

**RAILWAYS ACT 1993**

**2023 PERIODIC REVIEW**

**REVIEW IMPLEMENTATION NOTICE:**

**TRACTION ELECTRICITY RULES**

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 (the “**Act**”).
2. On 20 December 2023, the Office of Rail and Road (“**ORR**”) gave a review notice entitled “Review Notice: Traction Electricity Rules” (the “**Traction Electricity Rules 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 amounts payable by Network Rail and each of the Train Operators to each other under each of the relevant track access agreements, which are listed in Annex 1 to this notice (the “**relevant track access agreements**”); and
  - (b) the times at which, and manner in which, those amounts are payable, (the “**Traction Electricity Rules periodic review**”).

Copies of the Traction Electricity Rules review notice were served on each of the Addressees.

3. On 12 February 2024, ORR gave a notice of agreement entitled “Notice of Agreement: Traction Electricity Rules” (the “**notice of agreement**”) in respect of the Traction Electricity Rules 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 Traction Electricity Rules periodic review are to be implemented as proposed in the Traction Electricity Rules review notice; and
  - (b) directs Network Rail and each of the Train Operators to amend that document known as the Traction Electricity Rules published by Network Rail so that the proposed relevant changes specified in the Traction Electricity Rules review notice 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 the review implementation notice served on the Train Operators on this date by ORR in relation to their franchised passenger, open access passenger or freight operator track access agreements (as the case may be).
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 Traction Electricity Rules 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 track access agreement, such relevant track 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 track 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. 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*.



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

## ANNEX 1: TRAIN OPERATORS AND RELEVANT TRACK ACCESS AGREEMENTS

### PART 1 – TRAIN OPERATORS

Train Operator (collectively, the “Train Operators” and each a “Train Operator”)	Train Operator Company Number	Original Date of Track Access Agreement
Abellio East Anglia Limited	07861414	10 December 2004
Abellio East Midlands Limited	09860485	1 September 2020
Arriva Rail London Limited	04165861	9 November 2007
Caledonian Sleeper Limited	SC328825	2 March 2018
The Chiltern Railway Company Limited	03007939	7 October 2022
Colas Rail Limited	02995525	11 December 2016
DB Cargo (UK) Limited	02938988	11 December 2016
Devon and Cornwall Railways Limited	04973992	6 August 2021
Direct Rail Services Limited	03020822	14 December 2019
East Coast Trains Limited	08765536	3 October 2016
First Greater Western Limited	05113733	4 March 2016
First MTR South Western Trains Limited	07900320	9 April 2019
First Trenitalia West Coast Rail Limited	10349442	1 December 2022
Freightliner Limited	03118392	11 December 2016
Freightliner Heavy Haul Limited	03831229	11 December 2016
GB Railfreight Limited	03707899	11 December 2016
Govia Thameslink Railway Limited	07934306	2 March 2016
Grand Central Railway Company Limited	03979826	1 August 2014
Grand Union Trains No. 2 Limited	14653926	13 June 2023
Hanson & Hall, Rail Services Solutions Limited	11376408	30 June 2021
Harsco Rail Limited	00977100	1 November 2020
Hull Trains Company Limited	03715410	17 March 2016
Locomotive Services (TOC) Limited	10375954	1 August 2019
London North Eastern Railway Limited	04659712	3 March 2017
Loram UK Limited	06031483	1 February 2022

<b>Train Operator</b> (collectively, the “Train Operators” and each a “Train Operator”)	<b>Train Operator Company Number</b>	<b>Original Date of Track Access Agreement</b>
Merseyrail Electrics 2002 Limited	04356933	1 April 2019
MTR Corporation (Crossrail) Limited	08754715	21 November 2018
Northern Trains Limited	03076444	3 March 2016
RailAdventure UK Limited	12448249	1 December 2020
Rail Operations (UK) Limited	08556176	21 March 2020
Scotrail Trains Limited	SC328826	3 March 2016
SE Trains Limited	03266762	6 December 2007
South Yorkshire Supertram Limited	02634683	4 May 2018
TransPennine Trains Limited	12544930	1 March 2016
Transport for Wales Rail Ltd	12619906	6 August 2020
Trenitalia c2c Limited	07897267	3 March 2017
Varamis Limited	12038291	5 August 2022
Victa Railfreight Limited	03017321	28 May 2020
West Coast Railway Company Ltd	03066109	28 May 2020
West Coast Railway Company Ltd	03066109	1 December 2020
West Midlands Trains Limited	09860466	15 May 2019
XC Trains Limited	04402048	8 August 2017

## **ANNEX 1**

### **PART 2 – OTHER ADDRESSEES**

Merseyside Passenger Transport Executive (Merseytravel)

Rail for London

South Yorkshire Mayoral Combined Authority

Transport for Wales

Welsh Government