

Network Rail Infrastructure Limited
Kings Place
90 York Way
London
N1 9AG

[registered address of company being served
the notice]

URGENT: ATTENTION the Company Secretary

Network Code Condition J4: Failure to Use Notice

This letter constitutes a Failure to Use Notice and is served pursuant to Condition J4.4 of the Network Code.

1. Failure to Use

Network Rail Infrastructure Limited considers that there has been a Failure to Use by [name of party on whom the notice is being served] in relation to the following Quantum Access Right(s) [give details of the rights] ("the Quantum Access Right(s)") because

Either:

you have failed to secure the quantum of Train Slots in the New Working Timetable which the Quantum Access Right(s) permit(s) in that [give details of which Train Slot(s) was/were not secured]

Or:

you have failed to make use of (a) Train Slot(s) which has/have been included in the Working Timetable and which relates to the Quantum Access Right(s) in that the Train Slot(s) have been used for less than the Use Quota during the relevant Use Period in accordance with Condition J4.2 of the Network Code. This is because [give details of the Train Slot(s) and why the Access Beneficiary has failed to meet the Use Quota/Use Period].

2. Rights Subject to Surrender

We require you to surrender the following Right(s) Subject to Surrender:

The Quantum Access Right(s) and

use whichever of the below apply:

- (i) The following Train Slot(s) (including any Y-Path(s)) in the Working Timetable which relate(s) to the Quantum Access Right(s) [give details];
- (ii) The following Ancillary Movements or Stabling which we consider are directly associated with the Quantum Access Right(s) and will no longer be required by you following the surrender of the Quantum Access Right(s) [give details];
- (iii) The following Access Proposal(s) which relate to the Quantum Access Right(s) [give details].

3. Date of Surrender

We intend that the Rights Subject to Surrender will be surrendered with effect from [date].

The following section should only be used if this Failure to Use Notice relates to Level Two Quantum Access Rights and cordon cap adjustments under Condition J6 are required:

4. Cordon Cap Reduction

The Rights Subject to Surrender relate to Level Two Rights and concern a location where you have an Existing Cordon Cap, and in accordance with Condition J6, we consider that there should be a Cordon Cap Reduction of [X]. This is based on the following calculation in accordance with Condition J6.2.3:

[Set out here the calculation of the Cordon Cap Reduction].

In accordance with Condition J10.2.1, we will publish this Failure to Use Notice.

Yours faithfully,

Network Rail Infrastructure Limited
Kings Place
90 York Way
London
N1 9AG

*[registered address of company
serving the counter notice]*

URGENT: ATTENTION the Company Secretary

Network Code Condition J4: Counter Notice

This letter constitutes a Counter Notice and is served pursuant to Network Code Condition J4.8 following receipt of a Failure to Use Notice from Network Rail Infrastructure Limited pursuant to Condition J4.4 dated [date] (“the Failure to Use Notice”).

We consider that:

Include all of the following (i) to (iv) which apply and delete any which do not apply:

- (i) The Failure to Use Notice is invalid [give reasons];
- (ii) There has been no Failure to Use **or** There has been a cessation of the Failure to Use in accordance with Condition J4.5 [give details];
- (iii) The Ancillary Movements **or** Stabling specified in section 2 of the Failure to Use Notice:

are not directly associated with the relevant Quantum Access Right(s) because [give reasons]

and/or

are still required by us following the surrender of the Quantum Access Right(s) because [give details]

- (iv) There is a Ground for Objection to the proposed surrender because, in accordance with Condition J4.9, the Rights Subject to Surrender relate to an enhancement of the Network for which we are contracted to pay through access charges [give details].

We attach the following evidence in support of our above contentions [give details of attached evidence in support].

The following paragraph should be included where the Failure to Use Notice includes a Cordon Cap Reduction:

We object to the Cordon Cap Reduction set out at section 4 of the Failure to Use Notice because [give reasons] and we attach the following evidence in support of our objection [give details of attached evidence in support].

In accordance with Condition J10.2.1, Network Rail shall publish this Counter Notice.

Yours faithfully,

URGENT: ATTENTION of the Company Secretary

Network Code Condition J7: Third Party Notice

This letter constitutes a Third Party Notice and is served pursuant to Network Code Condition J7.2 from *[name of applicant]* requesting (a) Quantum Access Right(s) which *is/are* substantially similar to (an) existing Quantum Access Right(s) held by *[name of Incumbent]*.

1. Quantum Access Right(s)

We are seeking the following Quantum Access Right(s):

Give details here of the Quantum Access Right(s) sought.

2. Rights Subject to Surrender

We require the surrender of the following right(s):

The Quantum Access Right(s) set out in paragraph 1. above and

Use whichever of (i) to (iii) below apply:

- (i) The following Train Slot(s) (including Y-Path(s)) which relate to your Quantum Access Right(s) *[give details]*;
- (ii) The following Ancillary Movements *or* Stabling which we consider are directly associated with your Quantum Access Right(s) and will no longer be required by you following the surrender of your Quantum Access Right(s) *[give details]*;
- (iii) The following Access Proposal(s) which relate to your Quantum Access Right(s) *[give details]*.

