



Rail Safety & Standards Board

# **Railway Group Standards Code**

## **Issue Three**

**Approved by**

**The Office of Rail Regulation**

**Effective date 07 June 2008**

Rail Safety and Standards Board

email: [enquiries@rssb.co.uk](mailto:enquiries@rssb.co.uk)

[www.rssb.co.uk](http://www.rssb.co.uk)

## Issue Record

Issue	Effective Date	Comments
Interim Code	1 April 2003 to 18 January 2004	Produced to cover the period between the establishment of RSSB on 1 April 2003 and the Railway Group Standards Code Issue One – pending Issue One being consulted and published.
Railway Group Standards Code Issue One	19 January 2004	Fully consulted version of the Code developed by a cross industry group, based on the Interim Code and the provisions of Annex E to the document published by the Rail Regulator in February 2003 and entitled 'Establishment of a Rail Industry Safety Body: Notice of Proposed Licence Modifications and Regulator's Conclusions'.
Railway Group Standards Code Issue Two	1 February 2006	<p>Issue One amended to reflect:</p> <ul style="list-style-type: none"> <li>• Changed scope of Railway Group Standards</li> <li>• Renaming the Standards Co-ordination Committee as the Industry Standards Co-ordination Committee</li> <li>• Renaming Subject Committees as Standards Committees</li> <li>• Establishment of Lead and Support Standards Committees</li> <li>• Standards Committees assigned responsibility for monitoring European standards issues</li> <li>• Targeted and open access consultation</li> <li>• Housekeeping updates.</li> </ul>
Railway Group Standards Code Issue Three (the Code)	07 June 2008	<p>Issue Two rewritten in its entirety and split into a Railway Group Standards Code (this document) and a supporting Standards Manual. The major changes in Issue Three of the Code are:</p> <ul style="list-style-type: none"> <li>• Restatement of the scope of Railway Group Standards (may include any co-operation between duty holders)</li> <li>• Removal of the decision criteria and implementation of a decision framework</li> <li>• Non-compliances (pending standards change) have been withdrawn and replaced by a process for small scale changes to Railway Group Standard</li> <li>• Deviation applicants must now consult affected parties prior to a Standards</li> </ul>

Issue	Effective Date	Comments
		<p>Committee considering their application.</p> <ul style="list-style-type: none"> <li>• Paper hardcopies have been withdrawn as the means of issuing controlled copies of Railway Group Standards and replaced by the electronic copy available online (see <a href="http://www.rgsonline.co.uk">www.rgsonline.co.uk</a>)</li> </ul>

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# **1 Introduction**

## **1.1 Background**

- 1.1.1 This document fulfils the requirements of the Rail Safety and Standards Board (RSSB) Constitution Agreement for a Railway Group Standards Code (the Code) governing activities by RSSB and the duty holders who are members of RSSB in relation to Railway Group Standards (RGSs).
- 1.1.2 The RSSB Constitution Agreement requires that any activities undertaken in compliance with the Code promote the Primary Objective and Principles of Operation, as defined in the RSSB Constitution Agreement.
- 1.1.3 The Code is supported by a Standards Manual which describes how RSSB and the members of RSSB are to deliver the requirements of the Code. As a result, both the Code and the Standards Manual need to be read together in order to obtain a complete understanding of the role of members of RSSB in relation to changes to RGSs and deviations from them.

## **1.2 Purpose of the Code**

- 1.2.1 The purpose of the Code is to define the procedures by which RSSB and the members of RSSB co-operate to create, revise or withdraw RGSs and manage deviations from them, to monitor the effectiveness of RGSs, and the role of RSSB in authorising RGSs.

## **1.3 Purpose of Railway Group Standards**

- 1.3.1 The purpose of RGSs is to facilitate the management and operation of the shared system that is the mainline railway.
- 1.3.2 This purpose is achieved by defining requirements for assets or processes which involve co-operation between two or more duty holders, and assigning responsibility for compliance with these requirements.

## 2 Definitions

In the Code, unless the context otherwise requires, the following terms shall have the following meaning:

### **Derogation**

A derogation is a deviation that is valid indefinitely.

### **Deviation**

A deviation is a permission to comply with a specified alternative to a measure or measures in circumstances where it is not appropriate to change the relevant RGS.

