

Claire Brooks
Access Executive



16th April 2024

Iain Shields
Customer Support Manager
Network Rail Infrastructure Ltd
151 St Vincent Street
Glasgow
G2 5NJ

John Kerr
Regulated Contracts Manager
ScotRail Trains Ltd
Atrium Court
Glasgow
G2 6HQ

Dear Iain and John,

Approval of the 44th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and ScotRail Trains Limited (t.a ScotRail) dated 3 March 2016.

We have today approved the above supplemental agreement submitted to us formally on 11 April under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. This letter explains the reasons for our decision.

Purpose

The purpose of this agreement is to allow ScotRail to amend Schedule 4 and Schedule 8 of their contract to incorporate new infrastructure at Leven. It is a requirement under Schedule 4 and 8 that passenger services are registered at CMPs. Leven was suitable as this is an origin/destination location and a natural place for the CMPs to be registered on the new passenger route. There is also an amendment to two service codes in Schedule 5 which were combined in the 41st SA within schedule 4 and 8.

The changes will commence SCD 2024 and will cease at the end of the contract.

Industry consultation

Head Office: 25 Cabot Square, London E14 4QZT: 020 7282 2000 orr.gov.uk



No Industry consultation was needed as this SA relates to Schedule 8 and Schedule 4 amendments. Publishing Sch 8 data would be prejudicial to the operator and details are redacted on the ORR website. Schedule 4 amendments are normally permitted via a GA, but these are embargoed currently so this was included in the SA.

ORR review

Our review of the application raised no operational, performance or economic concerns.

Our duties under section 4 of the Act and our decision

We have concluded that approval of this supplemental agreement strikes the appropriate balance in discharging our statutory duties under section 4 of the Act; in particular, those relating to protecting the interests of users of railway services (section 4(1)(a)), promoting the use of the railway network for the carriage of passengers (section 4(1)(b)) and enabling persons providing railway services to plan their businesses with a reasonable degree of assurance (section 4(1)(g)).

Conformed copy of the track access agreement

Under clause 18.2.4 of the track access contract, Network Rail is required to produce a conformed copy, within 28 days of any amendment being made, and send copies to ORR and the Train Operator. Please send the conformed copy to me at ORR.

Public register and administration

Electronic copies of this letter, the approval notice and the agreement will be sent to the Department for Transport and Network Rail's Policy and Access Team. Copies of the approval notice and the agreement will be placed on ORR's public register (website) and copies of this letter and the agreement will be placed on the ORR website.

Yours sincerely

Claire Brooks