

**RAILWAYS ACT 1993**

**2013 PERIODIC REVIEW**

**REVIEW IMPLEMENTATION NOTICE:  
STATION LONG TERM CHARGES**

TO:

- (1) the persons whose names are set out in Annex 1;
- (2) Network Rail Infrastructure Limited; and
- (3) 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 2013, the Office of Rail Regulation (“**ORR**”) gave a review notice entitled “Review Notice: Station Long Term Charges” (the “**station long term charges 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 manner in which, and the dates by which, those amounts are payable,(the “**LTC Review**”).

Copies of the station long term charges review notice were served on each of the Addressees.

- 3 On 11 February 2014, the ORR gave a notice of agreement entitled “Notice of Agreement: Station Long Term Charges” (the “**station long term charges notice of agreement**”) in respect of the station long term charges review notice.
- 4 No relevant person gave a termination notice pursuant to paragraph 6 of Schedule 4A to the Railways Act 1993 during the period of 28 days beginning with the day on which the station long term charges notice of agreement was served on it.
- 5 The ORR is therefore required by paragraph 7(1)(a) of Schedule 4A to the Railways Act 1993 to give a review implementation notice, and the ORR hereby:
  - (a) gives notice that its conclusions on the LTC Review are to be implemented as proposed in the station long term charges 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 long term charges review notice in relation to each Relevant Access Agreement come into operation on and from 1 April 2014.
- 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 long term charges review notice shall come into operation on and from 1 April 2014.

8 In this notice, unless the context otherwise requires:

(a) words and phrases defined in the Railways Act 1993 (as amended) have the same meaning in this notice;

(b) words and phrases defined in the station long term charges review notice have the same meaning in this notice;

(c) the singular includes the plural and *vice versa*; and

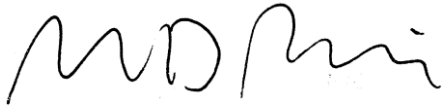
(d) the following definitions, as defined in the station long term charges review notice, apply:

**“proposed relevant changes”**;

**“Relevant Access Agreement”**;

**“Station”**; and

**“Station Access Conditions”**.



**RICHARD PRICE**

**Chief Executive**

**For and on behalf of**

**THE OFFICE OF RAIL REGULATION**

**18 March 2014**



## ANNEX 1

### Part 1 - Train Operators

<b>Train Operator Name</b>	<b>Train Operator Company Number</b>
Abellio Greater Anglia Ltd	06428369
Arriva Trains Wales/Trenau Arriva Cymru Limited	04337645
c2c Rail Limited	02938993
The Chiltern Railway Company Limited	03007939
DB Regio Tyne and Wear Limited	06733214
DB Schenker Rail (UK) Limited	02938988
Devon and Cornwall Railways Limited	04973992
Direct Rail Services Limited	03020822
East Coast Main Line Company Limited	04659708
East Midlands Trains Limited	05340682
First Capital Connect Limited	05281077
First Greater Western Limited	05113733
First ScotRail Limited	Sc185018
First/Keolis Transpennine Limited	04113923
Freightliner Limited	03118392
GB Railfreight Limited	03707899
Grand Central Railway Company Limited	03979826
Heathrow Express Operating Company Limited	03145133
Hull Trains Company Limited	03715410
London & Birmingham Railway Limited	05814584
London & South Eastern Railway Limited	04860660
London Overground Rail Operations Ltd	05668786
London Underground Limited	01900907
Merseyrail Electrics 2002 Limited	04356933
North Yorkshire Moors Railway Enterprises PLC	02490244
Northern Rail Limited	04619954
Rail Express Systems Limited	02938991
Southern Railway Limited	06574965

Stagecoach South Western Trains Limited	05599788
Venice Simplon-Orient-Express Limited	01551659
West Coast Railway Company Ltd	03066109
West Coast Trains Limited	03007940
XC Trains Limited	04402048

## **Part 2 - Other Addressees**

Rail for London Limited

Merseyside Passenger Transport Executive

Welsh Government

Tyne and Wear Passenger Transport Executive

**ANNEX 2: TEMPLATE SUPPLEMENTAL AGREEMENT**

**(ATTACHED)**

**[•]th SUPPLEMENTAL AGREEMENT**

**DATED**

**Between**

**[Insert name of SFO]**

**- and -**

***[Insert name of Beneficiary]***

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**relating to the implementation of the  
2013 periodic review (PR13)**

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THIS [●]th **SUPPLEMENTAL AGREEMENT** is dated the [ ] day of  
[ ] 2014 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 [ ] (the “**BENEFICIARY**”).

**WHEREAS**

- (A) The parties entered into [a/the] station access agreement[s] [dated [ ]/listed in the Schedule to this Supplemental Agreement (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 notice given by the Office of Rail Regulation on 18 March 2014 in connection with the implementation of the LTC review.

**IT IS AGREED AS FOLLOWS:**

**1 INTERPRETATION**

In this Supplemental Agreement, unless the context otherwise requires:

- (a) “**LTC review**” means the access charges review known as the 2013 periodic review, implementation of which was initiated by the Office of Rail Regulation publishing and serving the station long term charges 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, in paragraph 2.1 of the station long term charges review notice;
- (d) “**relevant date and time**” means 1 April 2014 at 02:00 hours;
- (e) “**station long term charges review notice**” means the document entitled “Review Notice: Station Long Term Charges” given by the Office of Rail Regulation on 20 December 2013 in relation to the proposed relevant changes to be made to, among other things, the Agreement; and
- (f) words and phrases defined in, and rules of interpretation set out in, the Agreement 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.

### **3.2 Regulated amendments**

- 3.2.1 If, before the relevant changes come into operation in accordance with this paragraph 3, the Agreement is amended in a manner which is:

(a) approved by the Office of Rail Regulation under section 22 of the Act;  
or

(b) directed by the Office of Rail Regulation 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 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 Continuing Agreement**

Except as provided in this paragraph 3, the Agreement, as amended by this Supplemental Agreement, shall remain in full force and effect in accordance with its terms.

## **4 GOVERNING LAW**

This Supplemental Agreement shall be governed by and construed in accordance with the laws of [England and Wales] [Scotland]<sup>1</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.]<sup>2</sup>

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

<sup>2</sup> For supplemental agreements subject to Scots Law, please delete this paragraph as it is not required. For supplemental agreements subject to the laws of England & Wales, please retain this paragraph, removing only the square brackets and this footnote.

**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

[SFO]

Signed by .....

Print name .....

Duly authorised for and on behalf of

[BENEFICIARY]

## 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.]***