

## RAILWAYS ACT 1993

### ACCESS CHARGES REVIEW 2008

#### NOTICE OF AGREEMENT: FREIGHT TRACK ACCESS CHARGES

TO: Each of the persons listed in the annex to this notice of agreement (the “**relevant beneficiaries**”).

- 1 This notice of agreement is given under paragraph 5(1) of Schedule 4A to the Railways Act 1993 (the “**Act**”).
- 2 On 18 December 2008, the Office of Rail Regulation (“**ORR**”) gave a review notice specifying the relevant changes (within the meaning of Schedule 4A to the Act) which the ORR proposed to make for or in connection with giving effect to the ORR’s conclusions on a review of:
  - (a) the amounts payable by Network Rail Infrastructure Limited and each of the relevant train operators to each other under each of the access agreements identified in the annex to this notice of agreement; and
  - (b) the times at which, and manner in which, those amounts are payable,(the “**2008 freight track access review notice**”).
- 3 Copies of the 2008 freight track access review notice were served on each of Network Rail Infrastructure Limited, the Secretary of State, the Scottish Ministers, the Treasury and the persons specified in Annex 1 to that notice.
- 4 The 2008 freight track access review notice specified that any objections by any persons specified in paragraph 4(4)(a) or (b) of Schedule 4A to the Act with respect to:
  - (a) any of the proposed relevant changes; or
  - (b) the date on which it is proposed that any of the proposed relevant changes should come into operation,should be made in writing on or before 5 February 2009.

5 ORR now gives notice that no such objections have been made.

**BILL EMERY**  
**For and on behalf of**  
**THE OFFICE OF RAIL REGULATION**  
**11 February 2009**

## ANNEX: RELEVANT BENEFICIARIES AND ACCESS AGREEMENTS

| Beneficiary   | Original Date of Track Access Agreement |
|---|---|
| Advenza Freight Limited                                   | 16 October 2003                         |
| Colas Rail Limited (formerly AMEC Spie Rail (UK) Limited) | 21 December 2006                        |
| Direct Rail Services Limited                              | 31 January 2003                         |
| English Welsh & Scottish Railway Limited <sup>1</sup>     | 9 February 2006                         |
| Fastline Limited  | 24 January 2005                         |
| Freightliner Limited                                      | 17 December 2007                        |
| Freightliner Heavy Haul Limited                           | 26 September 2007                       |
| Freight Europe (UK) Limited                               | 30 November 2007                        |
| GB Railfreight Limited                                    | 29 January 2008                         |
| Société Nationale des Chemins de Fer Français             | 15 August 2007                          |
| West Coast Railway Company Ltd                            | 7 December 2005                         |
| Serco Limited   | 30 September 2008                       |

<sup>1</sup> Now known as DB Schenker Rail (UK) Limited