### **Duty holder**

A duty holder is one or more infrastructure managers and railway undertakings or a combination of them, as the context requires.

### **Essential requirements**

The essential requirements are defined in European Directives concerned with the interoperability of the European railways. As at the date of this edition of the Code the essential requirements were safety, reliability and availability, health, environmental protection, and technical compatibility.

### **Infrastructure manager**

Infrastructure manager has the meaning given to it in European Directive 91/440/EEC on the development of the Community's railways. For the purpose of the Code, this is limited to those infrastructure managers who hold a safety authorisation issued in respect of the mainline railway.

### **Mainline railway**

Mainline railway has the meaning given to it in the Railways and Other Guided Transport Systems (Safety) Regulations 2006 but excluding the dedicated high speed railway between St Pancras Station and the Channel Tunnel.

### **Measure**

A measure is a targeted discrete statement in a RGS that identifies a mandatory requirement.

### **Member of RSSB**

A member of RSSB is a person admitted to membership of RSSB pursuant to the RSSB Constitution Agreement.

### **Process for co-operation**

A process for co-operation is a process in which relevant duty holders co-operate in order to determine an outcome which cannot be defined in advance. A process for co-operation is defined using a suite of measures.

### **Railway Group Standard (RGS)**

A RGS is a document produced pursuant to the Code (or equivalent predecessor documents, including previous versions of the Code) defining mandatory requirements in respect of the mainline railway.

**Railway system**

Railway system has the meaning given to it in European Directive 2004/49/EC (Railway Safety Directive) on the safety of the Community's railways.

**Railway undertaking**

Railway undertaking has the meaning given to it in European Directive 91/440/EEC on the development of the Community's railways. For the purpose of the Code, this is limited to those railway undertakings who hold a Part B safety certificate issued in respect of the mainline railway.

**Small scale change to a RGS**

A small scale change to a RGS is a change which in the opinion of the relevant Standards Committee(s) is limited, both in the extent to which it affects the content of the relevant RGS and the impact on industry, and where the nature of the change to the measure(s) in the RGS is readily apparent.

**Subsystem**

The railway subsystems (for which measures shall be described) are defined in European Directives concerned with the interoperability of the European railways.

**Temporary non-compliance**

A temporary non-compliance is a deviation that is valid for a finite time until compliance with the relevant RGS can be achieved.

## **3 Roles and responsibilities**

### **3.1 Infrastructure managers and railway undertakings**

3.1.1 Infrastructure managers and railway undertakings shall:

- a) Provide suitably empowered representatives to participate in the Industry Standards Co-ordination Committee (ISCC), Standards Committees, and any sub-committees and drafting groups
- b) Encourage their suppliers to provide suitable representatives to participate in committees and drafting groups
- c) Ensure that all documents issued for consultation relating to changes that affect them under the Code are promptly and adequately reviewed and that suitable inputs and responses are made in accordance with the procedures defined in the Code and Standards Manual
- d) Provide all such information as RSSB may reasonably require in order to assess the impacts of:
  - i) a proposal to develop, revise or withdraw a RGS, or
  - ii) a deviation from a RGS, and
- e) Have internal arrangements directed towards ensuring that RSSB is informed of an intention to change their practices or introduce new technology which may require a change to or a deviation from a RGS, allowing a reasonably sufficient time for the development to be accommodated by the procedures defined in the Code and Standards Manual.

### **3.2 Board intervention procedure**

3.2.1 The Board of Directors of RSSB (the Board) shall keep the RSSB standards activities, including the activities of the Standards Committees, under review, taking account of the advice of the ISCC.

3.2.2 If the Board, following consultation with the ISCC, considers a Standards Committee is failing in a material way to apply the requirements of the Code or Standards Manual (for example, without limitation, by failing to apply the decision framework correctly, causing undue delay or failing to act), the Board shall apply the intervention procedure.

