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31 March 2022

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

John Kerr
Regulated Contracts Manager
Abellio ScotRail Ltd
Atrium Court
50 Waterloo Street
Glasgow
G2 6HQ

Dear Nicholas and John

Approval of the 26th 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 31 March 2022 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 extend Abellio ScotRail's (ASR) contract by six months, to the Subsidiary Change Date in May 2023, and to add the rights necessary to operate additional Boxing Day services. The supplemental also makes a number of changes to the Viable Transfer Points in Annex B to Part 3 of Schedule 4, and adds Class 153 DMU to the Specified Equipment in Schedule 5 of the 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, economic or performance queries. As part of our review we identified that ASR's contract referred to the wrong registered address. ASR has now provided a notice to Network Rail to update the registered address.



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

A handwritten signature in black ink, appearing to read 'David Reed', written in a cursive style.

David Reed