



Railway Group Standards Code

**Governance arrangements for creating, changing, deviating from,
and publishing Railway Group Standards**

Issue Four

**Approved by
The Office of Rail Regulation**

Effective date 03 June 2013

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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	Issue One amended to reflect: <ul style="list-style-type: none"> • Changed scope of Railway Group Standards • Renaming the Standards Co-ordination Committee as the Industry Standards Co-ordination Committee • Renaming Subject Committees as Standards Committees • Establishment of Lead and Support Standards Committees • Standards Committees assigned responsibility for monitoring European standards issues • Targeted and open access consultation • Housekeeping updates.
Railway Group Standards Code Issue Three (the Code)	07 June 2008	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: <ul style="list-style-type: none"> • Restatement of the scope of Railway Group Standards (may include any co-operation between duty holders) • Removal of the decision criteria and implementation of a decision framework) • Non-compliances (pending standards change) have been withdrawn and replaced by a process for small scale changes to Railway Group Standard • Deviation applicants must now consult affected parties prior to a Standards Committee considering

		<p>their application.</p> <ul style="list-style-type: none">• Paper hardcopies have been withdrawn as the means of issuing controlled copies of Railway Group Standards and replaced by the electronic copy available online (see www.rgsonline.co.uk)
Railway Group Standards Code Issue Four (the Code)	03 June 2013	<p>Issue Four has been revised as follows:</p> <ul style="list-style-type: none">• The board intervention procedure has been removed and will be published separately.• A single, flexible Railway Group Standards change process, rather than two separate processes depending on the scale of the change proposed.• A single type of deviation from Railway Group Standards, with conditions if necessary, rather than two types of deviation.• A restatement of the scope of Railway Group Standards, reflecting their role as national rules, and improving clarity for decision makers.• Opening the processes in the Code to anyone who must comply with Railway Group Standards, not just RSSB members.• Reduction in detail about RSSB's activities in administering the processes set out in the Code.

Publication

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1 Background

1.1 National rules

- 1.1.1 The Railway Interoperability Directive 2008/57/EC places specific responsibilities on member states with respect to national technical rules. Similarly, the Railway Safety Directive 2004/49/EC places specific responsibilities on member states with respect to national safety rules.
- 1.1.2 The responsibilities are defined differently for the two sets of rules, but in broad terms the intent of Directive 2008/57/EC and Directive 2004/49/EC is for member states to ensure that both sets of rules:
- Are laid down in an open and non-discriminatory manner
 - Foster the development of a single European rail transport system
 - Implement the essential requirements
 - Are published in clear language, and
 - Are made available to all interested parties.
- 1.1.3 Railway Group Standards (RGSs) are national safety rules and national technical rules applicable to the mainline railway system. However, the UK Member State has delegated the authority for making decisions about creating, changing, deviating from and publishing these particular national rules to the rail industry. In doing this, the UK Member State must ensure that the responsibilities for national rules placed on it in Directive 2008/57/EC and Directive 2004/49/EC are discharged.
- 1.1.4 The Railway Group Standards Code (the Code) therefore sets out the conditions on which that delegated authority is granted, in the form of a statement of the principles on which the industry will base its decisions about RGSs. It also sets out how RGSs are to be published. These conditions are necessary in order to ensure the responsibilities placed on member states in Directive 2008/57/EC and Directive 2004/49/EC are discharged.
- 1.1.5 Directive 2008/57/EC and Directive 2004/49/EC also place a responsibility on member states to notify national rules to the European Commission. The UK Member State has reserved the right to notify national rules and, as a consequence, the Code does not set out this notification process.
- 1.1.6 RGSs are not the only national safety rules and national technical rules applicable to the mainline railway system. The UK Member State has reserved the right to make decisions about rules that are not RGSs.