3.2.3 The intervention procedure shall be defined in the Standards Manual.

### **3.3 Industry Standards Co-ordination Committee (ISCC)**

3.3.1 RSSB shall establish and maintain the ISCC.

3.3.2 The purpose of the ISCC is to:

- a) Provide direction, advice and guidance to Standards Committees and RSSB with respect to:
  - i) The interpretation of the Code

- ii) European standards issues relevant to the mainline railway which affect RGSs
- iii) Prioritisation and resource allocation for changes to RGSs
- iv) The reconciliation of uncertainty or conflict between subject areas
- v) The impact of any changes in legislation on the content of RGSs, and
- vi) Any strategies approved by the Board as relevant to RGSs
- b) Monitor and review the effectiveness of:
  - i) RGSs in meeting the purpose defined in 1.3.1, and
  - ii) The procedures defined in the Code and Standards Manual for managing the creation, modification or withdrawal of RGSs
- c) Approve the lists of measures to be proposed by RSSB to the member state as:
  - i) National technical rules in response to European Directives concerned with the interoperability of the European railways, or
  - ii) National safety rules in response to European Directives concerned with the safety of the European railways, and
- d) Approve proposed GB specific cases and the associated economic evaluation prior to them being proposed for inclusion in a Technical Specification for Interoperability.

### **3.4 Standards Committees**

3.4.1 RSSB shall establish and maintain Standards Committees.

3.4.2 The purpose of the Standards Committees is to:

- a) Direct, prioritise and approve the creation of RGSs and the development, revision and withdrawal of measures in RGSs and deviations from measures in RGSs
- b) Identify and propose additions or improvements to measures defined in new or existing RGSs, or the withdrawal of measures from existing RGSs
- c) Identify and propose improvements to the procedures defined in the Code and Standards Manual for managing the creation, revision or withdrawal of RGSs
- d) Monitor and review the Technical Specifications for Interoperability and other European standards in order to identify any necessary revisions to measures in RGSs
- e) Direct, prioritise and approve resources provided by RSSB to support GB industry input to European standards activities
- f) Provide a forum where representatives of the GB industry can exchange information and views to inform their contributions, through the European sector organisations, in respect of European standards activities

- g) Inform ISCC about issues which could have significant implications for the mainline railway, including where an application for a specific case in a Technical Specification for Interoperability may be required
- h) Approve the list of measures to be proposed to ISCC as:
  - i) National technical rules in response to European Directives concerned with the interoperability of the European railways, or
  - ii) National safety rules in response to European Directives concerned with the safety of the European railways, and
- i) Direct, prioritise and approve the development of proposed GB specific cases and the associated economic evaluation prior to them being proposed to ISCC for potential inclusion in a Technical Specification for Interoperability (TSI).

### **3.5 Operation of the committees**

- 3.5.1 The membership of the ISCC and of each Standards Committee shall, as a minimum, allow for a representative of each of the industry categories defined, for the purposes of designation and categorisation of the membership of RSSB, in the RSSB Constitution Agreement.
- 3.5.2 Other than the Chairman of the ISCC, each member of the ISCC or a Standards Committee shall:
  - a) Represent the views of their industry category, and
  - b) In taking decisions related to RGSs, support the solution which delivers the best whole-industry balance of safety, cost and performance.
- 3.5.3 The Department for Transport (DfT) and the Office of Rail Regulation (ORR) may each appoint an observer to attend each ISCC, Standards Committee or any sub-committee meeting.
- 3.5.4 RSSB shall publish a membership list for each committee which:
  - a) Lists the name of each member of the committee and the company they work for
  - b) Identifies the industry category each member is representing, and
  - c) Identifies the Chairman of the committee.
- 3.5.5 RSSB shall administer the ISCC, Standards Committees and sub-committee meetings and provide the resources, support and information necessary for their operation.

## **4 Decision taking on Railway Group Standards**

### **4.1 Principles of decision taking**

- 4.1.1 All decisions taken under the Code shall be in accordance with part 4.
- 4.1.2 All decisions taken under the Code shall be undertaken by consensus, where consensus means general agreement, characterised by:
- a) The absence of sustained opposition to substantive issues by any member of the committee concerned, and
  - b) A process that involves seeking to take into account the views of all the members of the committee(s) concerned and to reconcile conflicting arguments.

