regulatory role: the passenger watchdog produces guidance on some passenger focused regulatory requirements on rail operators in consultation with the Secretary of State and the ORR (for example accessible travel policies, passenger information, complaints)

processes) which become the baseline operators should meet, demonstrate equivalence to or take reasonable endeavours to meet. The passenger watchdog has a role in approving operators' plans to meet these requirements

- monitoring of standards: in addition to its information-gathering powers, the passenger watchdog has specific roles in monitoring how operators deliver against requirements set for areas like accessible travel policies, passenger information and complaints processes

**13. Do you agree or disagree with the proposed functions of the new passenger watchdog?**

- Agree (Go to 'A new passenger watchdog')
- Disagree
- Don't know (Go to 'A new passenger watchdog')

## A new voice for passengers

### 14. You disagree with:

- all of the functions proposed (Go to 'Disagree with functions reasoning')
- some of the functions proposed

## Disagree with functions

### 15. Your disagreement is with the proposed function of:

- ensuring operators and GBR meet established passenger-focused standards by independently monitoring and assessing performance fairly and transparently against published data
- advocating better service standards on behalf of passengers by being a statutory consultee on decisions affecting how services are delivered to passengers, such as government and GBR policies, strategies, business and infrastructure plans
- highlighting consumer issues through the use of its information gathering powers, conducting surveys, research and analysis on passenger experiences
- acting as a moderator to deal with unresolved passenger complaints
- taking on some consumer functions from the ORR (for example overseeing passenger information and complaints processes and producing guidance on accessible travel policies for rail operators and GBR)
- having an explicit role on accessibility by monitoring how services are delivered to disabled passengers and advocating improvements where issues arise

## Disagreement with functions reasoning

16. Why?





## A new passenger watchdog

**17. In your view which of the approaches do you think would best enable the establishment of the new passenger watchdog?**

- Statutory advisor
- Statutory advisor with regulatory functions
- Neither of them (Go to 'Alternative approach')
- Don't know (Go to 'Alternative Dispute Resolution (ADR)')

## Approach reasoning

### 18. Why?

We wish to raise two points in relation to how any new watchdog would be established and operate.

Firstly, we would suggest that any new watchdog would need appropriate enforcement powers to give it the 'teeth' to maintain and improve standards and drive positive change, and to deal with passenger rights effectively and efficiently. A passenger watchdog that deals solely with rail, as opposed to all transport modes, might sharpen the focus in this area, as long as it is allowed to perform any regulatory functions consistently and independently.

Secondly, it is vital that if a new watchdog is created to take on the current role of multiple organisations, any experience and expertise in those distinct fields is not lost or weakened. The specific remits of organisations such as the ORR, the Rail Ombudsman, and DPTAC must not be watered down in terms of how standards are upheld and must be transferred to the new watchdog in full.

We would also seek further detail as to how the community rail movement and our members could engage with the new watchdog, as we enjoy positive working relationships with certain organisations currently playing an advocacy role, e.g. Transport Focus. The proposed functions of the new watchdog include some which are of vital importance to community rail and the work of our members, e.g. improving accessibility, so we would be keen to see how the movement could feed in insights in such areas where relevant. As such, we would advocate that any new watchdog ought to have an appropriate range of interest groups involved either in its governance or as statutory consultees, with a clear role for community representatives such as community rail.

[Now go to 'Alternative Dispute Resolution (ADR)']

## Alternative approach

**19. Why not?**

**20. What alternative approach would you like to see implemented?**

## Alternative Dispute Resolution (ADR)

Under either of the two possible new passenger watchdog approaches we expect the new passenger watchdog would have a role in moderating unresolved passenger complaints and resolving disputes. Currently this is a role provided by the [Rail Ombudsman \(RO\) \[opens in a new window\]](#).

The ADR function can be subsumed into the new passenger watchdog, but this would first require the new passenger watchdog to secure accreditation from the [Chartered Trading Standards Institute \[opens in a new window\]](#), and the [Ombudsman Association \[opens in a new window\]](#) in order to achieve ombudsman status. There is no guarantee however that ombudsman status would be achieved given the wide remit and explicit passenger focus of the body. To ensure no weakening of consumer protection for rail passengers, additional powers and functions equivalent to that of an ombudsman could be provided to the passenger watchdog through legislation.

An alternative option could be to transfer the ORR's sponsorship of the RO to the new watchdog, with the RO retaining its current accreditation and functions. This is likely to be the simplest option with the least disruption to the RO or the passenger experience.

### **21. In your view which of the options to establish the ADR function as part of the passenger watchdog would deliver the best outcome for passengers?**

- Transfer the powers and functions of the Rail Ombudsman to the new passenger watchdog through legislation
- Transfer the ORR's sponsorship of the Rail Ombudsman to the new passenger watchdog
- Neither of these (Go to 'Alternative option')
- Don't know (Go to 'Making the best use of the rail network')

## Option reasoning

### 22. Why?



[Now go to 'Making the best use of the rail network']

## Alternative option

**23. Why not?**

**24. What alternative option would you like to see implemented?**

## Making best use of the rail network

Train paths on the railway are a finite resource. With parts of the network already at full capacity, it is vital that we make the best use of that resource.