1.2 Purpose of the Code

- 1.2.1 The purpose of the Code is to meet the principles set out in 1.1.2 by defining the procedures by which:
- a) RGSs are created, revised or withdrawn
 - b) RGSs are authorised
 - c) RGSs are published.
- 1.2.2 The Code also defines the procedures by which:
- a) The effectiveness of RGSs is monitored and reviewed
 - b) Deviations from RGSs are managed.
- 1.2.3 The Code is supported by a Standards Manual which describes how the requirements of the Code are to be delivered. As a result, both the Code and the Standards Manual (the Manual) need to be read together in order to obtain a complete understanding of the procedures supporting the purposes listed in 1.2.1 and 1.2.2.

2 Definitions

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

Deviation

A deviation is a permission to comply with a specified alternative to a requirement or requirements in a RGS. A deviation has a specified scope and, where relevant, duration.

Essential requirements

The essential requirements are set out in the Railway Interoperability Directive 2008/57/EC.

Infrastructure manager

Infrastructure manager has the meaning given to it in the Railways and Other Guided Transport Systems (Safety) Regulations 2006, save that for the purpose of the Code, the term is limited to those infrastructure managers who hold a safety authorisation issued in respect of the mainline railway.

Interested party

An interested party is any party who is, or is likely to be, directly affected by the subject matter of an existing or proposed RGS or any variation thereto.

Mainline railway

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

Mainline railway system

Mainline railway system means the mainline railway and the management and operation of the mainline railway as a whole.

National safety rule (NSR)

National safety rule has the meaning given to it in the Railway Safety Directive 2004/49/EC.

National technical rule (NTR)

National technical rule means a technical rule used for implementing the essential requirements in the circumstances listed in Article 17(3) of the Railway Interoperability Directive 2008/57/EC.

Railway Group Standard (RGS)

A RGS is a document produced under the procedures set out in the Code (or equivalent predecessor documents, including previous versions of the Code) that defines mandatory requirements in respect of the mainline railway system. RGSs contain national technical rules and national safety rules applicable to the mainline railway system.

Railway system

Railway system has the meaning given to it in the Railway Safety Directive 2004/49/EC.

Railway undertaking

Railway undertaking has the meaning given to the term 'transport undertaking' in the Railways and Other Guided Transport Systems (Safety) Regulations 2006, save that for the purpose of the Code, the term is limited to those railway undertakings who hold a Part B safety certificate issued in respect of the mainline railway.

Requirement

A requirement is a discrete statement that identifies an action to be taken, a process to be followed or a state to be achieved.

RSSB

RSSB means the Rail Safety and Standards Board Limited.

Specific case

A specific case has the meaning given to it in the Railway Interoperability Directive 2008/57/EC.

Structural subsystem

A structural subsystem has the meaning given to it in the Railway Interoperability Directive 2008/57/EC (that is, the infrastructure, energy, control-command and signalling on-board, control-command and signalling trackside, and rolling stock subsystems).

Subsystem

The railway subsystems are set out in the Railway Interoperability Directive 2008/57/EC.

Technical Specification for Interoperability (TSI)

A TSI is a specification adopted by the Commission of the EU in accordance with the Railway Interoperability Directive 2008/57/EC by which each subsystem or part subsystem is covered in order to meet the essential requirements and ensure the interoperability of the rail system.

Transport operator

A transport operator is either a railway undertaking or an infrastructure manager.

- 2.2 Other terms defined in the Railways and Other Guided Transport Systems (Safety) Regulations 2006 (as amended) and the Railways (Interoperability) Regulations 2011 shall have the meanings given to them in those regulations.

3 Responsibilities of transport operators

3.1 Transport operators 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 the ISCC, Standards Committees, and any sub-committees and drafting groups.
- c) Promptly and adequately review all documents issued for consultation under the Code relating to changes that affect them and make suitable inputs and responses in accordance with the procedures defined in the Code and the Manual.
- d) Provide all such information as may reasonably be required in order to assess the impacts of:
 - i) A proposal to develop, revise or withdraw a RGS, or
 - ii) An application for a deviation from a RGS.
- e) Have internal arrangements directed towards ensuring that, when there is an intention to change their practices or introduce new technology which may require a change to or a deviation from a RGS, a reasonably sufficient time is allowed for the development to be accommodated by the procedures defined in the Code and the Manual.