### **4.2 Scope**

- 4.2.1 A measure shall be within scope of a RGS only if all of the following apply:
- a) It is railway specific
  - b) It applies to duty holders
  - c) It relates to an asset or process over which duty holders have control, and
  - d) It involves co-operation between any two or more duty holders.
- 4.2.2 However, it is permissible to include or retain a measure in a RGS that is not within the scope defined by 4.2.1 if it is necessary to address an open point in a TSI.
- 4.2.3 A measure shall be included or retained in a RGS if the co-operation between the parties referred to in 4.2.1 d) is necessary to achieve the safe operation of the railway system.
- 4.2.4 When determining whether measures are within scope, the suite of measures applicable to a process for co-operation shall be considered as a whole and not as a series of individual measures.

### **4.3 Decision framework**

- 4.3.1 When taking a decision on any measure(s) that are in scope and either in, or proposed to be included in, a RGS, the relevant Standards Committee shall take an holistic view of the following factors in order to confirm the measure(s) promote the long-term best interests of the mainline railway as a whole:
- a) Whether the measure(s) delivers their intention, including the impact on:
    - i) The safety of the railway system as a whole
    - ii) The ability of the railway system and its subsystems to meet the essential requirements, and

- iii) Any other measure(s) included in, or proposed to be included in, RGSs
- b) The costs and benefits associated with the measure(s), including:
  - i) The cost of compliance
  - ii) The impact on service performance, and
  - iii) The relationship between rail and other transport modes, including the competitive position of the railway sector, and
- c) Whether the measure(s) align with:
  - i) Relevant legislation
  - ii) Relevant TSIs, and
  - iii) Any strategies approved by the Board as relevant to RGSs.

#### **4.4 Exclusions**

- 4.4.1 A measure shall not be mandatory in respect of:
  - a) Maintenance depots or goods depots, or
  - b) Sidings, except those identified by an infrastructure manager in the Sectional Appendix as forming part of the mainline railway.

#### **4.5 Rail Safety and Standards Board support for decision taking**

- 4.5.1 RSSB shall support decision taking under the Code by providing an assessment of the issues listed in 4.3.1 arising from a proposed change to measures in, or proposed to be included in, a RGS.
- 4.5.2 The effort expended by RSSB in providing this support shall be proportionate, in the reasonable opinion of RSSB, to the scale of the predicted impacts from, and complexity of, the decision at the time the decision is taken.

## **5 Procedure for change to Railway Group Standards**

5.1 All changes to new, revised or withdrawn RGSs shall be in accordance with the procedure defined in part 5 and any supporting provisions defined in the Standards Manual.

### **5.2 Proposals**

5.2.1 Any interested party may submit a proposal to create a new RGS, or to revise or withdraw an existing RGS.

5.2.2 All proposals related to a RGS shall be submitted to RSSB.

5.2.3 RSSB, ISCC or a Standards Committee shall submit a proposal when there are reasonable grounds for considering that the creation, revision or withdrawal of a RGS is necessary.

5.2.4 A proposal shall:

- a) Clearly describe the proposed change to an existing RGS or what is needed in a new RGS
- b) Explain why this change is needed and whether the change is needed urgently
- c) Demonstrate how the proposal is in scope of a RGS, and
- d) Predict, at least in outline form, what the impacts of the change on duty holders would be in terms of cost, safety and service performance, and addressing the other matters listed in 4.3.1, where relevant.

5.2.5 RSSB shall keep the proposer informed of progress with the proposal and also of any significant amendments to their proposal, with an explanation for these amendments, during the application of the procedures defined in the Code and Standards Manual.

### **5.3 Consideration of proposals**

5.3.1 RSSB shall review each proposal and, except for any which are trivial or vexatious, pass it to the relevant Standards Committee(s) with a recommendation on:

- a) Whether it is sufficiently complete
- b) Whether it is in scope of a RGS
- c) How it relates to the decision framework, and
- d) Whether it should be progressed as a small scale change.

5.3.2 The Standards Committee(s) shall determine:

- a) Whether to continue with the proposal on the basis of the decision framework
- b) If the proposal should be progressed as a small scale change taking account of 5.3.3 and the consequential limitations on consultation defined in 5.5.2, and

- c) The priority that should be given to the proposal taking account of the associated urgency, importance, nature and scale of the proposal.

5.3.3 A proposal shall be progressed as a small scale change only if, in the opinion of the relevant Standards Committee(s):

- a) The proposed change to the RGS is limited, both in the extent to which it affects the content of the relevant RGS and the impact on industry, and
- b) The nature of the change to the measure(s) in the RGS is readily apparent.