The existing framework governing train operators' access to the rail network consists of a complex web of legislation, regulatory policies, contracts, and codes. Today's legal framework, largely set out in the [Railways Act 1993 \[opens in a new window\]](#) and the [Railways \(Access, Management and Licensing of Railway Undertakings\) Regulations 2016 \(AMRs\) \[opens in a new window\]](#), was designed principally to encourage competition between private operators and to separate decision-making.

This has created a fragmented and reactive decision-making structure with unclear accountabilities. As the system is unable to cope with major change on complex or congested routes, current processes for allocating rights and producing timetables are strained; and the problems that culminated in the significant timetable failures in 2018 persist. Despite investing billions of pounds annually, and being a major funder of the network, the government lacks a method to ensure benefits from investment are delivered.

The creation of Great British Railways (GBR) as a directing mind will enable radical change by bringing together responsibility for managing allocation of capacity and management of infrastructure. This means GBR will be able to make best use of the network and provide a seamless service for passengers and freight users. To deliver this, fundamental changes are required to the complex legal and contractual framework we have today.

Under a new access framework established in primary legislation, GBR will take access and charging decisions in the public interest. GBR's access and use functions will be governed by its duties to deliver whole system benefits, government priorities, and the goals of devolved governments and Mayoral Strategic Authorities.

The provisions as currently set out in the Access and Management Regulations (AMRs) will no longer apply to GBR and the GBR network, ensuring it is not unduly burdened by requirements designed for a privatised regime. New statutory duties will ensure that GBR's access decisions are transparent and accountable and will ensure fair treatment for all operators wishing to access the GBR-managed network. GBR will have a clear remit set in statute empowering it to focus on delivering national benefits, including promoting rail freight.

GBR will be required to consult on how it fulfils its duties for access to and use of the network. This will include setting out timescales, information requirements, and decision-making criteria, making it clear how other parties are involved and consulted on decisions. This will be done through the development of GBR's Access and Use Policy.

The current charging system is inflexible with too many overly restrictive and often

contradictory rules, which if maintained in the new system, would prevent GBR from maximising the benefits of an integrated railway. A new charging framework is therefore fundamental to empowering GBR as a directing mind. The government intends to honour the final determination made by the ORR on access charges for Control Period 7 (between 1 April 2024 and 31 March 2029).

**25. In your view does the proposed new access framework enable GBR to be an effective directing mind that can ensure best use of network capacity?**

- Yes (Go to 'Proposal')
- No
- Don't know (Go to 'Proposal')



## Against proposed new access framework

### 26. Why not?

We are not against the proposed new access framework but would seek to ensure that clear and sufficient safeguards were in place to ensure transparency, fairness and non-discrimination for all operators, particularly open access (i.e. non-GBR) operators. An access framework that supports fair competition, engenders entrepreneurial thinking, and encourages modal shift should be seen as a positive. This is particularly important where access potentially opens up new, or increases use of, parts of the network away from the most widely used main routes. Within community rail, we have seen the huge socio-economic benefits of the work of our members where new rail lines and stations have been opened, or where existing lines have been reinvigorated, with their increased use and value bringing renewed pride, aspiration, and regeneration to local areas. We would therefore argue that whole-system access costs should not be set at levels that may stifle innovation and disincentivise rail use.

## Proposal

### 27. What, if any:

access rules for GBR should be updated and included in legislation

access requirements for GBR should be updated and included in legislation

The ORR's role in access decisions (under [Sections 17-22C of the Railways Act 1993 \[opens in a new window\]](#)) will be reformed to enable GBR to become the directing mind. The ORR will no longer approve access or direct the sale of access rights for the GBR railway. Instead, under the new model, the ORR will ensure fair access to the GBR network through a robust and independent appeals function, set out in legislation. The ORR would be able to recommend and in certain circumstances direct remedies where it finds that GBR's decision-making has been discriminatory and has not followed its own processes.

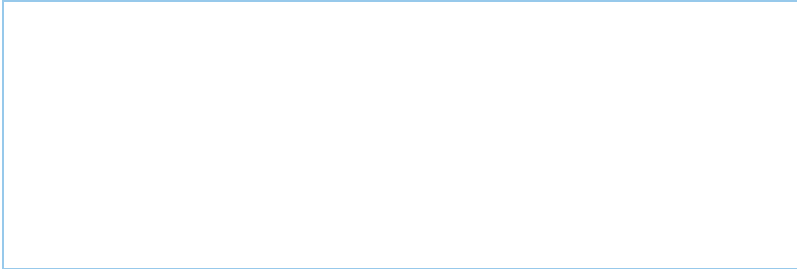
The existing ORR role and legal requirements will continue to apply to non-GBR infrastructure and facility managers. This is to ensure that these parties have a stable and predictable framework under which they can operate alongside the GBR-managed network.

### 28. In your view does the proposed role of the ORR acting as an appeals body, to ensure fairness and non-discrimination, provide sufficient reassurances to all operators wishing to access the GBR-managed network?

- Yes (Go to 'Making best use of the rail network')
- No
- Don't know (Go to 'Making best use of the rail network')

**Disagree role of the ORR role provides sufficient reassurances to all operators wishing to access the GBR-managed network**

**29. Why not?**

A large, empty rectangular box with a thin blue border, intended for a user to provide a response to the question above.

## Making best use of the rail network

**30. What, if any, unintended consequences do you think could occur by the ORR retaining its existing powers with regard to other infrastructure managers and which may affect the smooth passage of trains between the GBR and non-GBR network?**

Not qualified to comment here.

