

Ryan Holt
Access Executive
Telephone: 0207 282 3908
E-mail: ryan.holt@orr.gov.uk



20 July 2022

Devon Wall
Franchise & Access Support Manager,
NW&C
Network Rail Infrastructure Ltd
Square One
Travis Street
Manchester
M1 2NF

George Williams
Head of Concession Compliance
Merseyrail Electrics 2002 Ltd
Rail House
Lord Nelson Street
Liverpool
L1 1JF

Dear Devon and George

Approval of the 5th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Merseyrail Electrics 2002 Limited dated 1 April 2019

We have today approved the above supplemental agreement submitted to us formally on 20 July 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 grant Merseyrail Electrics 2002 Limited with the rights that bring services back to the pre-Covid base timetable. Temporary rights of the same quantum were given under GA for May – July 2022 under the 4th SA. This SA intends to make those temporary rights firm rights, which otherwise would expire on 31st July.

Industry consultation

Network Rail undertook the usual industry consultation. No issues or objections were raised.

ORR review



We raised an issue with Devon Wall on 6 July 2022 with regards to an error in the Schedule 5 table. This was an administrative error, and an updated rights table was resubmitted on 8 July 2022.

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 'R. Holt', with a long horizontal line extending to the right.

Ryan Holt