5.3.4 Where a proposal is intended to remedy a material non-compliance with RSSB's Primary Objective, RSSB and the Standards Committee(s) shall agree how the procedure shall be accelerated in order to remedy this material non-compliance.

## **5.4 Drafting Railway Group Standards**

5.4.1 RSSB shall ensure that:

- a) Appropriate expertise and experience is employed to achieve an adequate standard of drafting and content, and
- b) The views of industry parties likely to be materially affected are taken into account during the drafting process.

5.4.2 A measure in a RGS shall be applicable to either:

- a) Part of a subsystem or its interface with another subsystem
- b) A process prescribing how subsystems and interfaces must be operated or managed, or
- c) A process for co-operation.

5.4.3 Each RGS shall identify:

- a) Its intended purpose
- b) The measures to be applied and, if further clarification is required, what is to be done in order to comply with those measures
- c) Who (infrastructure manager and/or railway undertaking) shall have to comply with each measure
- d) When each measure shall be complied with in respect of new or upgraded assets or when each process for co-operation shall come into effect
- e) Where it is necessary for safety, what retrospective action is required in respect of existing assets and projects in the course of completion, and
- f) Where appropriate, how conformity with each measure may be assessed.

5.4.4 For the compliance dates referred to in 5.4.3 d), RSSB shall ensure that:

- a) They are determined on the basis of the practical implications of the proposed change (in particular, the compliance dates shall allow a reasonable time for industry parties, whom the relevant Standards Committee(s) considers may be materially affected by the change, to make consequential changes within their businesses), and
- b) The relevant Standards Committee(s) are aware of the safety, financial and performance impacts of any changes required of industry parties to meet the compliance dates when approving the RGS.

5.4.5 Where appropriate, it is permissible for the set of measures applicable to a subsystem to vary according to the category of, use of, or level of risk associated with the subsystem (for example, according to the categories of route and/or rolling stock).

## **5.5 Consultation**

5.5.1 For each proposed change to a RGS, including proposals for a small scale change, RSSB shall:

- a) Consult all members of RSSB who must currently comply, or may reasonably be expected to have to comply in future, with that RGS
- b) Consult any other industry parties who could be directly affected by the proposed change
- c) Consult any representative associations whose members could be directly affected by the proposed change
- d) Consult any other parties whom RSSB or a Standards Committee reasonably considers, in relation to the particular RGS, will assist RSSB in pursuing the Primary Objective
- e) Advise those parties who do not fall into paragraphs a) to c) above but who have indicated a preference for being notified of proposed changes to the RGS in question of the existence of the relevant consultation information on RSSB's website, and
- f) Provide the facility for any other party that wishes to comment to do so through RSSB's website.

5.5.2 Where a RGS is subject to a small scale change then the consultation shall be limited to only the individual clauses of the RGS which have been proposed for revision (but RSSB shall consider responses received in respect of any of the clauses in the RGS concerned).

5.5.3 The relevant Standards Committee(s) shall determine, taking account of a recommendation from RSSB:

- a) The manner in which consultation is to be undertaken, and
- b) The time allowed for consultees to respond to the consultation.

5.5.4 RSSB shall be under no obligation to consult any party who has notified RSSB that they do not wish to be consulted on the subject area or RGS concerned (unless such notification has been withdrawn).

5.5.5 Once the consultation is complete, RSSB shall:

- a) Consider fully and fairly all comments received, taking account of the material interests of the party commenting, and
- b) Report the responses to the consultation and the results of the consideration of these responses to the relevant Standards Committee(s) with a recommendation as to whether and, if necessary, how the proposed change to the RGS should be amended in response to the consultation comments.

5.5.6 Once the relevant Standards Committee(s) have approved them, RSSB shall:

- a) Publish the comments and associated responses, and
- b) Send the consultation comments and the associated responses to those parties who commented on the proposed change.

## **5.6 Approval and authorisation**

5.6.1 All proposed new, revised or withdrawn measures in a RGS shall require the approval of the relevant Standards Committee(s).

5.6.2 It is permissible for RSSB to correct typographical errors in a measure(s) after approval and prior to authorisation, provided the correction of any such errors does not change the meaning of the measure(s) being amended.

