

**NETWORK RAIL INFRASTRUCTURE LIMITED AND EUROPHOENIX RAIL LTD**

**FREIGHT OPERATOR TRACK ACCESS AGREEMENT**

**MODIFICATION OF SCHEDULE 8**

TO:

- (1) **NETWORK RAIL INFRASTRUCTURE LIMITED**, a company registered in England under number 2904587 having its registered office at Waterloo General Office, London, United Kingdom, SE1 8SW (“**Network Rail**”);
  - (2) **EUROPHOENIX RAIL LTD**, a company registered in England and Wales under number 14799691, whose registered office is at 15 Towcester Road Sovereign House, Old Stratford, Milton Keynes, England, MK19 6AN. (the “**Train Operator**”);
- together, the “**Parties**”.

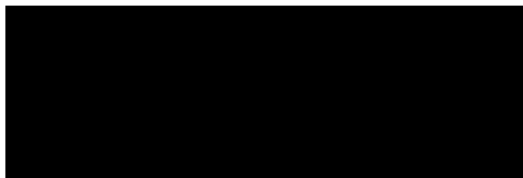
1. BACKGROUND:

- 1.1. The Parties are parties to a track access agreement dated 8 May 2024 (as amended) (the “**Track Access Agreement**”).
- 1.2. On 13 March 2024, as part of an access charges review carried out pursuant to Schedule 4A to the Railways Act 1993, the Office of Rail and Road (“**ORR**”) gave a review implementation notice, including to the Parties, entitled “**Review Implementation Notice: Freight Operator Track Access Agreements**” (the “**Review Implementation Notice**”), which:
  - 1.2.1. gave notice that its conclusions on the access charges review were to be implemented; and
  - 1.2.2. directed Network Rail and the Train Operator to amend the Track Access Agreement including in respect of Schedule 8 to provide for circumstances in which the Incident Cap Access Charge Supplement Rate and Appendix 1 can be amended by ORR.

- 1.3. The amendments made pursuant to the Review Implementation Notice came into effect on 1 April 2024.
- 1.4. The circumstances in which ORR may make such amendments are set out in paragraph 13 of Schedule 8 of the Track Access Agreement.
- 1.5. This notice sets out the amendments to the Incident Cap Access Charge Supplement Rate and Appendix 1 of Schedule 8.

## 2. NOTICE:

- 2.1. This notice is issued on 20 March 2026.
- 2.2. This notice is given in accordance with paragraphs 13 of Schedule 8 to the Track Access Agreement.
- 2.3. The following amendments are to be made to the Track Access Agreement:
  - 2.3.1. Delete paragraph 11.2 of Schedule 8 and replace it with the paragraph included at Annex A of this notice; and
  - 2.3.2. Delete the Train Operator Payment Rate within Appendix 1 of Schedule 8 and replace it with the Train Operator Payment Rate included at Annex B of this notice.
- 2.4. The amendments set out in this notice are to have effect on 1 April 2026.
- 2.5. The Parties are required to produce and send a conformed copy of the Track Access Agreement to ORR within 28 days of the making of the above modifications, pursuant to clause 18.2.4 of the Track Access Agreement.



**Will Godfrey**

**FOR AND ON BEHALF OF  
THE OFFICE OF RAIL AND ROAD**

Dated: 20 March 2026

## ANNEX A

### 11.2 Level of Incident Cap and Incident Cap Access Charge Supplement Rate

For the purposes of paragraph 11.1, the Train Operator shall select one of the following Incident Caps:

<b>A</b>	<b>B</b>
<b>Incident Cap</b>	<b>Incident Cap Access Charge Supplement Rate (£ per Combined Network Contract Mile operated in a Charging Period)</b> expressed in pounds sterling and rounded to four decimal places
1,000 minutes	0.1034
2,000 minutes	0.0537
3,000 minutes	0.0315
4,000 minutes	0.0222
5,000 minutes	0.0174
6,000 minutes	0.0147
7,000 minutes	0.0128
8,000 minutes	0.0110
9,000 minutes	0.0094
10,000 minutes	0.0078
No Incident Cap	None

**ANNEX B**

<b>Train Operator Payment Rate</b>	£32.33 per Minute's Delay to Third Party Trains which are Attributable to the Train Operator.
------------------------------------	---