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7 March 2012

Bernard Garner,
Director General
Nexus
Nexus House
33 St James' Boulevard
Newcastle-upon-Tyne
NE1 4AX

Dear Bernard,

Modifications to the “operator of last resort” passenger and station licences

Tyne and Wear Passenger Transport Executive was granted licences on 15 March 2002 and 26 March 2002¹ to operate railway assets under section 8 of the Railways Act 1993 (the Act).

In accordance with section 12(2) of the Act and regulation 13(2) of the Railway (Licensing of Railway Undertakings) Regulations 2005, on 1 December 2011², the Office of Rail Regulation (ORR) gave notice of its proposal to modify certain licences and statements of national regulatory provisions (for those operators with European licences).

The notice published by ORR set out the reasons for the modifications and their effect. It required any representations or objections to the modifications to be made on or before 30 January 2012.

ORR has considered the representations or objections which were received during the consultation period and which were not withdrawn.

Tyne and Wear Passenger Transport Executive has consented to the modifications.

¹ References UK0320020002 and UK0320020002 respectively

² ORR's 1 December 2011 consultation letter can be found at http://www.rail-reg.gov.uk/upload/pdf/passenger_information_consultation_dec2011.pdf



Under section 12(1) of the Act and with the consent of the licence holder, I therefore modify the licences by:

(a) inserting a new condition 4 into the station licences as set out in schedule 1 to this notice; and

(b) deleting condition 4 of the passenger licence in its entirety and replacing it with the new condition 4 as set out in the schedule 2 to this notice.

We consent to Tyne and Wear Passenger Transport Executive not publishing a code of practice or other documents under paragraph 6 of condition 4 of the passenger licence, because this is a dormant operator to be used only in the event that the Passenger Transport Executive needs to take over operations.

This consent will expire in the event that this operator becomes active.

I am placing a copy of this letter on our website and on our public register. We will also update the licences on our website.

Yours sincerely

A handwritten signature in black ink, which appears to read 'Robert M Plaskitt'. The signature is written in a cursive style with a large, looped initial 'R'.

Robert Plaskitt

Schedule 1: Station licence

Condition 4: Information for passengers

- 1 The licence holder shall cooperate with train operators so far as is reasonably necessary to enable them to meet their obligations to provide information to passengers.

Schedule 2: Passenger licence

Condition 4: Information for passengers

Purpose

- 1 The purpose is to secure the provision of appropriate, accurate and timely information to enable railway passengers and prospective passengers to plan and make their journeys with a reasonable degree of assurance, including when there is disruption.

General duty

- 2 The licence holder shall achieve the purpose to the greatest extent reasonably practicable having regard to all relevant circumstances, including the funding available.

Specific obligations

- 3 The following obligations in this condition are without prejudice to the generality of the general duty in paragraph 2 and compliance with these obligations shall not be regarded as exhausting that general duty. In fulfilling these obligations the licence holder shall at all times comply with the general duty in paragraph 2.

Planning services

- 4 The licence holder shall cooperate, as necessary, with Network Rail and other train operators to enable Network Rail to undertake appropriate planning of train services and to establish or change appropriate timetables, including when there is disruption.
- 5 In particular, the licence holder shall:
 - (a) provide Network Rail with such information about the licence holder's licensed activities as may be reasonably necessary for Network Rail to fulfil its obligations relating to timetabling in its network licence;
 - (b) participate constructively in any timetabling consultation carried out by Network Rail;
 - (c) use reasonable endeavours to resolve promptly any timetabling disputes; and

- (d) respond expeditiously to any timetabling matter which Network Rail reasonably considers to be urgent.

Code(s) of practice and improvement plan(s)

- 6 The licence holder shall, unless ORR otherwise consents, publish one or more code(s) of practice or other documents setting out the principles and processes by which it will comply with the general duty in paragraph 2.
- 7 Where the licence holder considers, or is directed by ORR, that improvements to its arrangements for the provision of information to railway passengers and prospective passengers are necessary or desirable to enable it better to fulfil the general duty in paragraph 2, it shall develop, publish and deliver a plan, which sets out the improvements it intends to make and the dates by which such improvements will be made.
- 8 The licence holder shall, from time to time and when so directed by ORR, review and, if necessary, revise, following consultation, anything published under paragraph 6 and any plan under paragraph 7 so that they may better fulfil the general duty in paragraph 2.
- 9 ORR shall not make any direction under paragraphs 7 or 8 without first consulting the licence holder.

Provision of information to intermediaries

- 10 The licence holder shall as soon as reasonably practicable:
 - (a) provide to the holders of passenger and station licences; and
 - (b) provide to all timetable information providers on request reasonable access to appropriate, accurate and timely information to enable each on request to provide passengers with all relevant information to plan their journeys including, so far as reasonably practicable, the fare or fares and any restrictions applicable.
- 11 In this condition:

“Network Rail” means Network Rail Infrastructure Limited (a company registered in England and Wales under number 02904587), and its successors and assign