

Jonathan Rodgers
Senior Executive, Access & Licensing



11 July 2023

Stella Thomas
Customer Support Manager
Network Rail Infrastructure Ltd
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Centenary Square
Birmingham
B1 2ND

Alastair Richards
Project Manager – Caledonian Sleeper
Mobilisation
Caledonian Sleeper Limited
Transport Scotland
2nd Floor George House
36 North Hanover Street
Glasgow G1 2AD

Dear Stella and Alastair

Approval of the fifth supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Caledonian Sleeper Limited dated 2 March 2018

We have today approved the above supplemental agreement submitted to us formally on 3 July 2023 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 update a number of details in the parties' track access contract to reflect the change of train operator on 25 June 2023 from Serco Caledonian Sleepers Limited to Caledonian Sleeper Limited.

The agreement also updates Network Rail's registered address and corrects some paragraph numbering duplication in Schedule 7.

Industry consultation

An industry consultation was not necessary as the changes do not have any impact on any other operator.



ORR review

Our review of the application did not identify any issues other than some drafting amendments which, following discussion, 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 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 'Jonathan Rodgers', with a long horizontal flourish extending to the right.

Jonathan Rodgers