

## RAILWAYS ACT 1993

### 2023 PERIODIC REVIEW

#### REVIEW IMPLEMENTATION NOTICE:

#### STATION LONG TERM CHARGES

TO:

- (1) the persons whose names are set out in Part 1 of Annex 1 (the “**Train Operators**”);
- (2) the persons whose names are set out in Part 2 of Annex 1;
- (3) Network Rail Infrastructure Limited (“**Network Rail**”); and
- (4) the Secretary of State, the Scottish Ministers and the Treasury,  
together, the “**Addressees**”.

1. This notice is a review implementation notice given under paragraph 7 of Schedule 4A to the Railways Act 1993 (as amended) (the “**Act**”).
2. On 20 December 2023, the Office of Rail and Road (“**ORR**”) gave a review notice entitled “Review Notice: Station Long Term Charges” (the “**station LTC review notice**”) specifying the relevant changes (within the meaning of Schedule 4A to the Act) which ORR proposed to make for or in connection with giving effect to its conclusions on a review of:
  - (a) the amount in respect of each Station set out in the relevant annex of the Station Access Conditions which is referred to in the definition of “Long Term Charge” in the relevant Station Access Conditions; and
  - (b) the times at which, and manner in which, those amounts are payable, (the “**station LTC periodic review**”).

Copies of the station LTC review notice were served on each of the Addressees.

3. On 12 February 2024, ORR gave a notice of agreement entitled “Notice of Agreement: Station Long Term Charges” (the “**notice of agreement**”) in respect of the station LTC review notice.
4. No relevant person gave a termination notice pursuant to paragraph 6 of Schedule 4A to the Act during a period of 28 days beginning with the day on which the notice of agreement

was served on it.

5. ORR is therefore required by paragraph 7(1)(a) of Schedule 4A to the Act to give a review implementation notice, and ORR hereby:
  - (a) gives notice that its conclusions on the station LTC periodic review are to be implemented as proposed in the station LTC review notice; and
  - (b) directs the parties to each of the Relevant Access Agreements to amend the Relevant Access Agreements to which they are a party so that the proposed relevant changes specified in paragraph 2.1 of the station LTC review notice in relation to each Relevant Access Agreement come into operation on and from 1 April 2024.
6. Amendments made pursuant to the direction in paragraph 5(b) of this notice shall be made by means of an agreement in the form specified in Annex 2 to this notice.
7. Notwithstanding:
  - (a) the date on which any agreement is made pursuant to the direction in paragraph 5(b) of this notice; or
  - (b) the form in which any such agreement is made,any provision of any such agreement which gives effect to the relevant changes specified in the station LTC review notice shall come into operation on and from 1 April 2024.
8. If, before the proposed relevant changes come into operation in relation to any Relevant Access Agreement, such Relevant Access Agreement is amended in a manner which is:
  - (a) approved by ORR under section 22 of the Act; or
  - (b) directed by ORR under section 22A or section 22C of the Act, (each a “**regulated amendment**”), then:
    - (i) the proposed relevant changes shall come into operation in relation to that Relevant Access Agreement subject to the regulated amendments; and
    - (ii) if there is any conflict between the proposed relevant changes and the regulated amendments, the regulated amendments shall take precedence.
9. Any amendments made to the amount of the Long Term Charge (as defined in the Station Access Conditions) in any Relevant Access Agreement under the General Approval for stations 2017 issued by ORR on 26 January 2017 will not be considered regulated

amendments for the purpose of this notice.

10. In this notice, unless the context otherwise requires:
- (a) words and phrases defined in the Act have the same meaning in this notice;
  - (b) words and phrases defined in the charter operator track access review notice have the same meaning in this notice;
  - (c) the singular includes the plural and *vice versa*;
  - (d) the following definitions, as defined in the station LTC review notice apply:
    - (i) “proposed relevant changes”;
    - (ii) “Relevant Access Agreement”;
    - (iii) “Station”; and
    - (iv) “Station Access Conditions”.