The existing ORR role and legal requirements will continue to apply to non-GBR infrastructure and facility managers. For example, the privately owned HS1 Ltd which manages the high-speed network between St Pancras and the Channel Tunnel; as well as the Core Valley Lines owned by the Welsh Government. This is to ensure that these parties (some of which are privately owned with commercial interests) have a stable and predictable framework under which they can operate alongside the GBR-managed network. The ORR will recognise GBR as a network-wide organisation with widely drawn duties to support public benefit.

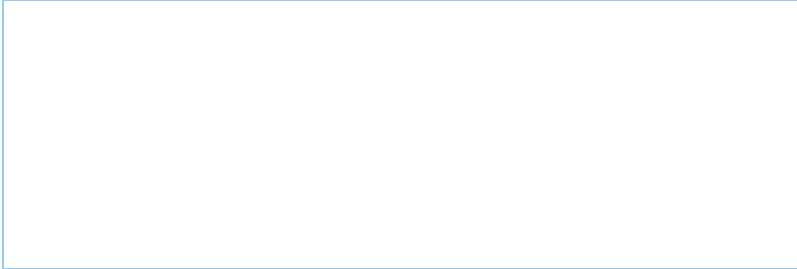
However, there may be an opportunity to simplify some of the processes within the AMRs for other infrastructure managers. This could include removing constraints on when the working timetables come into effect, such as midnight on the second Saturday in December. Given the need to both simplify processes for other infrastructure managers and to maintain consistency between GBR and other infrastructure managers going forward. The government is therefore intending to include a targeted power to make technical amendments to the AMRs in the Railways Bill, to ensure consistency in approach across GBR and non-GBR networks to safeguard the continued smooth passage of services.

**31. Do you agree or disagree that we should include a power in primary legislation to amend the AMRs to ensure consistency between GBR's processes and those used by other infrastructure managers?**

- Agree (Go to 'Financial framework')
- Disagree
- Don't know (Go to 'Financial framework')

## Against including a power in primary legislation to amend the AMRs

### 32. Why not?



## Financial framework

We are proposing a new funding process to be established in legislation. This process will facilitate integrated decisions and enable GBR to deliver its agreed business plan and the strategies of railway funders. The new funding process would replace the [periodic review \[opens in a new window\]](#) and initially determine funding for the operation, maintenance and renewal of infrastructure. However, we will ensure that legislation retains flexibility to include other areas of funding in this process if desired.

The current periodic review and control period system are tried and tested methods for agreeing 5-year payment settlements. As a consequence, our new funding process will take the best of these processes, preserving and building on many of their benefits. This means core settlements will still last 5 years, and the ORR will retain a role in assessing business plans and settlement viability. Finally, as part of its assessment, the ORR will subsequently have a role in assuring any major changes to GBR's business plans 'in-life' or to the grant awarded.

The periodic review is currently set out in [Schedule 4A to the Railways Act 1993 \(Sch 4A\) \[opens in a new window\]](#) and numerous provisions of the [Railways \(Access, Management and Licensing of Railway Undertakings\) Regulations 2016 \(AMRs\) \[opens in a new window\]](#). Today, the legislation describes a process through which the ORR reviews and decides how much Network Rail can charge for access to the railway network, however the main output of this review is actually a grant from government to upkeep railway infrastructure. Therefore, in creating a new periodic review, we propose to create a new set of provisions in a single place in legislation which sets out a process dedicated to government's funding of the railway.

We consider it impractical and illogical to keep this access charge-related mechanism as the legislative basis for railway funding once passenger services have been brought into public ownership, and the changes to the access regime have been made. This is because these actions combined will greatly reduce the amount of income that GBR receives from access payments, making them a smaller proportion of funding overall. The new process would take the intent of the periodic review as a funding process, without the legal connection to access charging – bringing it into line with a public ownership model.

Currently the Secretary of State will be required to issue a High-Level Output Specification (HLOS) and Statement of Funds Available (SoFA). In response to the HLOS, GBR would be required to create a business plan, setting out its proposed activity over the next 5 years. The ORR would continue to maintain a role in assessing the viability of this business plan and checking whether there is a mismatch between the HLOS and SoFA that would make delivery impossible.

The Secretary of State would sign off the business plan at the end of the process, approving it for delivery and agreeing to provide the stated funds. The ORR will have a role in monitoring and reporting on major changes made to GBR's plans 'in-life' as well as monitoring major changes to the grant awarded through this funding process in order to protect the integrity of the 5-year settlement. This role would cover mid-period reductions to funds available or major increases in outputs for example a:

- major alteration where GBR acts contrary to the outcomes of the settlement without the approval of the Secretary of State
- Secretary of State direction to undertake activity which is unfunded and undeliverable in addition to existing commitments

This will ensure that GBR delivers the strategic aims set out by the Secretary of State and that agreed outputs remain funded and viable for the full duration of the settlement, maintaining a long-term investment view and supporting stakeholder confidence.

The role of Scottish ministers as it stands today would be preserved within the new process. They would be able to issue their own HLOS and SoFA (within the wider process) and sign off delivery of the business plan for the parts of the network they are responsible for funding. The Welsh Government will be represented by a new duty for the Secretary of State to involve them in the creation of the HLOS for England and Wales.

The proposed legislation will also contain a duty on the Secretary of State to involve Mayoral Strategic Authorities when determining the contents of the HLOS.