5.6.3 Following Standards Committee approval, RSSB shall authorise a proposed change to measures in a RGS provided, in the opinion of RSSB, the procedure set out in the Code and Standards Manual has been followed and the decision framework applied correctly.

5.6.4 Where RSSB withholds authorisation of an RGS it shall provide reasons to the Standards Committee and the Standards Committee may reconsider the RGS as required and resubmit the RGS to RSSB for further consideration.

## **5.7 Publication**

5.7.1 On authorisation, RSSB shall:

- a) Publish or withdraw the relevant RGS as required, and
- b) Inform the following parties specifying when the change will become effective:
  - i) Relevant Standards Committee(s)
  - ii) All members of RSSB who must currently comply, or may reasonably be expected to have to comply in future, with the RGS, and
  - iii) Any other parties who do not fall into paragraphs i) and ii) above but who have indicated a preference for being notified of changes to the RGS in question.

## **5.8 Collection of withdrawn documents**

5.8.1 RSSB shall maintain and publish a collection of the following documents:

- a) RGSs which are withdrawn after the time the Standards Manual becomes effective, and
- b) Such equivalent predecessor documents (including those published by the British Railways Board, Railtrack PLC or Railway Safety) as it possesses at the time the Code becomes effective.

## **5.9 Monitoring and review of the effectiveness of Railway Group Standards**

- 5.9.1 RSSB shall support ISCC in the monitoring and review of the effectiveness of RGSs by, as a minimum, periodically reviewing all RGSs to determine their ongoing fitness for the purpose described in 1.3.1.

## **6 Deviations from Railway Group Standards**

6.1 All deviations from RGSs shall be in accordance with the procedure defined in part 6 and any supporting provisions defined in the Standards Manual.

### **6.2 Deviation applications**

6.2.1 An application for a deviation from a RGS may be made by:

- a) Any member of RSSB, or
- b) A third party acting on behalf of, and with the support of, a member of RSSB.

6.2.2 Regardless of who submitted the application, a deviation from a RGS shall be granted only to one or more specified duty holders.

6.2.3 All applications for a deviation from a RGS shall be submitted to RSSB.

6.2.4 Following receipt of an application, RSSB shall pass it to the relevant Standards Committee(s).

6.2.5 All applications to deviate from a measure or measures in a RGS that do not form part or all of a process for co-operation shall:

- a) Clearly state the alternative provisions that will apply in place of the relevant measure or measures
- b) Demonstrate why it is not reasonable, in the particular circumstances, to comply with the existing measures in the relevant RGS on either a temporary or a permanent basis
- c) Demonstrate why it is not appropriate to change the relevant RGS
- d) Demonstrate why the proposed alternative provisions are reasonable, including a suitable and sufficient supporting analysis
- e) Predict the impact on the issues listed in 4.3.1 as a result of the proposed deviation, and
- f) Include the results of any consultation that has been undertaken with affected parties.

6.2.6 All applications to deviate from a measure or measures in a RGS that form part or all of a process for co-operation shall:

- a) Clearly state the alternative process that will apply in place of part or all of the relevant process for co-operation
- b) Demonstrate why it is not reasonable, in the particular circumstances, to comply with the existing process in the relevant RGS on either a temporary or a permanent basis
- c) Demonstrate why it is not appropriate to change the relevant RGS
- d) Demonstrate that all affected parties support the proposed deviation, including the results of any consultation that has been undertaken, and

- e) Predict the impact on the issues listed in 4.3.1 as a result of the proposed deviation.

### **6.3 Consultation**

- 6.3.1 If they have not done so prior to submitting the deviation application, the applicant for a deviation shall:
  - a) Consult all industry parties who are likely to be materially affected by the proposed deviation
  - b) Have completed consultation prior to the first occasion on which their deviation is considered by the relevant Standards Committee(s), and
  - c) Present the results of that consultation to the relevant Standards Committee(s).
- 6.3.2 If the relevant Standards Committee determines that further consultation is required the relevant Standards Committee(s) or, if appropriate, its Chairman, shall determine:
  - a) The parties who are to be consulted
  - b) Who is to undertake the consultation
  - c) The manner in which consultation is to be undertaken, and
  - d) The time allowed for responses to the consultation.