4 Committees

4.1 The Board of RSSB

4.1.1 The Board of RSSB (the Board) shall keep under review the activities of the Industry Standards Co-ordination Committee, the Standards Committees and RSSB as they relate to the responsibilities placed on them in the Code and the Manual.

4.2 Industry Standards Co-ordination Committee

4.2.1 A committee, known as the Industry Standards Co-ordination Committee (ISCC) and accountable to the Board, shall be established and maintained.

4.2.2 The purpose of ISCC shall include:

- a) Providing Standards Committees, RSSB and others with responsibilities for the management of RGSs with direction, advice and guidance on matters including, but not limited to:
 - i) The interpretation of the Code
 - ii) European standards issues relevant to the mainline railway system which affect RGSs
 - iii) Prioritisation and resource allocation for changes to RGSs
 - iv) The reconciliation of uncertainty or conflict between Standards Committees
 - v) The impact of any changes in legislation on the content of RGSs
 - vi) Any strategies approved by the Board as relevant to RGSs
 - vii) Actions required to correct any alleged failure of process or causes of undue delay, which may include elevating matters to the Board.
- b) Providing advice to the Board under the intervention procedure in 8.1
- c) Monitoring and reviewing the effectiveness of:
 - i) RGSs in meeting their purpose
 - ii) The procedures defined in the Code and the Manual for managing the creation, revision or withdrawal of RGSs.
- d) Providing advice to the Department for Transport (DfT) and the Office of Rail Regulation (ORR) on the role of the requirements in RGSs as national technical rules or national safety rules and the implications of these roles for the management of RGSs.

4.2.3 It is permissible for ISCC to have other, additional, purposes. These other purposes shall be defined in the Manual.

4.3 Standards Committees

4.3.1 Committees, known as Standards Committees and reporting to ISCC, shall be established and maintained.

4.3.2 The purpose of the Standards Committees shall include:

- a) Directing, prioritising and approving the creation of RGSs and the development, revision and withdrawal of RGSs.
- b) Identifying and proposing new requirements, or improvements to requirements defined in existing RGSs, or the withdrawal of requirements from existing RGSs.
- c) Ensuring the suitability of the requirements in RGSs as:
 - i) National technical rules, or
 - ii) National safety rules.
- d) Approving deviations from requirements in RGSs.
- e) Identifying and proposing improvements to the procedures defined in the Code and the Manual for managing the creation, revision or withdrawal of RGSs.
- f) Monitoring and reviewing the TSIs and other European standards in order to identify any necessary revisions to requirements in RGSs.
- g) Directing, prioritising and approving resources to support industry's input to European standards activities relevant to RGSs.
- h) Informing ISCC about issues which could have significant implications for the mainline railway system.

4.3.3 Other than items 4.3.2a) and d), Standards Committees may delegate to sub-committees any of the activities listed in 4.3.2, subject to such terms and restrictions as they may specify. Any sub-committee having delegated authority for the activities listed in 4.3.2 shall from time-to-time provide a report on those activities to the Standards Committee delegating the activities.

4.3.4 It is permissible for the Standards Committees to have other, additional, purposes. These other purposes shall be defined in the Manual.

4.4 Membership of committees

4.4.1 The membership of ISCC and of each Standards Committee shall, as a minimum, allow for a representative of each of the industry categories entitled to be represented on the Board and a representative of RSSB.

Other than the Chairman of ISCC and the Chairman of a Standards Committee, each member of ISCC or a Standards Committee representing an industry category shall represent the views of their industry category.