The first new funding process would take place at the end of the current control period, which lasts until March 2029, with preparations beginning around 2 years before. During this transitional period, the existing determination of operations, maintenance and renewals funding would remain in place and GBR will take on the level of funds made available at the last periodic review.

### **33. Do you agree or disagree with the proposed legislative approach regarding a 5-year funding settlement for GBR?**

- Agree (Go to 'Fares, ticketing and retailing')
- Disagree
- Don't know (Go to 'Fares, ticketing and retailing')

## Against approach regarding a 5-year funding settlement for GBR

### 34. Why not?

Our understanding is that the proposed legislation will look to retain all the benefits of the current periodic review process, while translating those arrangements into a public ownership model. This appears to be a sensible approach if the merging of track and train leads to more integrated decision-making and more effective deployment of funding. We would state that for this to be the case, the whole system approach would need to include funding related to both and strategic planning and operational costs. If operational funding is determined by annual business planning cycles, then this would lead to inconsistency and uncertainty going forward.

We would also echo what we have said previously on this issue, in terms of welcoming the retention of the five-year planning cycle and associated long-term funding statements, and the level of stability this can provide for community rail. This is, however, very much dependant on the involvement of and responsiveness to communities, and collaboration with community rail specifically, being hardwired into the GBR business planning process, and we remain keen to work closely with the DfT and industry partners to ensure this happens. We are acutely aware of the negative impacts that limited short-term funding commitments can have on the movement, including its continued growth and development, e.g. the establishment of new community rail partnerships and groups, and would therefore advocate that the benefits of five-year funding settlements be extended to partners that have a financial relationship with the railway, such as community rail.



## Fares, ticketing and retailing

GBR will take over from train operators as the organisation responsible for setting fares on the services it operates and collecting revenue. Alongside GBR, open access and devolved operators will remain responsible for setting fares for services they operate and we will consult devolved governments on safeguarding their existing legislative powers to determine overall fare levels for their services.

Legislation will enable and empower GBR to deliver industry-wide modernisation and reform of the complex and fragmented fares landscape inherited from privatisation, where even minor changes meant securing agreement across multiple train operators with their own commercial interests. This will enable GBR to simplify the ticketing system and make it easy for passengers to find the right fare. While the intent of this legislation is to enable GBR to deliver these benefits, the Secretary of State will also retain specific oversight over the affordability of the railway - as set out below.

[Section 28 of the Railways Act 1993 \[opens in a new window\]](#) currently allows for a franchising authority to set limits on the level of rail fares train operators can set. The legislation also provides for certain concessionary discount fares schemes to be provided – delivered as the 16-25 Railcard, Disabled Persons Railcard, and Senior Railcard schemes. As there will no longer be a franchising authority or franchise agreements in place, new legislative mechanisms will be introduced to ensure fares are set at an appropriate and reasonable level, and to continue the discount schemes.

We envisage that the Secretary of State's role in securing the overall affordability of fares will remain in primary legislation, replicating the effect of Section 28(2) of the Railways Act 1993, but amended for a post-franchising railway. As GBR will be the organisation that sets fares, it cannot referee itself in this activity, which sits most appropriately with the Secretary of State.

To implement this role, the Secretary of State will set out parameters and guardrails that will govern GBR's fares setting activity at regular intervals when agreeing its funding settlement, while empowering it to deliver. This will likely include the limits by which fares can change over the course of the settlement period, and the level of discretion GBR has in the overall level of fares. This gives the Secretary of State significant levers to influence and manage the overall level of fares to balance the interests of passengers and taxpayers. GBR's business plan, agreed with the Secretary of State, will also set out its obligations to continue to offer certain discounts, like railcards. It is our intention that these continue to be offered. Specific discount cards targeted at groups for which cost is more likely to be a barrier to rail travel - young people, older people and disabled people - will be further safeguarded in legislation, as they have been since the Railways Act 1993 Section 28(3).

**35. Do you agree or disagree with the legislative approach outlined to retain the Secretary of State's role in relation to fares and continuing to safeguard certain railcard discount schemes?**

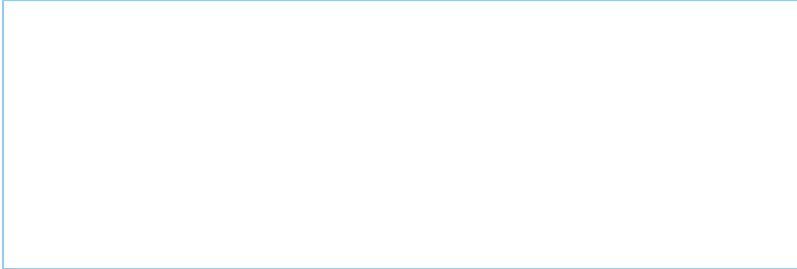
Agree (Go to 'Online retail')

Disagree

Don't know (Go to 'Online retail')

## **Against retaining Secretary of State role in fares and safeguarding certain rail discount schemes**

**36. Why not?**



## Online retail

This government has set out its ambition to simplify the fares and ticketing system and drive innovation across the network. We understand the concerns surrounding the rail ticketing system, the confusing array of train operator websites and ticket types and the impact that this can have on passengers, as well as adding unnecessary cost from duplication. There is clear value in consolidating current train operator websites and apps into a single GBR retail offer over time. In future, GBR will therefore provide ticketing services directly to customers and this will be enabled through legislation. This will include online and physical retail, such as ticket offices, ticket vending machines, and on trains.