### **6.4 Approval and authorisation**

- 6.4.1 Except as provided in 6.4.2, all proposed deviations from a RGS shall require the approval of the relevant Standards Committee(s).
- 6.4.2 It is permissible for an application for a temporary non-compliance to be approved by a Standards Committee Chairman outside of a committee meeting:
  - a) If that Standards Committee has agreed that this may occur, and
  - b) Only in those circumstances defined by that Standards Committee.
- 6.4.3 A deviation from a RGS shall be approved only if the relevant Standards Committee(s), or its Chairman in accordance with 6.4.2, determines that it is not appropriate to change the relevant RGS.
- 6.4.4 It is permissible for RSSB to correct typographical errors in a deviation after approval and prior to authorisation, provided the correction of any such errors does not change the meaning of the deviation being amended.
- 6.4.5 Following approval by the relevant Standards Committee(s), or its Chairman in accordance with 6.4.2, RSSB shall authorise a proposed deviation from a RGS provided, in the opinion of RSSB, the procedure set out in the Code and Standards Manual has been followed and the decision framework applied correctly.

6.4.6 Where RSSB withholds authorisation of a deviation it shall provide reasons to the Standards Committee(s) and the Standards Committee(s) may reconsider the deviation as required and resubmit the RGS to RSSB for further consideration.

## **6.5 Publication**

6.5.1 On authorisation, RSSB shall:

- a) Publish the approved deviation, and
- b) Inform the applicant of the decision and the reasons for it.

6.5.2 The applicant shall then inform any parties who are likely to be materially affected by the proposed deviation of the decision and the reasons for it.

## **7 Appeals**

### **7.1 Appeals to the Board**

- 7.1.1 An appeal to the Board may be made by any party aggrieved in any material respect by any:
- a) ISCC or Standards Committee(s) decision, or
  - b) RSSB, ISCC or Standards Committee(s) delay or failure to act under the Code.
- 7.1.2 An appeal to the Board shall be lodged in writing, preferably in an electronic form.
- 7.1.3 Once the Board has taken a decision on an appeal, RSSB shall prepare a written statement setting out the decision and the reasons for it.
- 7.1.4 The written statement shall be published and sent to:
- a) The party who lodged the appeal, and
  - b) Any other party who was (or had a right to be) consulted on the matter to which the complaint relates.

### **7.2 Appeals to the Office of Rail Regulation**

- 7.2.1 A party who submitted an appeal to the Board may subsequently appeal to the ORR against a decision of the Board in respect of that appeal.
- 7.2.2 The ORR may adopt such procedures as it thinks fit in considering such appeals.
- 7.2.3 Any determination of the ORR in respect of an appeal shall be binding on all affected parties (including RSSB).

## **8 Administration**

### **8.1 Code implementation and transition arrangements**

- 8.1.1 Issue Three of the Code (together with Issue One of the Standards Manual) replaces Issue Two in its entirety and is effective from 07 June 2008.
- 8.1.2 ISCC may direct that Issue Two of the Code (or any part thereof) shall continue to apply to any decision regarding a RGS or deviation which is in the course of being processed at the time Issue Three becomes effective.
- 8.1.3 All existing members of committees at the time Issue Three becomes effective shall automatically be deemed members of the relevant committee from the time Issue Three becomes effective.
- 8.1.4 The process for holding elections or re-nomination of members of the committees shall continue to the timescales which applied prior to Issue Three becoming effective.

### **8.2 Authorisation**

- 8.2.1 All RGSs and deviations which are in force at the time Issue Three becomes effective continue to remain in force unless and until amended in accordance with this Issue Three.
- 8.2.2 Except as provided in 8.1.2, all RGSs and deviations authorised on or after the date on which Issue Three becomes effective shall be authorised by the procedures described in this Code and the Standards Manual.

### **8.3 Publication**

- 8.3.1 This Code shall be published on RSSB's website and such publication shall be in satisfaction of RSSB's obligation to provide a copy of the Code to each holder of a licence under s.8 Railways Act 1993, other members of RSSB, the DfT and the ORR.
- 8.3.2 Where the Code refers to a document being published or sent by RSSB:
  - a) The document shall be published by RSSB on the World Wide Web in a position and with links which enable visitors to that site to locate it quickly and without difficulty
  - b) The relevant parties shall be informed electronically by RSSB that the document has been published, and
  - c) Paper copies of the document may be obtained from RSSB (at a charge no greater than the ORR considers reasonable).