- 4.4.2 A committee may co-opt persons to be members of that committee where it appears to the committee that such persons will better enable it to fulfil its functions, provided that the majority of the committee members are representatives of the industry categories referred to in 4.4.1.
- 4.4.3 The DfT and the ORR may each appoint an observer to ISCC, each Standards Committee and any sub-committee.
- 4.4.4 Information about ISCC and each Standards Committee shall be published which:
- a) Lists the name of each member of the committee representing an industry category, the industry category that the member represents, and the company for which the member works
 - b) Lists the name of the member of the committee representing RSSB
 - c) Lists the name of each person co-opted as a member of the committee and the company for which the person works, where the committee intends that person to be a member of the committee for a period of greater than one year
 - d) Lists the name of any DfT and ORR observers to the committee, and
 - e) Identifies the Chairman of the committee.

4.5 Method of decision taking by committees

- 4.5.1 All decisions taken by committees 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
 - b) A process that involves seeking to take into account the views of all the members of the committee concerned and to reconcile conflicting arguments.
- 4.5.2 When, in the opinion of the Chairman, a committee is unable to achieve consensus and undue delay would result, the decision shall be elevated to the Board under the intervention procedure in 8.1.

4.6 Administrative support for committees

- 4.6.1 RSSB is responsible for the administration of ISCC, Standards Committees and sub-committees and their meetings, and the provision of the resources, support and information necessary for their operation.

5 Scope, decision taking principles and content of RGSs

5.1 Scope of RGSs

5.1.1 A requirement is within the scope of RGSs if it meets the characteristics of either:

- a) A national technical rule (NTR) as set out in the Railway Interoperability Directive 2008/57/EC, or
- b) A national safety rule (NSR) as set out in the Railway Safety Directive 2004/49/EC,

and satisfies any criteria set out from time-to-time in the Manual.

5.1.2 Requirements setting safety targets for the railway system are not within the scope of RGSs.

5.1.3 Requirements on safety management systems and safety certification of railway undertakings or safety authorisation of infrastructure managers are not within the scope of RGSs.

5.2 Decision taking principles

5.2.1 In taking decisions related to requirements, including decisions on proposals for change to requirements in RGSs and deviations from requirements in RGSs, Standards Committees shall only approve solutions which:

- a) Enable the railway system and its subsystems to meet the essential requirements, and
- b) Promote the long-term best interests of the mainline railway system as a whole.

5.2.2 In taking decisions on proposals for change to requirements in RGSs, Standards Committees shall only approve solutions which also foster the development of a single European rail transport system.

5.3 Content of RGSs

5.3.1 Each RGS shall identify:

- a) Its intended purpose and scope.
- b) The requirements to be applied and, if further clarification is required, what is to be done in order to comply with those requirements.
- c) Where appropriate, how conformity with each requirement may be assessed.
- d) In the case of a process prescribing how subsystems and interfaces must be operated or managed, who is responsible for putting the process into effect.
- e) When each requirement shall be complied with in respect of new, renewed or upgraded subsystems or parts of subsystems; or when each process shall come into effect.

- 5.3.2 The compliance dates referred to in 5.3.1e) shall allow (so far as practical) a reasonable time for industry parties, whom the relevant Standards Committee considers may be materially affected by the change, to make consequential changes within their businesses.

6 Changes to RGSs

6.1 Proposals for change to RGSs

- 6.1.1 Any party may submit a proposal to create a new requirement in a RGS, or to revise or withdraw a requirement in an existing RGS.
- 6.1.2 ISCC or a Standards Committee shall submit a proposal for change to a RGS when there are reasonable grounds for considering that the creation, revision or withdrawal of a requirement in a RGS is necessary.
- 6.1.3 A proposal shall:
- a) Clearly describe the intention of, and reasons for, the proposed change to a requirement in a RGS.
 - b) State when this change is needed and the reasons for the stated timescale.
 - c) Provide relevant supporting information to assist the Standards Committee in taking a decision in accordance with 5.2, regarding whether to proceed with the proposal.
- 6.1.4 The method of submitting proposals for change to RGSs shall be set out in the Manual.
- 6.1.5 The proposer shall be kept informed of progress with the proposal and also of any significant amendments to it, with an explanation for these amendments.

