

Response by Lord Berkeley to the Department for Transport's consultation – A railway fit for Britain's future;

**15 April 2025**

Over the last few decades since privatisation, the railways have changed a great deal on how they deal with passengers and freight, the role of government and ministers with regular changes to the structure of the railways and their financing.

### **Relationship between Government and railways**

This new attempt to separate and clarify who is responsible for what follows on from previous ones – with the Strategic Rail Authority – which challenged the relationship between ministers and the railway and caused many upsets.

More recently, we have had a situation where passenger services were mainly franchised, freight and open access operators were more independent and Network Rail remaining in some form of government control.

It has come to this largely because politicians want to keep control of the railway but not get blamed when things go wrong, or budgets overrun. It is always useful to compare the involvement of national politicians in rail compared with bus; how many national politicians use bus regularly? How many politicians use rail more than once a week to get to and from Westminster.

So, on rail this has resulted in politicians wanting to control as much about rail as possible without being seen to be the cause of rail's failure. For the last few years, we have seen endless examples of passenger operators not being able to run services as they might wish even if the finance or revenue is there, without having to obtain the covert approval of the DfT. E.g. strikes, provision of refreshment on trains, HS2 costs etc, etc.

This is still the case today – it is generally denied by ministers who will say that any decision by a TOC is down to the TOC, but this is just window dressing and not the case.

My interest is to discover how and if the new structure with GBR will change this for the better.

I respond to some of the Questions in the Consultation below.

### **Questions 1, 2 and 3**

The role of GBR has been created to avoid fragmentation of the railway, but the extent to which it can achieve this must be open to question. GBR as planned will run most passenger services except open access ones, and be the infrastructure manager (IM), ensure a safe and cost effective infrastructure and also be responsible for allocation of train paths; but there is an immediate conflict between the needs of the IM to have access to the tracks for maintenance etc, the needs of GBR passenger trains, the needs of open access passenger operators and the needs of freight operators. There is a massive conflict of interest here, worse than at present, which GBR will not be able to resolve. Only the provision of the ORR in a beefed-up mode would be able to resolve this.

Of course, this could be mitigated if ministers were to allow more open access operators, but they seem to be against any such option, presumably for fear of upsetting some of the railway stakeholders.

So GBR will take its strategic direction from ministers and become the 'single directing mind' bringing together responsibility for the rail network itself, and for the publicly owned passenger services that run on it.

How different is that from the SRA created over 20 years ago; defined in Wikipedia as:

*'The **Strategic Rail Authority (SRA)** was a non-departmental public body in the [United Kingdom](#) set up under the [Transport Act 2000](#) to provide strategic direction for [the railway industry](#).<sup>[1]</sup> Its motto was 'Britain's railway, properly delivered'. It was abolished by the [Railways \(Abolition of the Strategic Rail Authority\) Order 2006](#), its functions being absorbed by the [Department for Transport](#) or the [Office of Rail Regulation](#) (now the [Office of Rail and Road](#)).'*

So it did not work in the naughtiest; how is this GBR so different?

Why did it not work? Largely, because of disagreement between the SRA and its terms of references, and the wishes of ministers.

**Question 6:** It is unclear how the passenger compensation will work, and how if at all the compensation will be funded by the 'guilty' party (?the IM), the GBR owned passenger TOC or the open access passenger or freight operator. Again, a massive conflict of interest here. The role of the ORR must remain or be strengthened.

**Question 13.** Urgent need to sort out fares, and to retain competition in the retail sector for tickets. There is absolutely no need for GBR to be a monopoly supplier of tickets.

**Question 14.** The same arrangements for open access applications and operation should be retained. Again, with GBR controlling access through the IM and controlling the GBR passenger operators, there is again a conflict of interest here, and also a lack of transparency. For example, who will be able to know whether the IM or the GBR TOC is causing most delays? Should the public need to know or care? Presumably this information will be kept confidential to the S of S only.

Will parliament be able to question ministers on such delay attribution and seek out the reasons?

**Question 15 et seq.** Again, the current DfT control is there even though it is not explicit. For real devolution to work, train operation and IM work should be devolved with access for other operators agreed as a continuation of the current ORR responsibilities. Consistency between the arrangements for Scotland, Wales, the major regions is necessary.

**Conclusion.** From information available so far, it would appear that most of the improvement needed to the organisation of the railways can be achieved by improving the management of the various government owned parts of the system, and encouraging open access where appropriate, strengthening the powers of the ORR and bringing some transparency to the arrangements between the railway sector and ministers.

Does this need legislation?

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