**WILL GODFREY**  
**Director Economics, Finance and Markets**  
**FOR AND ON BEHALF OF**  
**THE OFFICE OF RAIL AND ROAD**  
Dated 13 March 2024

## ANNEX 1

### PART 1 - TRAIN OPERATORS

<b>Train Operator Name</b>	<b>Train Operator Company Number</b>
Abellio East Anglia Limited	07861414
Abellio East Midlands Limited	09860485
Arriva Rail London Limited	04165861
Caledonian Sleeper Limited	SC328825
The Chiltern Railway Company Limited	03007939
DB Cargo (UK) Limited	02938988
Direct Rail Services Limited	03020822
East Coast Trains Limited	08765536
First Greater Western Limited	05113733
First MTR South Western Trains Limited	07900320
First Trenitalia West Coast Rail Limited	10349442
Freightliner Limited	03118392
GB Railfreight Limited	03707899
Govia Thameslink Railway Limited	07934306
Grand Central Railway Company Limited	03979826
Hanson & Hall, Rail Service Solution Ltd	11376408
Heathrow Express Operating Company Limited	03145133
Hull Trains Company Limited	03715410
Locomotive Services (TOC) Limited	10375954
London North Eastern Railway Limited	04659712
London Underground Limited	01900907
Merseyrail Electrics 2002 Limited	04356933
MTR Corporation (Crossrail) Limited	08754715
Northern Trains Limited	03076444
NYMR PLC	02490244
RailAdventure UK Limited	12448249
Rail Express Systems Limited	02938991
Rail Operations (UK) Limited	08556176

<b>Train Operator Name</b>	<b>Train Operator Company Number</b>
ScotRail Trains Limited	SC328826
SE Trains Limited	03266762
TransPennine Trains Limited	12544930
Transport for Wales Rail Ltd	12619906
Trenitalia c2c Limited	07897267
Tyne and Wear Passenger Transport Executive	N/A
Varamis Limited	12038291
Vintage Trains Limited	10436785
Wealden Railway Company Limited	01936470
West Coast Railway Company Limited	03066109
West Midlands Trains Limited	09860466
XC Trains Limited	04402048

## **ANNEX 1**

### **PART 2 – OTHER ADDRESSEES**

Merseyside Passenger Transport Executive (Merseytravel)

Rail for London

South Yorkshire Mayoral Combined Authority

Transport for London

Transport for Wales

Welsh Government

**ANNEX 2: TEMPLATE SUPPLEMENTAL AGREEMENT**  
**(ATTACHED)**

**[•]th SUPPLEMENTAL AGREEMENT**

**DATED**

**[*insert date*]**

**Between**

**[*insert name of SFO*]**

**-and-**

**[*insert name of beneficiary*]**

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**relating to the implementation  
of the 2023 periodic review  
(PR23)**

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THIS [●]th SUPPLEMENTAL AGREEMENT is dated the [●] day of [●] 2024 and made

**BETWEEN**

- (1) **[insert name of SFO]**, the station facility owner, being a company registered in [●] under number [●], having its registered office at [●] (the “**SFO**”); and
- (2) **[insert name of beneficiary]**, a company registered in [●] under number [●], having its registered office at [●] (the “**Beneficiary**”).

**WHEREAS**

- (A) The parties entered into [a/the]<sup>1</sup> station access agreement[s]<sup>2</sup> [dated [●] / listed in the Schedule to this Supplemental Agreement]<sup>3</sup> (the “**Agreement[s]**”). **[see note in the Schedule regarding amendments to multiple access agreements using one Supplemental Agreement]**
- (B) The parties now propose to enter into this Supplemental Agreement in order to comply with and give effect to the directions set out in the review implementation notices given by the Office of Rail and Road on 13 March 2024 in connection with the implementation of the station LTC periodic review.