6.2 Consideration of proposals for change to RGSs by Standards Committees

- 6.2.1 The relevant Standards Committee shall review each proposal for change to a RGS (except for any which are trivial or vexatious), considering whether the proposal is sufficiently complete, based on the requirements in 6.1.3.
- 6.2.2 The relevant Standards Committee shall decide, using the decision taking principles set out in 5.2, whether to proceed with the proposal.

6.3 Production of RGSs

- 6.3.1 Appropriate expertise and experience shall be employed in the production of RGSs to achieve the necessary quality of output.
- 6.3.2 Where specific expertise is required and that expertise is not readily available, the necessary expertise shall be procured from a suitable source.

6.4 Determination of consultation requirements by Standards Committees

- 6.4.1 For each proposed change to a RGS the relevant Standards Committee shall determine the manner in which consultation is to be undertaken in accordance with either 6.5 or 6.6. If consultation is to be undertaken in accordance with 6.5 the relevant Standards Committee shall determine:
- a) The amount of the RGS that should be subject to consultation, and
 - b) The time allowed for consultees to respond to the consultation.

6.5 Process for full consultation with industry

- 6.5.1 For each proposed change to a RGS the parties listed below shall be consulted:
- a) All transport operators who must currently comply, or may reasonably be expected to have to comply in future, with that RGS.
 - b) Those parties, having a representative on a Standards Committee, who have indicated a preference for being notified of proposed changes to the RGS in question.
 - c) Any representative associations whose members might (in the relevant Standards Committee's reasonable opinion) be directly affected by the proposed change.
 - d) Any other parties, including trades unions and passenger groups, whom a Standards Committee reasonably considers, in relation to the particular RGS, will assist them in assessing the matters listed in 5.2.
- 6.5.2 Those parties who fall into paragraphs 6.5.1 a) to d) above shall be advised of the existence of the relevant consultation information on a website.
- 6.5.3 A facility shall be provided for any other party that wishes to comment to do so through the website.
- 6.5.4 Once the consultation is complete, the relevant Standards Committees shall:
- a) Consider fully and fairly all comments received, taking account of the material interests of the party commenting, and
 - b) Determine if and how the proposed change to the RGS should be amended in response to the consultation comments.
- 6.5.5 The relevant Standards Committee shall approve the consultation comments and associated responses which shall be published and sent to those parties who commented on the proposed change.

6.6 Consultation with Standards Committees

- 6.6.1 Where a change to a RGS is expected to have a limited impact, the relevant Standards Committee may decide that consultation can be undertaken by Standards Committee members within the Committee meeting.

6.7 Approval and authorisation

- 6.7.1 All new, revised or withdrawn requirements in a RGS shall require the approval of the relevant Standards Committee.
- 6.7.2 After approval and prior to authorisation, it is permissible for:
- a) Typographical errors in the RGS to be corrected, and
 - b) The text of the RGS to be amended where that would bring clarity, provided the correction or amendment does not change the approved meaning of any requirement.
- 6.7.3 Following Standards Committee approval, RSSB shall authorise a change to requirements in a RGS, provided, in the opinion of RSSB, the procedure set out in the Code and the Manual has been followed and the decision taking principles set out in 5.2 have been applied correctly.
- 6.7.4 Where RSSB withholds authorisation of a change to requirements in a RGS it shall provide reasons to the Standards Committee. The Standards Committee may reconsider the RGS, taking into account RSSB's reasons for withholding authorisation, and re-submit the RGS to RSSB for further consideration.

6.8 Publication of RGSs

- 6.8.1 On authorisation of new, revised or withdrawn requirements in a RGS:
- a) The relevant RGS shall be published or withdrawn as required, and
 - b) The following parties shall be informed, specifying when the change will become effective:
 - i) Relevant Standards Committees
 - ii) All parties 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.

