Network Rail Response to Government Consultation

This is Network Rail Infrastructure Limited's ("Network Rail") response to this consultation.

Network Rail owns and operates Great Britain's railway network and has statutory and regulatory obligations in respect of it. Network Rail is a statutory undertaker in respect of its railway undertaking and has a statutory obligation to protect the rail infrastructure and procure the availability of safe train paths. As such we are required to take an active interest in any matters which may impact the network and/or which potentially could affect the safe operation of the railway. In this regard it is essential that Network Rail is aware of any and all proposals which may interface with, or impact on, the railway.

Question 1

Yes.

Question 2

Yes.

Question 3

Closure should be introduced across Scotland at one time.

Question 4

We consider that the Sasine Register should not be closed to any further deeds at this time. As an example of justification for that approach, we would refer to your comments at paragraph 29 of the Consultation, as they relate to Deeds of Servitude. Those comments imply that no material addition costs would be incurred as the title deeds would have already been investigated. However, that logic does not necessarily hold in Network Rail's case – due to the unique nature of our estate and ownership history, Network Rail does not necessarily exhibit/prove title in the same way as other commercial land owners. For instance, we often expect grantees to rely on our description of the historic devolution of title, rather than compiling and producing the (sometimes very extensive and historic) title deeds to evidence that.

Question 5

Yes.

Question 6

Yes. Otherwise one might be in danger of creating a situation which is inconsistent with the overall policy objective.

Question 7

We agree that a reduced fee would be appropriate and the suggested 10% reduction seems sensible in all the circumstances.

Question 8

As flagged in our response to question 9, we would not want Network Rail to be made subject to the pilot and are pleased to note that does not seem to be the intention. Otherwise, we have no further comments on this question.

Question 9

We do not consider that further elements should be included in the pilot at this stage. In particular, Network Rail would not wish to be part of any KIR pilot at this time. Any such involvement would give rise to significant resourcing and cost issues which we refer to in more detail in our responses to questions 10 and 11 below.

Question 10

Network Rail is in a special position as a publicly subsidised statutory infrastructure manager and owner of a national, primarily linear, network which is of national political, social and economic significance. KIR could accordingly give rise to further significant issues for Network Rail, of a regulatory and funding nature and otherwise. Until such time as Network Rail has been given the opportunity more fully to consider the implications of KIR (and we note a further consultation is scheduled for late 2015, which we do think is very important), Network Rail retains very significant reservations about any proposal to make it subject to KIR. As a result, Network Rail presently retains the view that it should not be subject to KIR. Nevertheless, Network Rail understands the rationale behind KIR and what the Registers of Scotland is trying to achieve. As such, Network Rail would, without obligation, be willing to discuss voluntary registration as a separate matter with the Keeper.

Question 11

Given Network Rail's huge land holding and the work involved, there would, in reality, be a significant cost and resourcing implications for Network Rail in relation not only to internal/external legal costs, but also mapping and other support functions. Additionally, given the funding mechanism within which Network Rail operates – by reference to Control Period funding as approved by the Office of Rail Regulation – this would further constrain Network Rail's funding options.