**IT IS AGREED AS FOLLOWS:**

**1. INTERPRETATION**

In this Supplemental Agreement, unless the context otherwise requires:

- (a) “**station LTC periodic review**” means the access charges review known as the 2023 periodic review, implementation of which was initiated by the Office of Rail and Road publishing and serving the Station LTC review notice;
- (b) “**regulated amendments**” has the meaning ascribed to it in paragraph 3.2;
- (c) “**relevant changes**” means the amendments specified, to the extent applicable to the Agreement[s]<sup>4</sup>, in paragraph 2.1 of the station LTC review notice;
- (d) “**relevant date and time**” means 1 April 2024 at 02:00 hours;
- (e) “**station LTC review notice**” means the document entitled “Review Notice: Station

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<sup>1</sup> Delete as appropriate.

<sup>2</sup> Delete as appropriate.

<sup>3</sup> Delete as appropriate.

<sup>4</sup> Delete as appropriate.

Long Term Charges” given by the Office of Rail and Road on 20 December 2023 in relation to the proposed relevant changes to be made to, among other things, the Agreement[s]<sup>5</sup>; and

- (f) words and phrases defined in, and rules of interpretation set out in, the Agreement[s]<sup>6</sup> shall have the same meaning and effect when used in this Supplemental Agreement.

## **2. EFFECTIVE DATE**

Notwithstanding the date on which the parties signed this Supplemental Agreement, it shall take effect on and from the relevant date and time.

## **3. AMENDMENTS TO THE AGREEMENT**

### **3.1 Standard amendments**

Subject to paragraph 3.2, the relevant changes shall be made to the Agreement[s]<sup>7</sup>.

### **3.2 Regulated amendments**

If, before the relevant changes come into operation in accordance with this paragraph 3, the Agreement[s]<sup>8</sup> [is/are]<sup>9</sup> amended in a manner which is:

- (a) approved by the Office of Rail and Road under section 22 of the Act; or
- (b) directed by the Office of Rail and Road under section 22A or 22C of the Act, (each a “**regulated amendment**”), then:
- (i) the relevant changes shall come into operation in relation to the Agreement[s]<sup>10</sup> subject to the regulated amendments; and
- (ii) if there is any conflict between a relevant change and a regulated amendment, the regulated amendment shall take precedence.

- 3.3** Any amendments made to the amount of the Long Term Charge (as defined in the Station Access Conditions) in the Agreement[s]<sup>11</sup> under the General Approval for stations 2017 issued by ORR on 26 January 2017 will not be considered regulated amendments for the

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<sup>5</sup> Delete as appropriate.

<sup>6</sup> Delete as appropriate.

<sup>7</sup> Delete as appropriate.

<sup>8</sup> Delete as appropriate.

<sup>9</sup> Delete as appropriate.

<sup>10</sup> Delete as appropriate.

<sup>11</sup> Delete as appropriate.

purpose of this paragraph 3.

### **3.4 Continuing Agreement[s]<sup>12</sup>**

Except as provided in this paragraph 3, the Agreement[s]<sup>13</sup>, as amended by this Supplemental Agreement, shall remain in full force and effect in accordance with *[its/their]*<sup>14</sup> terms.

## **4. GOVERNING LAW**

This Supplemental Agreement shall be governed by and construed in accordance with the laws of *[England and Wales/Scotland]*<sup>15</sup>.

## **5. COUNTERPARTS**

This Supplemental Agreement may be executed in two counterparts which, taken together, shall constitute one and the same document. Either party may enter into this Supplemental Agreement by signing either of such counterparts.

**IN WITNESS** of which the duly authorised representatives of the SFO and the Beneficiary have executed this Supplemental Agreement on the date first above written.

Signed by

Print name

Duly authorised for and on behalf of

*[NAME OF SFO]*

Signed by

Print name

Duly authorised for and on behalf of

*[NAME OF BENEFICIARY]*

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<sup>12</sup> Delete as appropriate.

<sup>13</sup> Delete as appropriate.

<sup>14</sup> Delete as appropriate.

<sup>15</sup> Delete as appropriate.

## **SCHEDULE**

### **The Agreements**

[Note: if the SFO and the Beneficiary have entered into more than one station access agreement, this Supplemental Agreement can be used to amend each of those station access agreements at the same time. This can be achieved by listing in this Schedule all of the relevant station access agreements between the SFO and the Beneficiary, and using the plural 'options' in this Supplemental Agreement.]