

Steve Jones

Executive, Access and Licensing

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30 August 2019

1. Hannah Evans
Network Rail Infrastructure Limited
The Quadrant
Elder Gate
Milton Keynes MK9 1EN

2. Rob Wheatley
Siemens Plc
Unit 5 Heathfield Way
Northampton
NN5 7QP

Dear all,

The novation of the connection contract between Network Rail Infrastructure Limited (Network Rail), and Siemens Plc

1. The Office of Rail and Road (ORR) has approved the novation of the connection contracts, as submitted to us under sections 18 and 22 of the Railway Act 1993 (the Act), relating to Northampton Kings Heath Traincare Facility.
2. Please find enclosed a copy of the notice which approves the novation of agreements from Siemens Plc to Siemens Mobility Ltd and directs Siemens Mobility Ltd to enter into the agreement with Network Rail. The novation is required due to the Siemens Mobility business being from Siemens plc to Siemens Mobility Limited.
3. The original connection contract agreement was approved by ORR in April 2009. On 18 September 2018 Siemens Plc requested Network Rail to approve the novation of the Kings Heath Traincare Facility connection agreement to Siemens Mobility Ltd.
4. Network Rail approved the novation after minor amendments. The site's land is owned by Trinity College Cambridge and Siemens own the Facility. Siemens have a lease in place that runs until 2035 which allows for the transfer of the lease to the Operator of the Services Agreement. The Services Agreement has been novated from Siemens plc to Siemens Mobility Limited and therefore the lease is now in effect with Siemens Mobility Limited.
5. On 23 August 2019 Network Rail on behalf of the parties requested approval from ORR for the novation. We agree to the novation of the existing connection contracts to Siemens Mobility Ltd. In particular although we could have the parties to consider entering into a newer style connection contract, we note that it is simply a novation within the Siemens company group structure.
6. The proposed deed of novation is based on our template. The only modification to it is to clause 2.1(d):

NR is liable to Siemens Mobility Limited for any pre-novation breach under clause 2.1(c) so we should not be equally liable to Siemens plc in this regard.

7. Once the agreement is signed, in accordance with section 72(5) of the Act, you must send a copy to ORR within 28 days and in accordance with section 72(2)(b)(iii), a copy will be placed on our public register and website.
8. In entering any provision on the register, ORR is required to have regard to the need to exclude, as far as is practicable, the matters specified in section 71(2)(a) and (b) of the Act. These sections refer to:
 - a. any matter which relates to the affairs of an individual, where publication of that matter would or might, in the opinion of the ORR, seriously and prejudicially affect the interests of that individual; and
 - b. any matter which relates to the affairs of a particular body of persons, whether corporate or incorporate, where publication of that matter would or might, in the opinion of the ORR, seriously and prejudicially affect the interests of that body.
9. When submitting the copy of the signed agreement would you therefore please identify any matters which you would like the ORR to consider redacting before publication. You will need to give reasons for each request explaining why you consider that publication would seriously and prejudicially affect your interests.

Yours sincerely

Steve Jones