

24 June 2020

Glasgow Prestwick International Airport Ltd
London Underground Ltd
Merseyrail Electrics 2002 Ltd
Merseyside Passenger Transport Services Ltd
Mitie Technical Facilities Management Ltd
Network Rail Infrastructure Ltd

Cc: Department for Transport, Transport Scotland, Transport for Wales, Transport Focus, London TravelWatch, Rail Delivery Group, Rail North, Transport for London

Rail Passengers' Rights and Obligations Regulation: Notice of modifications to station licences

We wrote to you on 21 April 2020¹, as you hold a station licence for one or more stations at which passenger SNRP² holders provide passenger train services, although you are not a SNRP holder yourself.

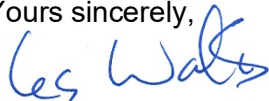
In the letter we proposed further drafting amendments to some of the conditions in your station licence that we mentioned in our letter of 22 October 2019, (following discussions with London Underground Ltd). We need to amend the licence to meet the requirements of law under the *Rail Passengers' Rights and Obligations Regulations 2010* (the "RPRO 2010"), following the expiry of the GB domestic exemption from certain obligations in the *Rail Passengers' Rights and Obligations Regulation* (Regulation 1371/2007/EC) (the "European Regulation"), which is implemented in Great Britain by the RPRO 2010.

Although the implementation of RPRO 2010 is mandatory, we asked for views on our proposed drafting of the station licence amendments. Our drafting was also to emphasise that the amendments only relate to the services you provide, as a station manager, to passengers of SNRP-holding train operators. We received no objections or comments to this further amendment.

We are therefore issuing this notice to make the changes, as proposed in the letter of 21 April 2020. The modifications, which are effective immediately, can be found in the annexes attached.

RPRO 2010 changes are marked in **red, underlined text**. We will update these modifications to the electronic versions of your licences on our website in due course.

Yours sincerely,



Les Waters

¹ Letter at https://orr.gov.uk/_data/assets/pdf_file/0016/42820/licence-modificationn-letter-on-rail-passengers-rights-and-obligations-regulation-2020-04-21.pdf. The addressees included Stobart Rail Ltd, whose station licence was revoked on 2 June 2020 as it was no longer required.

² Statement of National Regulatory Provisions.

Annex A Part 1

The following modifications are to be made to the station licences of:

Glasgow Prestwick International Ltd

Merseyrail Electrics 2002 Ltd (Liverpool South Parkway station)

Mitie Technical Facilities Management Ltd

- 1 In the Table of Contents, under the heading “Part III – Conditions”, insert a reference to a new Condition 3 as follows:

“Condition 3: Passenger Rights”

- 2 In Part II (Interpretation), paragraph 1, insert the following new definition in alphabetical order:

““Other Passenger Operator Journey” means a rail journey:

- (a) that is provided by one or more railway undertakings or transport services licensed in accordance with Council Directive 95/18/EC of 19 June 1995 on the licensing of railway undertakings;
- (b) that falls within the scope of the PRO Regulation; and
- (c) that calls at any of the stations of which the licence holder is the operator pursuant to this licence;”

- 3 Insert a new Condition 3 as follows:

“Condition 3: Passenger Rights

1. At each of the stations of which the licence holder is the operator pursuant to this licence, the licence holder shall comply with the obligations of a “station manager” (as defined in the PRO Regulation) contained within articles 18 and 29 of the PRO Regulation in relation to Other Passenger Operator Journeys.”

- 4 Amend Condition 5 (Accessible Travel Policy³), paragraph 2, as follows:

“2. In establishing the Accessible Travel Policy and in making any alteration to it, the licence holder shall have due regard ~~to:~~

- (a) to the code of practice published by the Authority pursuant to section 70 or section 71B of the Act; and
- (b) in relation to Other Passenger Operator Journeys only, to articles 19(1), 21, 22 and 24 of the PRO Regulation, to the extent applicable to “station managers” as defined in the PRO Regulation.”

³ Please note - all references to “Disabled People’s Protection Policy” and “DPPP” were replaced with “Accessible Travel Policy” and “ATP” on 29 July 2019.

Annex A Part 2

The following modifications are to be made to the station licences of:

Merseyrail Electrics 2002 Ltd

Merseyside Passenger Transport Services Ltd

- 1 In the Table of Contents, under the heading “Part III – Conditions”, insert a reference to a new Condition 3 as follows:

“Condition 3: Passenger Rights”

- 2 In Part II (Interpretation) insert the following new definitions in alphabetical order:

“a PRO station” means a station to which the PRO Regulation is applicable, marked with an asterisk (*) in the Schedule.

“Other Passenger Operator Journey” means a rail journey:

- (a) that is provided by one or more railway undertakings or transport services licensed in accordance with Council Directive 95/18/EC of 19 June 1995 on the licensing of railway undertakings;
- (b) that falls within the scope of the PRO Regulation; and
- (c) that calls at any of the stations of which the licence holder is the operator pursuant to this licence;”

- 3 Insert a new Condition 3, paragraph 2, as follows:

“Condition 3: Passenger Rights

2. At each of the stations of which the licence holder is the operator pursuant to this licence, the licence holder shall comply with the obligations of a “station manager” (as defined in the PRO Regulation) contained within articles 18 and 29 of the PRO Regulation in relation to Other Passenger Operator Journeys.”