6.9 Reviewing the effectiveness of RGSs

- 6.9.1 All RGSs shall be subject to a periodic review to determine their on-going fitness for purpose.
- 6.9.2 If, in the opinion of ISCC or a Standards Committee, a requirement in a RGS has ceased to be fit for purpose, a proposal for change to the RGS shall be submitted in accordance with 6.1.2.
- 6.9.3 The frequency and procedure for the review of RGSs shall be defined in the Manual.

6.10 Availability of withdrawn documents

6.10.1 A collection of the following documents shall be maintained and published:

- a) RGSs withdrawn in accordance with the procedures set out in this or earlier issues of the Code.
- b) Such equivalent predecessor documents published by the British Railways Board, Railtrack PLC, Railway Safety or RSSB as are available.

7 Deviations from RGSs

7.1 Deviation applications

- 7.1.1 An application for a deviation from a RGS may be made by:
- a) Any party who must currently comply, or may reasonably be expected to have to comply in future, with the RGS, or
 - b) A third party acting on behalf of, and with the support of, any party who must currently comply, or may reasonably be expected to have to comply in future, with the RGS.
- 7.1.2 Regardless of which party submitted the application, a deviation from a RGS shall be granted only to one or more specified parties who must currently comply, or may reasonably be expected to have to comply in future, with the RGS.
- 7.1.3 The method of submitting applications for a deviation shall be set out in the Manual.
- 7.1.4 All applications to deviate from a requirement in a RGS shall:
- a) Clearly state the alternative provisions that will apply in place of the relevant requirement.
 - b) Clearly state the scope of the deviation application.
 - c) Clearly state any limitations on its duration.
 - d) Demonstrate why it is not reasonable, in the particular circumstances, to comply with the existing requirement in the relevant RGS on either a temporary or a permanent basis.
 - e) Demonstrate why the proposed alternative provisions are reasonable, including a suitable and sufficient supporting analysis.
 - f) Include the results of any consultation that has been undertaken with affected parties.

7.2 Consideration of deviation applications by Standards Committees

- 7.2.1 The relevant Standards Committees, or their Chairmen in accordance with 7.4.2, shall review each deviation application (except for any which are trivial or vexatious) and consider whether it is sufficiently complete, based on the factors listed in 7.1.4.
- 7.2.2 If, in the opinion of a Standards Committee or its Chairman the deviation application is not sufficiently complete, the Standards Committee or its Chairman shall determine what additional information is required from the applicant to allow the relevant committee or Chairman to determine whether to approve the deviation.
- 7.2.3 If the deviation application is sufficiently complete, the relevant Standards Committee or Chairman shall determine whether to approve the deviation.

7.2.4 If, when considering a deviation application, the relevant Standards Committees or their Chairmen determine that there are reasonable grounds for revising the relevant RGS, a proposal for change to the RGS shall be submitted in accordance with 6.1.2.

7.3 Consultation on deviation applications

7.3.1 The applicant for a deviation shall:

- a) Consult all industry parties who are likely to be materially affected by the proposed deviation, and
- b) Present the results of that consultation to the relevant Standards Committees.

7.3.2 If the relevant Standards Committee, or its Chairman in accordance with 7.4.2, determines that further consultation on the deviation is required, it (or he) 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.

7.4 Approval and authorisation

7.4.1 Except as provided in 7.4.2 all proposed deviations from a RGS shall require the approval of the relevant Standards Committee.

7.4.2 A deviation application may 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 prescribed by that Standards Committee.

7.4.3 If the proposed deviation is not approved, the applicant shall be informed of the decision and the reasons for it.

7.4.4 After approval and prior to authorisation, it is permissible for:

- a) Typographical errors in a deviation to be corrected, and
- b) The text of the deviation to be amended where that would bring clarity to the deviation

providing the correction or amendment does not change the meaning of the approved deviation.

7.4.5 Following approval by the relevant Standards Committee, or its Chairman in accordance with 7.4.2, RSSB shall authorise a proposed deviation from a RGS provided, in the opinion of RSSB, the procedure set out in the Code and the Manual has been followed and the decision taking principles set out in 5.2 have been applied correctly.