3. Date of Surrender

We intend that the Rights Subject to Surrender will be surrendered with effect from [date].

4. Suitable Access

We have suitable access to and from the freight customer's relevant facility in accordance with paragraph 6.4 of our Access Agreement.

5. Characteristics of the Quantum Access Right(s)

Where J7.1.2(a) applies, use the following paragraph:

The Quantum Access Right(s) sought **is/are** required for the provision of transport services to a third party which were previously provided by you. We attach to this Third Party Notice a letter from the relevant freight customer confirming this.

OR

Where J7.1.2(b) applies, use the following paragraph:

We are a Freight Customer Access Option Holder. The Quantum Access Right(s) sought **is/are** currently held by you for the provision of transport services **to/on behalf of** us, and we intend to draw down **that/those** Quantum Access Right(s) into the Access Agreement of a Train Operator so that such Train Operator can become an Appointed Operator to provide those transport services **to/on behalf of** us.

The following section should only be used if this Third Party Notice relates to level 2 Quantum Access Rights and cordon cap adjustments under Condition J6 are required:

6. Cordon Cap Reduction

The Rights Subject to Surrender relate to Level Two Rights and concern a location where you have an Existing Cordon Cap, and in accordance with Condition J8, we consider that there should be a Cordon Cap Reduction of [X] based on the following calculation in accordance with Condition J8.2.3:

[Set out here the calculation of the Cordon Cap Reduction].

In accordance with Condition J7.2 a copy of this Third Party Notice is being sent to Network Rail Infrastructure Limited, who shall publish it in accordance with Condition J10.2.1.

Yours faithfully,

Network Rail Infrastructure Limited
Kings Place
90 York Way
London
N1 9AG

[registered address of company
serving the counter notice]

URGENT: ATTENTION the Company Secretary

Network Code Condition J7: Third Party Counter Notice

This letter constitutes a Third Party Counter Notice and is served pursuant to Network Code Condition J7.5.1 following receipt of a Third Party Notice from *[name of applicant who served the Third Party Notice]* ("the Applicant") pursuant to Condition J7.2 dated *[date]* ("the Third Party Notice").

Include either or both of paragraphs 1 and 2, as appropriate.

1. Grounds for Objection

We consider that we have Grounds for Objection to the surrender of the Rights Subject to Surrender proposed in the Third Party Notice because we require the Rights Subject to Surrender to continue to convey traffic for another customer and this currently is the primary purpose for which the Rights Subject to Surrender are used. *[set out evidence in support of this contention]*

2. Disagree with detail in Third Party Notice

We disagree with the following part(s) of section 2 of the Third Party Notice:

- (i) The Train Slot(s) shown as relating to the Quantum Access Right(s); *or*
- (ii) The Ancillary Movements *or* Stabling shown as being directly related to the Quantum Access Right(s) which the Applicant says are no longer required by us following the surrender of the Quantum Access Right(s); *or*
- (iii) The Access Proposal(s) shown as relating to the Quantum Access Right(s).

We disagree with the above part(s) of section 2 of the Third Party Notice because *[set out your reasons here]*.

The following paragraph should be included where the Failure to Use Notice includes a Cordon Cap Reduction:

3. Cordon Cap Reduction

We object to the Cordon Cap Reduction set out at section 6 of the Third Party Notice because [give reasons] and we attach the following evidence in support of our objection [give details of attached evidence in support] in accordance with Condition J8.2.6.

In accordance with Condition J7.5.1, a copy of this Third Party Counter Notice has been sent to the Applicant subject to commercially sensitive redactions.

In accordance with Condition J10.2.1, Network Rail Infrastructure Limited shall publish this Third Party Counter Notice.

Yours faithfully,

Network Rail Infrastructure Limited
Kings Place
90 York Way
London
N1 9AG

[registered address of company being served
the notice]

URGENT: ATTENTION the Company Secretary

Network Code Condition J9: Rights Review Notice

This letter is served pursuant to Condition J9.1.2 of the Network Code to give notice that Network Rail will hold a Rights Review Meeting with [*name of party on whom the notice is being served*] on [*date on which the meeting is to be held which has to be at least 5 Working Days from the date of the letter*] at [*time and place*]. In accordance with Condition J9.1.3, [*name of party on whom notice is served*] is expected to attend the Rights Review Meeting.

The Rights under Review at the Rights Review Meeting will be:

Quantum Access Right(s) [*give details*]; and

[*use whichever of the below apply*]

The following Train Slot(s) (including any Y-Path(s)) in the Working Timetable which relate(s) to the Quantum Access Right(s) [*give details*];

The following Ancillary Movements or Stabling which we consider are directly associated with the Quantum Access Right(s) and will no longer be required by you following the surrender of the Quantum Access Right(s) [*give details*];

In accordance with Condition J10.2.1, we will publish this Rights Review Notice.

Yours faithfully,