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20 March 2018

Ian Stone  
Customer Manager (Charters)  
Network Rail Infrastructure Ltd  
The Quadrant: MK  
Elder Gate  
Milton Keynes  
MK19 1EN

James Shuttleworth  
Commercial Manager  
West Coast Railway Company Ltd  
Jesson Way  
Crag Bank  
Carnforth  
Lancashire  
LA5 9UR

Dear Ian and James

**Approval of the 3rd supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and West Coast Railway Company Limited (The Jacobite) (jointly, “the parties”)**

1. We have today approved the above supplemental agreement submitted to us formally on 20 March 2018 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. The purpose of this letter is to set out the reasons for our decision.

2. The purpose of this agreement is to amend Table 2.1 in Schedule 5 of the parties' Track Access Contract to enable The Jacobite to:

- Operate in the mornings on weekdays, Saturdays and Sundays in April (in addition to the Firm Rights it currently has between 1 May to 31 October); and
- Operate in the afternoon on Saturdays and Sundays in May and September (presently it only has rights for a morning service on Saturdays and Sundays in these months).

3. Network Rail undertook the normal industry consultation ending on 8 February 2018. Responses were received from Transport Focus, First Greater Western Limited and HS2, all confirming no objections.

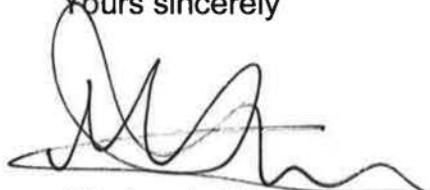
4. Our review identified no issues and we are satisfied that approval is in accordance with our statutory duties under Section 4 of the Railways Act 1993. We identified some minor drafting issues and highlighted this to the parties with our suggestions. The parties have accepted our comments and amended the agreement accordingly for the formal submission.

5. In considering the agreement and in reaching our decision, we have had to weigh and strike the appropriate balance in discharging our statutory duties under section 4 of the Act. We have concluded that approval of this supplemental agreement is consistent with our section 4 duties, 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)).

6. 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.

7. Electronic copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at Department for Transport and to Peter Craig at Network Rail. 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 'Michael Albon', written over a horizontal line.

**Michael Albon**