7.4.6 Where RSSB withholds authorisation of a deviation it shall provide reasons to the relevant Standards Committee or its Chairman if approved under 7.4.2. The Standards Committee or its Chairman may reconsider the deviation, taking into account RSSB's reasons for withholding authorisation, and re-submit the deviation to RSSB for further consideration.

7.5 Publication

7.5.1 On authorisation:

- a) The applicant shall be informed that the deviation has been authorised, and
- b) The approved deviation shall be published.

7.5.2 The applicant shall then inform any parties who are likely to be materially affected by the deviation that it has been authorised.

8 Intervention and appeals

8.1 Board intervention

- 8.1.1 An intervention procedure shall be approved by the Board and published.
- 8.1.2 The intervention procedure shall include the requirement to publish reasons for action where that action relates to a RGS or a deviation and:
- a) The Board decides to take action itself, or
 - b) The Board directs another committee or body to take action.
- 8.1.3 The Board shall apply the intervention procedure if:
- a) The Board, following consultation with ISCC, considers a Standards Committee is failing in a material way to apply the requirements of the Code or the Manual (for example, without limitation, by failing to apply the decision taking principles set out in 5.2 correctly, causing undue delay or failing to act), or
 - b) The Chairman of a committee has elevated a decision to the Board because, in the opinion of the Chairman, the committee is unable to achieve consensus and undue delay would be caused as a result.

8.2 Appeals to the Board

- 8.2.1 An appeals procedure shall be approved by the Board and published.
- 8.2.2 The appeal procedure shall include:
- a) Timescales for:
 - i) The submission of appeals
 - ii) Withdrawal of appeals by the applicant
 - iii) The preparation of the appeal for the appeal hearing
 - iv) The appeal hearing, and
 - v) Notification of appeal hearing decisions.
 - b) The role of RSSB in submitting appeals to the Board
 - c) The declaration of interests by Board members at the appeal hearing
 - d) Legal representation at appeal hearings
 - e) Confidentiality requirements.
- 8.2.3 An appeal to the Board may be made by any interested party aggrieved in any material respect by any:
- a) Decision of ISCC, Standards Committees or RSSB
 - b) Delay or failure to act under the Code or the Manual by ISCC, Standards Committees or RSSB.
- 8.2.4 An appeal to the Board shall be lodged in writing, preferably in an electronic form.

8.2.5 Once the Board has taken a decision on an appeal, a written statement shall be prepared setting out the decision and the reasons for it.

8.2.6 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 appeal related.

8.3 Appeals to the ORR

8.3.1 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.

8.3.2 The ORR may adopt such procedures as it thinks fit in considering such appeals.

8.3.3 Any determination of the ORR in respect of an appeal shall be binding on all affected parties (including those parties with responsibilities for the management of RGSs).

9 Administration of the Code and the Standards Manual

9.1 Code implementation and transition arrangements

- 9.1.1 Issue Four of the Code replaces Issue Three in its entirety and is effective from 03 June 2013.
- 9.1.2 ISCC may direct that Issue Three 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 Four becomes effective.
- 9.1.3 All existing members of committees at the time Issue Four becomes effective shall automatically be deemed members of the relevant committee from the time Issue Four becomes effective.
- 9.1.4 The process for holding elections or re-nomination of members of the committees shall continue to the timescales which applied prior to Issue Four becoming effective.
- 9.1.5 All RGSs and deviations which are in force at the time Issue Four becomes effective continue to remain in force unless and until amended in accordance with Issue Four.
- 9.1.6 Except as provided in 9.1.2, all RGSs and deviations authorised on or after the date on which Issue Four becomes effective shall be authorised by the procedures described in this Code and Issue Three of the Manual.
- 9.1.7 Any reference in the Code to another document including, without limitation, any directive, statute or related subordinate instrument, regulation or measure, shall include any subsequent amendment to or replacement of that document.

