

Railway Standards Code

Governance arrangements for Railway Group Standards, Rail Industry Standards, National Operations Publications, and industry recommendations for revisions to National Technical Specification Notices

Issue: Five

Approved by the Office of Rail and Road

Effective date [TBC]

© Copyright 2023

Rail Safety and Standards Board Limited

Enquiries: <https://customer-portal.rssb.co.uk/>

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	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decision criteria and implementation of a decision framework) • Non-compliances (pending standards change) have been withdrawn and replaced by a process for small scale changes to Railway Group Standard • Deviation applicants must now consult affected parties prior to a Standards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 their application. • Paper hardcopies have been withdrawn as the means of issuing controlled copies of Railway Group Standards and replaced by the electronic copy available online (see www.rgsonline.co.uk)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	03 June 2013	Issue Four has been revised as follows:

Issue	Effective date	Comments
Four (the Code)		<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.
Railway Standards Code Issue Five (the Code)	[TBC]	<p>Amended to:</p> <ul style="list-style-type: none"> Expand the Code to include the governance procedures for RISs, NOPs and recommendations for NTSN revisions, and hence rename as the 'Railway Standards Code' Update the legislative context and other sections as necessary to reflect changes to the regulatory framework as a result of EU Exit. Clarify that deviations are only required for NTRs contained in an RGS required for authorisation to place into service. Make all language gender neutral.

Publication

This document is published by RSSB and is available through www.rssb.co.uk.

Contents

1	Background.....	5
2	Definitions	7
3	Responsibilities of transport operators	9
4	Committees	10
5	Scope, decision taking principles and content of railway standards	13
6	Changes to railway standards.....	14
7	Deviations from RGSs.....	17
8	Intervention and appeals.....	20
9	Administration of the Code and the Standards Manual.....	22
10	Publication.....	25

1 Background

1.1 Interoperability

- 1.1.1 The Railways (Interoperability) Regulations 2011 (as amended) place specific responsibilities on the Secretary of State with respect to the publication of National Technical Specification Notices (NTSNs) and supplementary National Technical Rules (NTRs).
- 1.1.2 Decisions regarding these technical standards are informed by the rail industry.
 - a) For NTSNs, this is through formal recommendations for revisions.
 - b) For NTRs, this is typically through Railway Group Standards (RGSs) which contain requirements that satisfy the conditions for national technical rules or national safety rules applicable to the mainline railway system.
- 1.1.3 The Railway Standards Code (the Code) therefore sets out the conditions under which the industry makes its decisions and provides recommendations to the Secretary of State regarding NTSNs and NTRs to ensure that they:
 - a) Are laid down in an open and non-discriminatory manner
 - b) Foster the development of a single rail transport system in Great Britain
 - c) Implement the essential requirements
 - d) Are published in clear language, and
 - e) Are made available to all interested parties.
- 1.1.4 The Code does not set out procedures by which these recommendations are made applicable as NTSNs or NTRs, on which the Secretary of State has reserved the right to make decisions. The Secretary of State also reserves the right to make decisions about NTRs applicable to the mainline railway system that are not RGSs.

1.2 Operating Licences

- 1.2.1 The Railways Act 1993 (as amended) requires transport operators to have a licence from the Office of Rail and Road (ORR). This includes a Statement of National Regulatory Provisions, which contains conditions for transport operators in relation to compliance with the Code and applicable RGSs and Rail Industry Standards (RISs).
- 1.2.2 The Code therefore also sets out a statement of the principles, which are approved by the ORR, upon which the industry shall base its decisions about RGSs and RISs and how these are published.

1.3 Purpose of the Code

- 1.3.1 The Code defines the procedures by which RGSs and RISs are:
 - a) Created, revised or withdrawn
 - b) Authorised
 - c) Published
 - d) Monitored and reviewed for effectiveness
- 1.3.2 The Code also defines the procedures by which:

- a) Deviations from RGSs are managed
- b) Recommendations for revisions to NTSNs are developed and authorised.

1.3.3 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 these procedures.

DRAFT

2 Definitions

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

Deviation

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

Essential requirements

As set out in Schedule 2 of the Railways (Interoperability) Regulations 2011 (as amended).

Industry Categories

As set out in the RSSB Constitution Agreement

Infrastructure manager

This has the meaning given to it in the Railways and Other Guided Transport Systems (Safety) Regulations 2006 (as amended), 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

Any party who is, or is likely to be, directly affected by the subject matter of an existing or proposed railway standard, or any variation thereto.