- 4 Amend Condition 5 (Accessible Travel Policy), paragraph 2, as follows:

“2. In establishing the Accessible Travel Policy and in making any alteration to it, the licence holder shall have due regard ~~to~~:

- (a) to the code of practice published by the Authority pursuant to section 70 or section 71B of the Act; and
- (b) in relation to Other Passenger Operator Journeys only, to articles 19(1), 21, 22 and 24 of the PRO Regulation, to the extent applicable to “station managers” as defined in the PRO Regulation.”

- 5 Amend Condition 7 (Liaison with the PC and LTUC), paragraph 1, as follows:
- “1. Whenever reasonably requested to do so by the PC and LTUC (as relevant) the licence holder shall meet with the PC and LTUC (as relevant) to discuss and review such matters as the PC and LTUC (as relevant) may wish to consider in connection with its functions under Part I of the Act including (in relation to PRO stations only) the handling of complaints made about an alleged infringement of the PRO Regulation. The licence holder shall not under this Condition be obliged to attend more than two meetings with the PC and LTUC (as relevant) in any calendar year.”
- 6 Amend the Schedule of stations in the Merseyrail Electrics 2002 Limited station licence as follows:
- a) Insert asterisks beside the following stations:
- Bidston*
 - Ellesmere Port*
 - Hunts Cross*
 - Kirkby (Merseyside)*
 - Ormskirk*
 - Southport*
- b) insert the following explanatory text at the end of the list of stations:
- “* Stations called at by one or more train operators holding a European passenger licence and so are in scope of The Rail Passengers’ Rights and Obligations Regulations 2010.”

Annex A Part 3

The following modifications are to be made to **London Underground Limited's** station licence:

- 1 In the Table of Contents, insert a new Condition 14, after the entry for "Information As To Stations Of Which The Licence Holder Is The Operator" as follows:

"Passenger Rights"

- 2 In Part II (Interpretation), paragraph 1, insert the following new definitions after the definition of "licensed activities":

"Other Passenger Operator Journey" means a rail journey:

- (a) that is provided by one or more railway undertakings or transport services licensed in accordance with Council Directive 95/18/EC of 19 June 1995 on the licensing of railway undertakings;
- (b) that falls within the scope of the PRO Regulation; and
- (c) that calls at any of the stations of which the licence holder is the operator pursuant to this licence;

"the PRO Regulation" means Regulation (EC) No.1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations."

- 3 Amend Condition 4 (Accessible Travel Policy), paragraph 2, as follows:

"2. In establishing the Accessible Travel Policy and in making any alteration to it, the licence holder shall have due regard ~~to~~:

- (a) to the code of practice published by the Authority pursuant to section 70 or section 71B of the Act; and
- (b) in relation to Other Passenger Operator Journeys only, to articles 19(1), 21, 22 and 24 of the PRO Regulation, to the extent applicable to "station managers" as defined in the PRO Regulation."

- 4 Insert a new Condition 14 as follows:

"Condition 14: Passenger Rights

1. At each of the stations of which the licence holder is the operator pursuant to this licence, the licence holder shall comply with the obligations of a "station manager" (as defined in the PRO Regulation) contained within articles 18 and 29 of the PRO Regulation in relation to Other Passenger Operator Journeys."

Annex A Part 4

The following modifications are to be made to **Network Rail Infrastructure Limited's** station licence:

- 1 In the Table of Contents, insert a new Condition 18, after the entry for "Condition 17: Stations of which the Licence Holder is the operator" as follows:

"Condition 18: Passenger Rights"

- 2 In Part II (Interpretation), paragraph 1, insert the following new definition in alphabetical order:

"Other Passenger Operator Journey" means a rail journey:

- (a) that is provided by one or more railway undertakings or transport services licensed in accordance with Council Directive 95/18/EC of 19 June 1995 on the licensing of railway undertakings;
- (b) that falls within the scope of the PRO Regulation; and
- (c) that calls at any of the stations of which the licence holder is the operator pursuant to this licence."

- 3 Amend Condition 4 (Accessible Travel Policy), paragraph 2, as follows:

"2. In establishing the Accessible Travel Policy and in making any alteration to it, the licence holder shall have due regard ~~to:~~

- (a) to the code of practice published by the Authority pursuant to section 70 or section 71B of the Act; and
- (b) in relation to Other Passenger Operator Journeys only, to articles 19(1), 21, 22 and 24 of the PRO Regulation, to the extent applicable to "station managers" as defined in the PRO Regulation."

- 4 Insert a new Condition 18 as follows:

"Condition 18: Passenger Rights

1. At each of the stations of which the licence holder is the operator pursuant to this licence, the licence holder shall comply with the obligations of a "station manager" (as defined in the PRO Regulation) contained within articles 18 and 29 of the PRO Regulation in relation to Other Passenger Operator Journeys."