

**Louise Beilby**  
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18 November 2020

Nicholas Prag  
Customer Relationship Executive  
Network Rail Infrastructure Ltd  
151 St Vincent Street  
Glasgow  
G2 5NW

Sam Price  
Head of Contracts  
Abellio ScotRail Ltd  
Atrium Court  
50 Waterloo Street  
Glasgow  
G2 6HQ

Dear Nicholas and Sam

**Approval of the 23rd supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Abellio ScotRail Limited dated 3 March 2016**

We have today approved the above supplemental agreement submitted to us formally on 18 November 2020 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 grant Abellio ScotRail the rights necessary to operate the service between Dunbar and Edinburgh Waverley/Haymarket formerly operated by Cross Country Trains. There are also some reductions in contingent rights elsewhere in service group HA02, and a rewrite of service group HA08 to reflect the new timetable proposals. The rights are to commence on the Principal Change Date 2020 and will expire on the Expiry Date or earlier termination of Abellio ScotRail's track access contract.

**Industry consultation**

Network Rail undertook the usual industry consultation. No comments or queries were received.



## **ORR review**

Our review of the application raised no operational, performance or economic concerns. We identified some minor drafting issues and these were resolved when the agreement was formally submitted.

## **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 Keith Merritt at Department for Transport. 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. I am also copying this letter without enclosures to Peter Craig at Network Rail.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Louise Beilby', with a stylized flourish at the end.

**Louise Beilby**