

MARKET STUDY NOTICE

Market Study into the GB rail signalling market

Notice of Decision not to make a Market Investigation Reference under Section 131 of the Enterprise Act 2002

The Office of Rail and Road (ORR) hereby publishes notice of its decision not to make a reference under section 131 of the Enterprise Act 2002 (the Act) in relation to the rail signalling market in Great Britain.

11 May 2021

Office of Rail and Road

Notes

- i. On 12 November 2020, ORR published a market study notice, in accordance with section 130A of the Act, that it proposed to carry out its function under section 69(1) of the Railways Act 1993 the rail signalling market in Great Britain, to consider the extent to which a matter in relation to the supply of services relating to railways within the meaning of section 67(3ZA) of the Railways Act 1993, has or may have effects adverse to the interests of consumers and to assess the extent to which steps can and should be taken to remedy, mitigate or prevent any such adverse effects.
- ii. ORR provided details of the market study, including detailed issues on which it welcomed responses from interested parties, in a statement of scope document that it published with the market study notice.
- iii. The market study notice invited any persons wishing to make representations, including on whether ORR should make a market investigation reference under section 131 of the Act, to do so in writing no later than 11 January 2021.
- iv. No representations were made to ORR within the specified period to the effect that a reference under section 131 of the Act should be made in relation to the matters specified in the market study notice.
- v. ORR has decided not to make a reference under section 131 of the Act in relation to the rail signalling market in Great Britain.

- vi. Where ORR has published a market study notice, but receives no representations within the period specified in the notice to the effect that a reference under section 131 of the Act should be made, and where ORR has decided not to make a reference, it is required by section 131B(3) of the Act to publish a notice of its decision not to make a reference. This notice must be published within 6 months of the date on which ORR published its market study notice. Paragraph 5 of the market study notice specified that notice of such a decision would be published no later than 11 May 2021.

- vii. For the avoidance of doubt, ORR has no duty under section 131B of the Act to consult interested parties before making its decision, and ORR is not inviting comments on its decision.