9.2 Proposals to amend the Code

- 9.2.1 A proposal to amend the Code may be made by:
- a) Any party who must currently comply, or may reasonably be expected to have to comply in future, with RGSs
 - b) A third party acting on behalf of and with the support of any party who must currently comply, or may reasonably be expected to have to comply in future, with RGSs
 - c) A Standards Committee
 - d) ISCC
 - e) The ORR
 - f) The DfT
 - g) RSSB.
- 9.2.2 Any party making a proposal to amend the Code shall explain how it improves the fitness of the Code for the purpose defined in 1.2.1 and 1.2.2.
- 9.2.3 Each such proposal shall be submitted to ISCC for consideration.

9.3 Consideration of proposals to amend the Code by ISCC and the Board

- 9.3.1 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.
- 9.3.2 All such proposals and the associated ISCC recommendation shall be copied to the ORR.
- 9.3.3 If the Board rejects any such proposal, it shall give reasons to the proposer and the ORR for the rejection.

9.4 Consultation on proposed change to the Code

- 9.4.1 Where the Board supports a proposal for change, relevant parties shall be consulted on the proposed change, including:
- a) Parties who must currently comply, or may reasonably be expected to have to comply in future, with RGSS
 - b) The ORR, and
 - c) Such other parties as may reasonably be considered to be appropriate in order to assess the suitability of the Code as fit for the purpose set out in 1.2.1 and 1.2.2.
- 9.4.2 At least 20 working days shall be allowed for comments.
- 9.4.3 Once the consultation is complete, ISCC shall:
- a) Consider fully and fairly all comments received, taking account of the material interests and experience of the party commenting, and
 - b) Determine if and how the proposed change should proceed.
- 9.4.4 Once ISCC has approved the comments and associated responses, they shall be published and sent to those parties who commented on the proposed change.
- 9.4.5 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.

9.5 Approval of the revised Code

- 9.5.1 Once the responses referred to in 9.4.4 has been sent, approval of the revised Code shall be sought from the Board.
- 9.5.2 If that approval is given, the ORR shall be sent:
- a) The revised Code
 - b) A list of the changes
 - c) The reasons for the changes, including why the changes improve the fitness of the Code for the purpose in 1.2.1 and 1.2.2, and
 - d) A proposed period of time after the ORR approval in which the Code will come into force.

- 9.5.3 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 the purpose of the Code in 1.2.1 and 1.2.2, approve the revised Code subject to amendments specified by the ORR (after further consultation with the parties identified in 9.4.1), or
 - c) Reject the revised Code.
- 9.5.4 If the ORR approves the revised Code, with or without amendment, the ORR shall agree the date on which the revised Code will come into force.

9.6 Publication of the revised Code

- 9.6.1 Once the ORR has approved the Code, it shall be published.
- 9.6.2 Such publication shall be in satisfaction of any obligations to provide a copy of the Code to relevant parties, including the DfT and the ORR.

9.7 Production and maintenance of the Manual

- 9.7.1 RSSB shall produce and maintain a Standards Manual which describes how the requirements of the Code are to be delivered.
- 9.7.2 The Manual shall be produced and subsequently amended using the procedure defined in chapter 6, with ISCC acting in the role defined for the Standards Committee.
- 9.7.3 ORR approval shall not be required in respect of amendments to the Manual.
- 9.7.4 In the event of any conflict between the Code and the Manual, the Code shall take precedence.

9.8 Compliance with the Manual

- 9.8.1 The Manual shall be complied with by those with relevant responsibilities for meeting the requirements set out in the Code.

10 Publication

10.1 Publication

- 10.1.1 Where the Code refers to a document being published, the document shall be published on the World Wide Web in a position and with links which enable visitors to that site to locate it quickly and without difficulty.
- 10.1.2 Paper copies of the Code, the Manual and RGSs shall be obtainable (at a charge no greater than the ORR considers reasonable).

10.2 Costs

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