Once GBR is established, it will deliver a high-quality website and app to customers, gradually replacing the 14 different DfT train operator websites that currently retail tickets. It will retail alongside, and in competition with, third-party retailers (TPRs), so that standards are continually driven up in the interest of consumers. Passengers will benefit from a consistent and reliable customer offer, knowing they can purchase tickets with ease and travel with confidence.

We will support and promote a thriving third-party retail market. TPRs already add significant value to the retail marketplace and play a fundamental role in driving innovation and attracting more customers to the railway. This will continue. GBR online retail will compete on a fair and open basis with such independent retailers, as well as with open access operators and devolved operators such as TfW Rail and Scotrail, who may also choose to continue to retail online as they do today.

All retailers will continue to be able to improve the passenger experience, drive innovation, and further encourage competition in future.

We also anticipate that GBR will assume responsibility for many of the functions the Rail Delivery Group (RDG) performs today on behalf of all retailers, such as managing central retailing systems, standards and access to information. GBR must be transparent and act fairly when carrying out these functions, to ensure the retail market is competitive to boost choice and standards for passengers.

As part of this, we are considering how the retail market will be licensed in future. RDG currently determines the terms of licences with third parties, taking decisions on matters such as charges and commission rates. We are considering where this role should sit in the future, which could include GBR, the industry regulator ORR, or possibly another body.

Separation of the licensing function would give independent retailers confidence that there are no conflicts of interest, but we will need to explore whether and how relevant functions and expertise could be transferred to deliver this role effectively, and what impact this would have on the other functions each organisation has.

If licensing were to sit in GBR in the future, we would need to be able to reassure other retailers that any conflicts of interest between the licensing and retailing roles GBR could hold have been addressed, and to ensure a competitive and fair market is maintained for third parties and other train operators' retail offers (devolved, open access and so on). This could include keeping any licensing function structurally separate from GBR's online retailing function, to provide assurance that GBR is not treated favourably over any other retailer.

Details of the future role of an industry body or GBR to licence retailers and the relevant checks and balances to ensure a competitive market for all will be informed by this consultation.

### **37. What, if any, safeguards are needed to ensure a thriving and competitive rail retail market while also ensuring GBR can deliver a high-quality offer to its customers?**

With regard to safeguards, we would recommend that some form of protection for passengers and potential future passengers from above inflation fares increases, or changes to service levels which would negatively impact on communities, would be beneficial.

On fares reform more generally, this issue has been considered at various junctures in recent years with limited progress made. If GBR is to put passengers at the heart of the railway, it must make a genuine commitment to modernising and reforming the fares landscape. Any new system must, at the very least, ensure that passengers can be confident that they are automatically receiving the best value fare for their journey.

Providing a clear, flexible, affordable fare offer is vital to encourage modal shift to rail and other forms of public transport, and to open rail travel up to wider groups. We support consistency in this area, and having GBR as a high-quality official 'one stop shop' for rail information and ticket purchasing has the potential to be a big step forward in this regard.

Our experience of community engagement within community rail – especially engaging young people, marginalised groups, and families – shows that the affordability of rail tickets, and confusion around ticketing and how to access the best value fares, remains a major barrier to bringing more people to rail. We believe that not only simplification of the ticketing system (both for rail and multi-modal journeys), but attention to affordability (including relative to driving, and specific to lower income groups and cost of living) would unlock socio-economic benefit and could open the railways up to far wider audiences, boosting patronage and financial sustainability in the long-term. This would complement the work being done within community rail to stimulate first-time and subsequent repeated rail use, such as community rail partnerships working with rail industry partners to facilitate reduced fares or free travel where possible, e.g. for 'try the train' trips and special events.

With regard to the rail retail market, we would strongly welcome a commitment to independent retailers being supported and allowed to continue to flourish. Within community rail, there are examples of community groups and social enterprises that sell tickets as a small part of their wider operation, which provides excellent value for the communities they serve, and has been part of wider work to rejuvenate stations and bring them into the heart of their communities. For example, Severn Dee Travel is a not-for-profit organisation run by volunteers and supported by the 3 Counties Connected Community Rail Partnership. Based at Gobowen Station, it provides ticketing services across the entire rail network, with a particular focus on group travel. Alongside its ticket retail arm, it runs a station café that offers work experience opportunities to students with special educational needs, enabling them to develop work skills.

Given the positive experience they offer to customers, and the wider social value they provide, we would encourage such community-led projects to be encouraged and allowed to develop with a flexible and supportive approach from GBR and rail industry partners, backed by legislative checks and balances that maintain a competitive market and level playing field with any GBR retail functions.

## Devolution

Devolution is an important and positive feature of the railway in Great Britain today, with significant responsibilities devolved to the Scottish and Welsh Governments and the Mayors of London and the Liverpool City Region.

English devolution is central to the government's mission to boost economic growth and tackle regional inequality. The government has set out its approach in England in the English Devolution White Paper, which will precede the English Devolution Bill.

In its role as the 'directing mind,' GBR will bring track and train back together and plan services on a whole-system basis, to better deliver for passengers, taxpayers, and freight customers, and to unlock growth. This will include working closely with devolved and local partners, drawing on their experiences and expertise. But it is also vital that devolved governments and mayors can integrate local railways with other transport modes. They need the ability to create unified transport networks that serve their cities and regions much like Transport for London – a model which is now being developed in Mayoral Strategic Authorities (MSAs) across England.

