

BRIEFING NOTE

Comparison of ALLRAIL Railways Bill Asks vs Transport Committee Report

12th February 2026

Introduction

Below is a structured comparison showing **which of ALLRAIL's asks in its submission to the Public Bill Committee, which has scrutinised the Railways Bill, have been addressed (fully, partially, or not at all)** in the **House of Commons Transport Committee's Railways Bill report** (Eighth Report of Session 2024–26) published on 10 February 2026.

We have grouped the analysis by **ALLRAIL ask**, then assessed **alignment with Transport Committee conclusions or recommendations**, with page/section references where relevant.

1. Fair, transparent and non-discriminatory decision-making by GBR

ALLRAIL ask:

- Explicit statutory function on GBR to act **fairly, transparently and non-discriminatorily**, especially towards non-GBR operators (open access, freight, devolved services).
- Address inherent conflict of interest where GBR both operates services and controls access.

Transport Committee outcome:

⚠️ Very partially addressed

- The Committee repeatedly highlights **governance and accountability** arising from GBR's concentration of powers (Chapter 3, paras 15–21).
- It explicitly warns against **political interference and micromanagement** and stresses the need for **clarity, safeguards and accountability** in GBR's role.
- However, the Committee **does not recommend an explicit statutory "fair and non-discriminatory" duty or function on GBR** akin to what ALLRAIL proposes.

Assessment:

- The *problem* ALLRAIL identifies is partially recognised.
- The *specific legal solution* ALLRAIL proposes is **not adopted**.

2. Retaining competitive tendering for designated passenger services

ALLRAIL ask:

- Do not lock the system into **direct awards only, by the Secretary of State, Scottish and Welsh Ministers**, to GBR/GBR companies.
- Preserve the option for **competitively tendered services** in future.
- Include a duty on GBR to support devolution of rail services.

Transport Committee outcome:

✗ Not addressed

- The Committee does not challenge the Bill's move toward **exclusive direct awards**.
- There is no recommendation to retain competitive tendering as a future option.
- Devolution is discussed structurally and there is a recommendation that Mayoral Strategic Authorities should be statutory consultees on the Long-Term

Rail Strategy, and GBR should be required to give weight to their Local Transport Plans. However, there is no requirement for GBR to facilitate the devolution of rail services and it is **not linked to market testing or competition**.

Assessment:

- This is a **clear gap** between ALLRAIL's submission and the Committee's conclusions.

3. Network access and charging: independence, safeguards and ORR's role

ALLRAIL ask:

- Prevent GBR from being sole arbiter of access where it is also an operator.
- Retain ORR as final decision-maker on access and charging. If not, then ensure that there is a fair and non-discriminatory provision in the Bill which would be a strong basis for appeals to be made to the ORR.
- Preserve existing access arrangements and tests (e.g. Not Primarily Abstractive), including using the same charging methodology as is used today.
- Prevent primacy for GBR services in capacity and charging rules.

Transport Committee outcome:

⚠ Very partially addressed

- The Committee dedicates an entire chapter to **network access** (Chapter 4).
- It acknowledges the concerns that Stakeholders have in that GBR could prioritise its own services and crowd out others. It also acknowledges concerns over the apparent conflict of interest with GBR's role as an operator of passenger services and the potential effect on other users or would-be users of the network.
- It recognises the importance of **independent regulation**, particularly as an appeals body in the new structure.

- It does acknowledge that the appeals mechanism to ORR is overly narrow and that operators should have the ability to appeal access decisions to the Office of Rail and Road 'on additional grounds'. The recommendations are focused on freight but would apply to open access operators too. The report does not specify what 'additional grounds' means.
- It does recognise that there needs to be a hierarchy between clauses 60 and 63, that is, GBR must first produce an infrastructure capacity plan before the capacity duty applies.
- **It does not explicitly recommend retaining ORR's current decision-making role.** Nor does it address specific mechanisms such as:
 - the NPA test,
 - capacity primacy clauses,
 - or charging methodologies.

Assessment:

- Strategic concerns are acknowledged.
- ALLRAIL's **operational and legal detail is not reflected** in the recommendations.

4. Limits on Secretary of State powers over access right and contracts

ALLRAIL ask:

- Narrow or remove sweeping powers allowing the Secretary of State to amend or terminate access contracts and rights.
- Preserve investor confidence and legal certainty.

Transport Committee outcome:

⚠ Very partially addressed

- The Committee repeatedly raises concerns about the **breadth of powers held by the Secretary of State.**

- It warns of tension between democratic accountability and operational independence.
- It recognises that the broad powers for the Secretary of State to alter existing access agreements could have a dampening effect on long-term investment in the railways by giving rise to uncertainty. However, the recommendation that the SoS should consult before regulations are issued is too weak.

Assessment:

- The Committee recognises the *constitutional risk*, and the *commercial one* emphasised by ALLRAIL but does not specifically recommend removing some of the powers for the SoS in the Bill, in particular powers allowing the Secretary of State to amend or terminate access contracts and rights.

5. Passenger growth duty (symmetry with freight growth target)

ALLRAIL ask:

- Statutory duty on GBR to **promote passenger growth**.
- Passenger growth target set by Secretary of State, mirroring freight.

Transport Committee outcome:

Addressed

- The Committee explicitly recommends placing the Secretary of State under a **duty to set a passenger growth target** (Summary and Chapter 3).
- It links passenger growth to decarbonisation, economic outcomes, and the purpose of GBR.
- This aligns with ALLRAIL's proposal.

Assessment:

- This is the **strongest point of alignment** between ALLRAIL and the Committee.

6. Value for money duty

ALLRAIL ask:

- Broader **value-for-money duty** on GBR, not merely efficient spending.
- Focus on outcomes for passengers, communities, and taxpayers.

Transport Committee outcome:

✗ Not addressed

- The Committee does stress the importance of **outcomes**, not least in the Government's long-term strategy.
- It highlights stakeholders' interests in setting out the definition of best value.
- However, it does not recommend a **specific statutory value-for-money duty** as framed by ALLRAIL.

Assessment:

- Direction of travel loosely aligns; drafting does not.

7. Impartial retailing and competitive ticketing market

ALLRAIL ask:

- Retain impartial retailing obligations.
- Ensure GBR retail treats all operators fairly.
- Promote competition in ticket retail.

Transport Committee outcome:

✗ Not addressed

- Retailing, ticket distribution and competition between retailers are **explicitly outside the scope** of the Committee's inquiry but will be part of its ongoing work (para 13).
- No recommendations touch on impartial retailing.

Assessment:

- Entirely **unaddressed**.

High-level summary table

ALLRAIL ask	Status
Fair & non-discriminatory GBR duty	⚠️ Very partially addressed
Competitive tendering of services	✗ Not addressed
Network access safeguards / ORR role	⚠️ Very partially addressed
Limits on SoS contract powers	⚠️ Very partially addressed
Passenger growth duty	✓ Addressed
Value-for-money duty	✗ Not addressed
Impartial retailing	✗ Not addressed