

**David Reed**  
**Senior Executive, Access & Licensing**



10 February 2023

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Dear Jemme, Jason and Steve,

**High Speed 1: Approval to amendments to Passenger Access Terms through the side letters dated 17 January 2023 to the track access contract between HS1 Limited and Eurostar International Limited and dated 9 February 2023 to the track access contract between HS1 Limited and SE Trains Limited, to enable On Train Metering**

1. The Office of Rail and Road (ORR) has today approved amendments to the HS1 Passenger Access Terms through the side letters dated 17 January 2023 to the track access contract between HS1 Limited and Eurostar International Limited (EIL), and dated 9 February 2023 to the track access contract between HS1 Limited and SE Trains Limited (SE Trains) (the parties), submitted to us formally on 10 February 2023 under the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 (the 2016 Regulations). The side letter between HS1 and SE Trains also makes amendments to the track access contract between HS1 and SE Trains. This follows an earlier informal submission of a draft side letter for our consideration. The purpose of our letter is to explain the reasons for our decision.



## **Purpose of the side letters**

2. SE Trains is equipping its Class 395 fleet with On Train Meters (“OTM”). SE Trains also wishes to turn on Regenerative Braking on this fleet and is working through the necessary technical processes to enable this on HS1 and the wider network.
3. The contractual basis for HS1’s billing of traction power is set out in the HS1 Passenger Access Terms (“HS1 PATs”). The HS1 PAT currently makes no provision for billing using OTM and Regenerative Braking. These amendments to the HS1 PATs sets out the traction power billing procedures and protocols to allow all passenger operators on the HS1 network to use OTM and Regenerative Braking.
4. On the classic network, traction power billing procedures and protocols are set out in a standalone document termed the Traction Electricity Rules. HS1 has followed the principles of the Traction Electricity Rules, but opted to incorporate the billing procedures and protocols within the HS1 PAT.
5. The side letter between HS1 and SE Trains also replaces references in the SE Trains Track Access Contract to London & South Eastern Railway Limited with SE Trains Limited, following the transfer of obligations pursuant to a statutory transfer scheme to SE Trains with effect from the 17 October 2021.

## **Consultation**

6. HS1 consulted the industry on the proposed amendments to the HS1 PATs in May and June 2022, and again with the parties in September 2022. The parties made several legal drafting suggestions. No other responses were received.

## **Our review**

7. We have reviewed the proposed amendments to the HS1 PATs and the SE Trains contract and suggested some drafting changes. The parties reflected these suggestions in a revised version of the side letter which they submitted formally to us. We welcome the implementation of OTM and Regenerative Braking on the HS1 network.

## **ORR’s conclusions**

8. Pursuant to Regulation 31(1) of the Regulations, in considering the application and in reaching our decision, we are required to weigh and strike the appropriate balance in discharging our statutory duties under section 4 of the Railways Act 1993. Approval of this application is consistent with these duties; in particular our duties to:

- protect the interests of users of rail services;
- promote the use of the railway network in Great Britain for the carriage of passengers and goods, and the development of the railway network, to the greatest extent that ORR considers economically practicable;

- contribute to the development of an integrated system of transport of passengers and goods; and
- enable persons providing railway service to plan the future of their businesses with a reasonable degree of assurance.

9. We will place a copy of the side letters on our website and public register. Please ensure that a consolidated version of the HS1 PATs is published on the HS1 website, and a conformed copy of the SE Trains contract is provided to us within 30 days for publication on our website.

Yours sincerely

**David Reed**