Other tiers of local government in England will benefit from empowered local GBR business units that are outward-facing and engage local authorities on their priorities and Local Transport Plans. This will include working with sub-national transport bodies (STBs) on matters of wider regional interest.

We propose to create a statutory role for devolved leaders in governing, managing, planning, and developing the rail network. This will bring decision-making as close as possible to local communities, while recognising that – as a nationally integrated network – the railway's governance must balance local, commuter, regional, national, international and high-speed services, as well as the role of freight.

The rail devolution landscape is complex, and the statutory duty will reflect the different roles and responsibilities in Scotland, Wales, London, and other MSAs. Legislation will require GBR to collaborate with devolved leaders and ensure that national and local strategies are factored into GBR decision-making. This will enable GBR to have bespoke relationships with devolved leaders based on the needs of the local community to deliver the best results for passengers and freight users.

The statutory role will ensure devolved governments and other MSAs will be appropriately consulted on GBR's activity (including the development of railway plans, strategies, and services), are able to scrutinise GBR's performance, and that GBR has due regard to devolved transport strategies. The information on page 42 of the consultation document (and chapter 6 of the consultation document) outlines the

existing legislation where targeted amendments could be made to enable opportunities for devolved leaders to engage meaningfully and work collaboratively with GBR.

In England, the statutory role and engagement with GBR forms part of the government's devolution offer, as set out in the [English Devolution White Paper \[opens in a new window\]](#). This categorises devolved institutions in England into three tiers of strategic authority: non-mayoral, mayoral, and established. Subject to Royal Assent of the Railways Bill, the government will publish guidance outlining the core components that each tier of strategic authorities can expect.

The government recognises the positives that devolution can bring, particularly on discrete networks, through local knowledge and expertise. Existing devolved accountabilities in Scotland, Wales, London, and the Liverpool City Region will therefore remain in place. GBR will work closely with devolved operators, coordinating on timetabling of services and access to operate on GBR infrastructure and vice versa, to ensure that there is a coherent network across Great Britain. The government will continue to engage with those with devolved responsibilities to further develop the future arrangements they will have with GBR both within and outside legislation.

**38. Do you agree or disagree with our approach to GBR's statutory duty in relation to devolved leaders?**

- Agree (Go to 'Devolution')
- Disagree
- Don't know (Go to 'Devolution')

**Against approach to GBR's statutory duty in relation to devolved leaders**

**39. Why not?**



# Devolution

## Scotland

The Scottish Government is the commissioning body for ScotRail and Caledonian Sleeper services. It also funds rail infrastructure in Scotland and will continue to do so. Scottish ministers will therefore continue to have a separate High-Level Output Specification (HLOS) and Statement of Funds Available (SoFA), as outlined in Chapter 4. The government will engage the Scottish Government on ensuring the relationship it has with Network Rail is transferred to GBR, once established, and delivering Scottish infrastructure on behalf of Scottish ministers.

The government will work with the Scottish Government to put in place strong joint working arrangements between GBR and ScotRail, building on the existing alliance between Network Rail and ScotRail that has delivered improved performance and cost savings.

The government intends to legislate in a way that enables the relationship between GBR and ScotRail (and between UK and Scottish ministers) to evolve. We have recently passed the Public Ownership Act, which requires Scottish ministers to secure passenger services from public sector bodies owned by themselves (such as Scottish Rail Holdings), the Secretary of State for Transport (such as GBR) or jointly owned by the two governments. Where relevant railways legislation will need to be further amended to establish GBR, we will preserve the effect of these provisions. This would enable a successor to the existing alliance between Network Rail and ScotRail to be established between GBR and ScotRail, while preserving options for UK and Scottish ministers to agree deeper integration of track and train.

The government will continue to engage with the Scottish Government on future arrangements set out in this consultation to ensure that Scotland benefits from rail sector transformation and the establishment of GBR.

## Wales

The Welsh Government is the commissioning body for Transport for Wales rail services. It also owns infrastructure in the Core Valley Lines in South Wales, their investment in which has supported delivery of the expanding South Wales Metro.

The government will work with the Welsh Government to put in place strong, enduring joint working arrangements between GBR and Transport for Wales. This would be based on the successful Cyfuno workstream and local railway teams on lines of route that collaborate between Network Rail and Transport for Wales. This is realising cost savings and more efficient working by giving power to local teams to make joined-up railway decisions that benefit passengers and users.

The government intends to legislate in a way that enables the relationship between GBR and Transport for Wales and between UK and Welsh ministers to evolve over time. We have recently passed the Public Ownership Act which requires Welsh ministers to secure passenger services from public sector bodies owned by

themselves (such as Transport for Wales Rail Limited), the Secretary of State for Transport (such as GBR) or jointly owned by the two governments. Where relevant railways legislation will need to be further amended to establish GBR, we will preserve the effect of these provisions. Should both UK and Welsh ministers want to pursue this, these provisions could secure further benefits of integration between track and train, while respecting the Welsh devolution settlement and ensuring clear lines of accountability.

The government will continue to engage with the Welsh Government on future arrangements set out in this consultation to ensure that Wales benefits from rail sector transformation and to agree how GBR in Wales will be accountable to Welsh ministers.