Mainline railway

This has the meaning given to it in the Railways and Other Guided Transport Systems (Safety) Regulations 2006 (as amended) 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

The mainline railway and the management and operation of the mainline railway as a whole.

National Operations Publication (NOP)

Defines instructions for direct application by staff employed by transport operators. An example is the Rule Book, containing modules and handbooks with instructions for operating personnel such as drivers, signallers, or track workers.

National safety rule (NSR)

As set out in the Railways and Other Guided Transport Systems (Safety) Regulations 2006 (as amended).

National technical rule (NTR)

As set out in the Railways (Interoperability) Regulations 2011 (as amended).

National Technical Specification Notice (NTSN)

As set out in the Railways (Interoperability) Regulations 2011 (as amended).

Rail Industry Standard (RIS)

A document produced under the procedures set out in the Code (or in previous versions of the Manual, or equivalent predecessor documents) that defines requirements in respect of the mainline railway system that are not within the scope of national technical rules or not necessary to define as a national technical rules.

Railway Group Standard (RGS)

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

Railway standard

Used in the Code to collectively refer to Railway Group Standards, Rail Industry Standards, National Operations Publications authorised by RSSB, and industry recommendations to the Department for Transport in relation to National Technical Specification Notices.

Railway undertaking

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

Requirement

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

RSSB

The Rail Safety and Standards Board Limited.

Subsystem

As set out in the Railways (Interoperability) Regulations 2011 (as amended).

Transport operator

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 (as amended) 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, or be elected for participation in, the Industry Standards Co-ordination Committee (ISCC), standards committees, and any sub-committees, drafting groups or drafting review groups.
- b) Encourage their suppliers to provide suitable representatives to participate in, or be elected for participation 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 an RGS or RIS
 - ii) An application for a deviation from an RGS
 - iii) A proposal to develop, revise or withdraw an NTSN
- 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 an RGS or RIS, or a deviation from an 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 and shall fulfil the intervention function set out in 8.1.

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 railway standards with direction, advice and guidance on matters including, but not limited to:
 - i) The interpretation of the Code
 - ii) European and international standards issues relevant to the mainline railway system which affect railway standards
 - iii) Prioritisation and resource allocation for changes to railway standards
 - iv) The reconciliation of uncertainty or conflict between standards committees
 - v) The impact of any changes in legislation on the content of railway standards
 - vi) Any strategies approved by the Board as relevant to railway standards
 - 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 and RISs in meeting their purpose
 - ii) The procedures defined in the Code and the Manual.
- d) Providing advice to the Department for Transport (DfT) and the Office of Rail and Road (ORR) on:
 - i) 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.
 - ii) the suitability of requirements in NTSNs and proposals to change these requirements.

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

4.3.3 Other than items 4.3.2 a), d) and e), 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.

4.4.2 Other than the chair of ISCC and the chair of a standards committee, each member of ISCC or a standards committee representing an industry category shall represent the views of their industry category.

4.4.3 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.

4.4.4 The DfT and the ORR may each appoint an observer to ISCC, each standards committee and any sub-committee.

4.4.5 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
- e) Identifies the chair of the committee
- f) Identifies the point of contact for the committee and lists their contact details

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 considering the views of all the members of the committee concerned and reconciling conflicting arguments.

4.5.2 When, in the opinion of the chair, 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 railway standards

5.1 Scope of RGSs and RISs

- 5.1.1 A requirement is within the scope of an RGS if it meets the characteristics of either a national technical rule or a national safety rule and satisfies any criteria set out in the Manual.
- 5.1.2 A requirement is within the scope of a RIS or a NOP if it satisfies any criteria set out in the Manual.
- 5.1.3 RSSB may produce related documents to support application of railway standards as set out in the Manual.
- 5.1.4 Requirements setting safety targets for the mainline railway system are not within the scope of RGSs or RISs.
- 5.1.5 Requirements on safety management systems and safety certification of railway undertakings or safety authorisation of infrastructure managers are not within the scope of RGSs or RISs.

5.2 Decision taking principles

- 5.2.1 In taking decisions related to requirements, including decisions on any proposals for changes to requirements in railway standards or deviations from requirements in RGSs, standards committees shall only approve solutions which promote the long-term best interests of the mainline railway system as a whole.
- 5.2.2 Additionally, in taking decisions on proposals for changes to requirements in RGSs or recommendations to revise NTSNs, standards committees shall only approve solutions which enable the mainline railway system and its subsystems to meet the essential requirements.