### **8.4 Costs**

- 8.4.1 Each party involved in the procedures described in this Code and the Standards Manual shall pay their own costs and expenses in relation to it.

8.4.2 Where specific technical expertise is required in relation to the content of a RGS and that technical expertise is not available from RSSB or a member of RSSB then RSSB shall procure the necessary expertise from a suitable source.

## **8.5 References in the Code**

8.5.1 Any reference in the Code to another document shall include any subsequent amendment to or replacement of that document.

## **8.6 Railway Group Standards Code change procedure**

8.6.1 A proposal to amend the Code may be made by:

- a) Any member of RSSB
- b) A third party acting on behalf of and with the support of a member of RSSB
- c) ISCC
- d) RSSB
- e) The ORR, or
- f) The DfT.

8.6.2 Any party making a proposal to amend the Code shall:

- a) Send it to RSSB, and
- b) Explain how it makes the Code fit (or more fit) for the purpose defined in 1.2.1.

8.6.3 RSSB shall submit each such proposal to ISCC for consideration.

8.6.4 ISCC shall consider each such proposal and make a recommendation to the Board for whether the proposal should proceed, with or without amendment, or be rejected.

8.6.5 RSSB shall copy all such proposals and the associated ISCC recommendation to the ORR.

8.6.6 If the Board rejects any such proposal, it shall give reasons to the proposer and the ORR for the rejection.

8.6.7 Where the Board supports a proposal for change RSSB shall consult on the proposed change with the members of RSSB, the ORR and such other parties as RSSB reasonably considers are appropriate in order to help meet the purpose, allowing at least 28 days for comments.

8.6.8 Once the consultation is complete, RSSB shall:

- a) Consider fully and fairly all comments received, taking account of the material interests and experience of the party commenting, and
- b) Report the responses to the consultation and the results of the consideration of these responses to the ISCC with a recommendation as to how the proposed change should proceed.

- 8.6.9 Once the ISCC has approved them, RSSB shall:
- a) Publish the comments and associated responses, and
  - b) Send the consultation comments and the associated responses to those parties who commented on the proposed change.
- 8.6.10 If ISCC decides, in the light of the response to the consultation, that amendment to the proposal for change is warranted, the response document shall set out that amendment.
- 8.6.11 Once the response document referred to in 8.6.9 has been sent, RSSB shall seek approval of the revised Code in accordance with the requirements of RSSB's Constitution Agreement.
- 8.6.12 If that approval is given, RSSB shall send to the ORR:
- a) The revised Code
  - b) A list of the changes
  - c) The reasons for the changes, including why the changes make the Code fit (or more fit) for the purpose, and
  - d) A proposed period of time after ORR approval in which the Code will come into force.
- 8.6.13 Within one month after the receipt of those documents, the ORR may either:
- a) Approve the revised Code, without amendment
  - b) If it is considered that the changes are not consistent with RSSB's Constitution Agreement, approve the changes subject to amendments specified by the ORR (after consultation with the members of RSSB), or
  - c) Reject the revised Code.
- 8.6.14 If the ORR approves the revised Code, with or without amendment, the ORR shall agree with RSSB the date on which the revised Code will come into force.
- 8.6.15 Within 14 days of the ORR approving the Code, RSSB shall publish it.
- 8.6.16 Following publication, RSSB shall inform all members of RSSB:
- a) That the Code has been published, and
  - b) Of the date on which the Code comes into force.

## **8.7 Standards Manual**

- 8.7.1 RSSB shall produce and maintain a Standards Manual which describes how RSSB and the members of RSSB are to deliver the requirements of the Code.
- 8.7.2 The Standards Manual shall be complied with by RSSB and the duty holders who are members of RSSB.

- 8.7.3 The Standards Manual shall be produced and subsequently amended using the procedure defined in part 5, with the ISCC acting in the role defined for the Standards Committees.
- 8.7.4 ORR approval shall not be required in respect of amendments to the Standards Manual.
- 8.7.5 In the event of any conflict between the Code and the Standards Manual, the Code shall take precedence.