**40. Do you agree or disagree with the proposed approach in:**

	Agree	Disagree	Don't know
Scotland on enabling further collaboration between track and train while preserving the devolved settlements	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wales on enabling further collaboration between track and train while preserving the devolved settlements	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If disagreeing explain why?

## Devolution

Much of the detail regarding GBR's relationships with Mayoral Strategic Authorities (MSAs) can and should sit outside legislation through bespoke agreements. Partnerships will mark a change in approach in how the railway engages locally, enabling GBR to better meet the needs of areas and wider communities. The plans also reflect that devolved arrangements vary, so a one-size-fits-all approach would not be appropriate.

In England, there has already been substantial engagement with MSAs on future partnerships with GBR, which will enable opportunities for local influence and control of the local rail offer. For example, governance forums with Transport for Greater Manchester and the West Midlands Rail Executive have been established and are operating on a cross-industry basis, laying the groundwork for the sort of activity that will be embedded in GBR. Partnerships will range across a spectrum, depending on the ambitions and institutional capability of partners, which will include engagement on strategic priorities, close collaboration on the delivery of rail elements of Local Transport Plans and opportunities for partners to invest in the railway. Deeper commercial partnerships, where a MSA could take on service specification responsibilities and revenue risk, could also be agreed where financial devolution is in place.

Existing legislation, including the [Railways Act 2005 \[opens in a new window\]](#), [Transport Act 2000 \[opens in a new window\]](#), and [Greater London Authority Act 1999 \[opens in a new window\]](#) already include mechanisms through which devolved authorities can engage with the national railway, including funding additional services and infrastructure. To support effective partnerships, the government intends to make targeted amendments. These important changes will require GBR to consult with and enable financial agreements with mayors, providing the legislative basis to agree the commercial partnerships envisaged in paragraph 6.23 of the consultation document.

This will balance an influential role within railway processes, while not overly restricting GBR's ability to act as a directing mind and provide capacity for network level services such as rail freight.

### **41. Do you agree or disagree with the proposed approach of making targeted amendments to existing legislation to clarify the role of devolved leaders in relation to GBR?**

- Agree (Go to 'Train driver licensing and certification regime')
- Disagree
- Don't know (Go to 'Train driver licensing and certification regime')

## Against clarifying the role of devolved leaders in relation to GBR

### 42. Why not?

We do not disagree with the proposed approach of making targeted amendments to existing legislation to clarify the role of devolved leaders in relation to GBR, but would seek to make some additional points on devolution more generally.

The consultation states that devolution will involve close working relationships between devolved leaders and local partners, drawing on their experiences and expertise. It adds that different tiers of local government in England will benefit from empowered local GBR business units that are outward-facing and engage local authorities on their priorities and local transport plans. We are certainly supportive of this, and can envisage a critical role for community rail to be a go-to trusted partner for insight and involvement from communities at this level. One particular area where the movement could play (and is already playing) a valuable role is the stated desire in the consultation to better integrate local railways with other transport modes. Our members are already very active in this area (see our report on [‘community rail and modal shift’](#)), supported by our [policy recommendations](#) and [practical support](#).

We are supportive of the statutory role for devolved governments and Mayoral Strategic Authorities (MSA’s) in governing, managing, planning, and developing the rail network. Given the intention to bring decision-making as close as possible to local communities, this again complements the ethos of community rail of putting railways and stations at the heart of community life and giving communities a voice on the development of local transport networks.

We have seen the success of this with the Liverpool City Region and Merseyrail, where direct control over the franchise and fares has led to increased accountability and transparency across the network. Community rail has also been able to provide valuable influence and input, through locally empowering activity such as station adoption across the region. We see a lot of scope for working with city regions and devolved authorities to increase and expand community rail activity in this way, and have developed relationships with other bodies, e.g. TfGM, WMRE, in a similar vein.

We would agree with the principle behind individual bespoke devolution agreements for different areas and regions, as opposed to a ‘one size fits all’ approach. However, much of the focus appears to be on MSA’s, and we would stress that it is vital that other tiers of local government are not forgotten about and given less prominence and attention.

Our experience within community rail tells us that sub-national transport bodies have issues with different levels of funding and resourcing, and this may affect the influence they can exert over local rail policy and strategy. If MSA’s and other authorities are to be given statutory responsibilities, they need to be supported with

the means and resources to be able to act. Mayors can potentially be the conduit in many regions, but all areas would need to benefit from some level of consistency and equality of support, including funding, for all tiers of local government to have similar impacts. Our understanding is that while the legislation will enable statutory powers, those powers will not be prescriptive, and will cater sufficiently for different levels of involvement and stages of development.

While there are limited details at this stage, we understand that GBR will have a strong regionalised structure in order to establish effective working relationships with local partners, and to align with their priorities, e.g. GBR business plans complementing local transport plans. We look forward to further information on this structure, of the GBR 'local business units,' for example, to ascertain how they will offer a clearer line into GBR and greater responsiveness and accountability than current organisations such as DfT and Network Rail.