5.3 Content of RGSs and RISs

- 5.3.1 Each RGS and RIS shall identify:
 - a) Its intended purpose and scope.
 - b) The requirements to be met and, if further clarification is required, the rationale for the requirement and 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 are operated or managed, who is responsible for putting the process into effect.
 - e) Under what circumstances requirements are complied with or when processes come into effect.
- 5.3.2 5.3.1 e) 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 railway standards

6.1 Proposals for changes to railway standards

6.1.1 A change to a railway standard means:

- a) For RGSs, RISs and NOPs authorised by RSSB, creating new requirements, or revising or withdrawing existing requirements.
- b) For NTSNs, developing a formal industry recommendation to create new requirements, or to revise or withdraw existing requirements.

6.1.2 Any party, including ISCC or a standards committee, may submit a proposal to change a railway standard.

6.1.3 A proposal shall:

- a) Clearly describe the need for the proposed change to a requirement.
- 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 changes to railway standards shall be set out in the Manual.

6.1.5 The proposer shall be kept informed of progress with the proposal, and of any significant amendments to it, with an explanation for these amendments.

6.2 Consideration of proposals for changes to railway standards by standards committees

6.2.1 The relevant standards committee shall review each proposal for change to a railway standard (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 railway standards

6.3.1 Appropriate expertise and experience shall be employed in the production of changes to railway standards to achieve the necessary quality of output.

6.4 Determination of consultation requirements by standards committees

6.4.1 For each proposed change to a railway standard 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 railway standard 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 railway standard the parties listed below shall be consulted:
- a) All parties who have indicated a preference for being notified of proposed changes to that railway standard or relevant technical area.
 - b) Any other parties or representative associations whose members might (in the relevant standards committee's reasonable opinion) be directly affected by the proposed change.
 - c) Any other parties, including trades unions and passenger groups, whom a standards committee reasonably considers will assist them in assessing the matters listed in 5.2.
- 6.5.2 All parties who must currently comply or may reasonably be expected to have to comply in future with the standard shall be given the opportunity to indicate a preference for being notified of proposed changes to it.
- 6.5.3 Those parties who fall into points 6.5.1 a) to c) shall be advised of the existence of the relevant consultation information on a website.
- 6.5.4 A facility shall be provided for any other party that wishes to comment to do so through the website.
- 6.5.5 Once the consultation is complete, the relevant standards committees shall:
- a) Consider fully and fairly all comments received, taking account of the legitimate interests of the party commenting, and
 - b) Determine if and how the proposed change to the railway standard is amended in response to the consultation comments.
- 6.5.6 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 railway standard is expected to have a limited impact, as determined by the standards committee, or is urgently required in exceptional circumstances, 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 railway standard shall require the approval of the relevant standards committee.
- 6.7.2 Provided a correction or amendment does not change the meaning of any approved requirement, after approval and prior to authorisation, it is permissible for:
- a) Typographical errors to be corrected, and
 - b) The text to be amended where that would bring clarity.

- 6.7.3 Following standards committee approval, RSSB shall authorise a change to requirements in a railway standard, 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 an RGS it shall provide reasons to the standards committee. The standards committee may reconsider the railway standard, taking into account RSSB's reasons for withholding authorisation, and re-submit it to RSSB for further consideration.
- 6.7.5 On authorisation of the industry recommendation for new, revised or withdrawn requirements in an NTSN, RSSB shall issue this as a formal industry recommendation to the DfT.

6.8 Publication of RGSs, RISs and NOPs

- 6.8.1 On authorisation of new, revised or withdrawn requirements in an RGS, RIS or NOP:
- a) The relevant RGS, RIS or NOP 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 have indicated a preference for being notified of changes to the RGS, RIS or NOP in question.

6.9 Reviewing the effectiveness of RGSs and RISs

- 6.9.1 All RGSs and RISs shall be subject to a periodic review to determine their ongoing fitness for purpose.
- 6.9.2 If, in the opinion of ISCC or a standards committee, a requirement in an RGS or RIS has ceased to be fit for purpose, a proposal for change shall be submitted in accordance with **Error! Reference source not found..**
- 6.9.3 The frequency and procedure for the review of RGSs and RISs 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, RISs or NOPs withdrawn in accordance with the procedures set out in this or earlier issues of the Code or Manual.
 - 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 an NTR contained in an RGS shall be made by:

- a) Any party who must currently comply, or may reasonably be expected to have to comply in future with it under the Railways (Interoperability) Regulations 2011 (as amended), 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 it under the Railways (Interoperability) Regulations 2011 (as amended).

