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Access Executive

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18 July 2025

Susan Murray
Customer Manager
Network Rail Infrastructure Limited
151 St Vincent Street
Glasgow G2 5NJ

John Kerr
Regulated Contracts Manager
ScotRail Trains Limited
Atrium Court
Glasgow G2 6HQ

Dear Susan and John

Approval of the 57th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and ScotRail Trains Limited (trading as Scotrail) dated 3 March 2016.

We have today approved the above supplemental agreement submitted to us formally on 11 July 2025 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. This letter explains the reasons for our decision.

Purpose

The purpose of this agreement is to amend ScotRail's track access contract with an additional contingent right for a service which was bid for and offered by Network Rail for the Subsidiary Timetable change (May 2025) but did not have corresponding rights. A General Approval was provided to cover the rights in the interim period until approval.

The contingent right is for service group HA01, Glasgow – Inverness, one weekday and one Saturday right. This change will commence on approval and cease at the Primary Change Date (December 2025) with no expectation of continuity. Below table 2.2 and 2.1 footnotes have been added explaining the changes in respect of Firm and Contingent rights held.

Industry consultation

Network Rail undertook the usual industry consultation. Comments were received from CrossCountry who had no objections, and both Transport Focus and Great Western Railway who were happy to accept.



ORR review

Our review of the application raised no operational, performance or economic concerns. We identified some minor drafting issues, and these were resolved when the agreement was formally submitted.

Our duties under section 4 of the Act and our decision

We have concluded that approval of this supplemental agreement strikes the appropriate balance in discharging our statutory duties under section 4 of the Act; 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)).

Conformed copy of the track access agreement

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.

Public register and administration

Electronic copies of this letter, the approval notice and the agreement will be sent to the Department for Transport and Network Rail's Policy and Access Team. 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



Claire Brooks