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18 November 2021

Nick Prag
Customer Relationship Executive
Network Rail Infrastructure Ltd
151 St Vincent Street
Glasgow
G2 5NW

Sam Price
Head of Contracts
Abellio ScotRail Ltd
Atrium Court
50 Waterloo Street
Glasgow
G2 6HQ

Dear Nick and Sam

Approval of the 24th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Abellio ScotRail Limited dated 3 March 2016

We have today approved the above supplemental agreement submitted to us formally on 16 November 2021 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 grant Abellio ScotRail the rights necessary to operate its current timetable until the expiry date of its contract. This will entail the extension of four contingent rights in service groups HA02 and HA06. The agreement also applies a number of housekeeping amendments which correct some drafting errors in the contract but do not make any changes to rights quantum. The rights are to commence upon the date ORR issues its approval and will expire on the Expiry Date or earlier termination of Abellio ScotRail's track access contract.

Industry consultation

Network Rail undertook the usual industry consultation. A query was received from Cross Country Trains on a drafting error which made it seem that a new service was being added. ScotRail clarified that this was not the case and Cross Country has confirmed that it is satisfied with this response.

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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)).

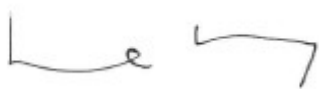
Conformed copy of the track access agreement

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

A handwritten signature in blue ink, appearing to read 'Louise Beilby', with a stylized flourish at the end.

Louise Beilby