7.1.2 A deviation from an NTR contained in an 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 it.

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 an 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 the duration for which it is intended to apply, either permanently or temporarily until a specific date.
- d) Demonstrate why it is not reasonable, in the particular circumstances, to comply with the relevant requirement for the defined duration of the deviation.
- e) Demonstrate why the proposed alternative provisions are reasonable and satisfy the intent of the requirement proposed to be deviated from, including a suitable and sufficient supporting analysis.
- f) Include the results of consultation undertaken with affected parties.

7.2 Consideration of deviation applications by standards committees

7.2.1 The relevant standards committees, or its chair in accordance with 7.4.2, shall review each deviation application (except for any which are trivial or vexatious, as determined by the standards committee chair) 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 chair, the deviation application is not sufficiently complete, the standards committee or its chair shall determine what additional information is required from the applicant to allow the relevant committee or chair to determine whether to approve the deviation.

7.2.3 If, when considering a deviation application, the relevant standards committees or their chair determine that there are reasonable grounds for revising the relevant

RGS, a proposal for change to the RGS shall be submitted in accordance with **Error! Reference source not found.**

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 this, and
- b) Present the results of that consultation to the relevant standards committees.

7.3.2 If the relevant standards committee, or its chair in accordance with 7.4.2, determines that further consultation is required, it (or they) 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 an NTR contained in an RGS shall require the approval of the relevant standards committee.

7.4.2 A deviation application may be approved by a standards committee chair 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 application is not approved, the applicant shall be informed of the decision and the reasons for it.

7.4.4 Provided a correction or amendment does not change the meaning of the approved deviation, after approval and prior to authorisation, it is permissible for:

- a) Typographical errors to be corrected, and
- b) The text to be amended where that would bring clarity.

7.4.5 Following approval by the relevant standards committee, or its chair in accordance with 7.4.2, RSSB shall authorise a proposed deviation from an RGS provided, in the reasonable 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 chair if approved under 7.4.2. The standards committee or its chair may reconsider the deviation, considering RSSB's reasons for withholding authorisation, and re-submit the deviation application 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) An approved deviation certificate 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.

DRAFT

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 an NTSN, an RGS, a RIS or a deviation and:
 - a) The Board decides to act itself, or
 - b) The Board directs another committee or body to act.
- 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 chair of a committee has elevated a decision to the Board because, in the opinion of the chair, 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 RGSSs).

9 Administration of the Code and the Standards Manual

9.1 Code implementation and transition arrangements

- 9.1.1 Issue Five of the Code replaces Issue Four in its entirety and is effective from [dd-mmm-yyyy].
- 9.1.2 ISCC may direct that Issue Four of the Code (or any part thereof) shall continue to apply to any decision regarding an RGS or deviation which is in the course of being processed at the time Issue Five becomes effective.
- 9.1.3 All existing members of committees at the time Issue Five becomes effective shall automatically be deemed members of the relevant committee from the time Issue five becomes effective.
- 9.1.4 The process for holding elections or re-nomination of members of the committees which are underway at the time Issue Five becomes effective shall continue to the timescales which applied prior to Issue Five becoming effective.
- 9.1.5 All RGSs and deviations which are in force at the time Issue Five becomes effective continue to remain in force until amended in accordance with Issue Five.
- 9.1.6 Except as provided in 9.1.2, all RGSs and deviations authorised on or after the date on which Issue Five becomes effective shall be authorised by the procedures described in this Code and Issue Four of the Manual.
- 9.1.7 Any reference in the Code to another document including, without limitation, any 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 NTSNs, RGSs, RISs or the Code
 - 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 NTSNs, RGSs, RISs or the Code
 - 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 1.3.
- 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 NTSNs, RGSSs, RISs or the Code
 - 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 1.3.
- 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 in line with the procedures set out in the RSSB Constitution Agreement, including approval 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 1.3, 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 1.3, 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 online in a position and with links which enable visitors to that site to locate it quickly and without difficulty.

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.