We are also keen to understand more on how devolved statutory powers will support the translation of GBR objectives into local objectives, not just in transport, but in other key policy areas such as health and wellbeing, employment, housing etc. Our experience with community rail indicates that the movement plays a vital role and delivers significant social value and return on investment across a wide range of policy areas (see our ['value of community rail'](#) report, esp. pages 3-4). As such, we encourage our community rail partnership and station group members to engage strategically with local authority partners as appropriate, to align their work with wider objectives. Given the positive role community rail and its networks can play in identifying and meeting local wants and needs, we would suggest it be considered as a vital stakeholder alongside devolved statutory bodies and consultees, and engaged with meaningfully and as early as possible in any relevant policy planning and development, not as an afterthought. We would recommend, for example, that it would be beneficial for MSA's and other levels of devolved authority to have a designated strategy for working with community rail partnerships and groups in their specific areas, and a designated lead for those organisations to directly contact and feed into.

## Train driver licensing and certification regime

In 2022 and 2023, the department undertook a statutory post-implementation review of train driving regulations. This review focused on the [Train Driving Licences and Certificates Regulations 2010 \(TDLCR\) \(S.I. 2010/724\)](#) [opens in a new window]. These regulations established the requirements to be a train driver on the mainline railway in Great Britain and implemented Directive 2007/59/EC, which created a mandatory licensing and certification regime for train drivers across the EU.

The purpose of the review was to assess whether the TDLCR is working effectively and to produce recommendations on how the regime could be improved. The review, published on 19 May 2023, concluded that while there was broad support for keeping the framework in place, there was an equally broad desire to see reforms in several areas to make the TDLCR function more effectively and reduce costs and burdens on industry.

The government believes there is a positive case for change to address these issues, from modernising the testing, assessment and training requirements for train drivers, to updating outdated criteria to reflect new innovations, technology and scientific developments. We also believe there is scope to improve existing administrative processes, including duties around maintaining registers, information sharing, and the appeals process for train drivers, among other areas. These potential changes could produce efficiencies for the industry, reduce burdens and improve outcomes for train drivers.

However, the government is unable to progress effectively with opportunities to reform the regime as the Secretary of State does not have adequate powers to update, amend or revoke provisions in the TDLCR, or related assimilated law on train driving. This stems from the fact that the powers used to implement the TDLCR – [section 2\(2\) of the European Communities Act 1972 \(“ECA 1972”\)](#) [opens in a new window] – were revoked when the UK left the EU. To make changes using powers under the [Retained EU Law \(Revocation and Reform\) Act 2023](#) [opens in a new window] would be suboptimal, as they are time-limited and expire in June 2026. Moreover, they can only be used once on the same provision, thus precluding the government’s ability to update TDLCR as necessary and on an enduring basis.

This inability to update, amend or revoke provisions in the TDLCR post-June 2026 is suboptimal in the context of a regime that has shown a need for periodic updates to implement functional improvements and keep pace with technological, technical, scientific and safety developments over time.

The approaching gap in regulatory powers affecting the TDLCR and related assimilated law means the government will be unable to effectively respond to new developments in this area. This includes progressing potential areas for reform recommended by the review of the TDLCR (as well as recommendations in future post-implementation reviews, which statutorily take place every five years).

The government is keen to maximise the benefits associated with reforms to the train driver licensing regime and to remove unnecessary administrative burdens on operators and train drivers wherever possible. We are therefore consulting on the inclusion of a new delegated power in the Railways Bill that would allow the Secretary of State to update, amend and revoke provisions specifically in the TDLCR and related assimilated law in Great Britain via future secondary legislation. The government is not, at this stage, consulting on any specific amendments, but will consult separately on these potential future reforms in due course.

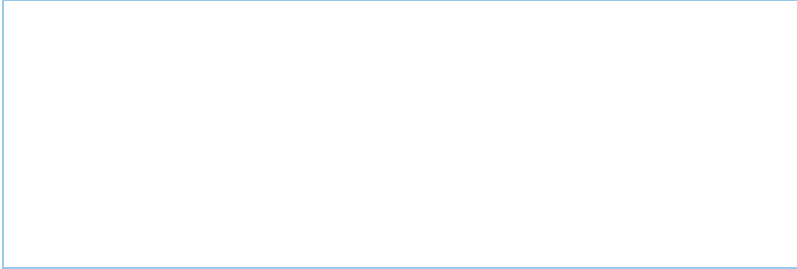
The powers would only be available to the Secretary of State and, whilst they will fill a 'powers gap' created by the repeal of [section 2\(2\) of the ECA 1972 \[opens in a new window\]](#), they will be much narrower in scope as they will be limited to amending the TDLCR and related assimilated law only. Furthermore, the government only intends to use these powers following a formal consultation process to gather information and evidence about the types of changes that would improve the regime. For this reason, the Secretary of State will be required to put any changes to a public consultation as a condition for using these powers.

**43. Do you agree or disagree with our intention to create a new delegated power that would enable the Secretary of State to update, amend or revoke provisions in TDLCR and related assimilated law in Great Britain, subject to public consultation?**

- Agree (Go to 'Additional evidence')
- Disagree
- Don't know (Go to 'Additional evidence')

## Against power to amend TDLCR

44. Why not?





## Additional evidence

We are asking you to provide any evidence you may have, resulting from these proposals, on the:

- anticipated transitional cost or benefits
- ongoing cost or benefits for you

For example, you may, but are not limited to providing evidence on the scale of transitional costs associated with:

- familiarising with the new proposals and structure
- changes to administrative burden resulting from due to these proposals
- any other direct impacts associated with the proposed changes
- 

### 45. Provide evidence

Comment:

n/a

## Final comments

46. Is there anything else you would like to share with us?