

**Louise Beilby**  
Senior Access Executive



15 March 2024

Iain Shields  
Customer Support Manager  
Network Rail Infrastructure Ltd  
151 St Vincent Street  
Glasgow  
G2 5NJ

John Kerr  
Regulated Contracts Manager  
ScotRail Trains Ltd  
Atrium Court  
Glasgow  
G2 6HQ

Dear Iain and John

**Approval of the 41st supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and ScotRail Trains Limited (trading as ScotRail) dated 3 March 2016**

We have today approved the above supplemental agreement submitted to us formally on 15 March 2024 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 enable ScotRail to reinstate a rail service to Leven in Fife, increasing services in the surrounding area. ScotRail has also surrendered some unused access rights as part of this application and has tidied up the rights Tables 2.1 and 2.2 in Schedule 5. The amendments will be effective from the Subsidiary Change Date in June 2024 and will expire on the Expiry Date or earlier termination of ScotRail's track access contract.

**Industry consultation**

Network Rail undertook the usual industry consultation. No concerns or objections were raised.



## **ORR review**

We had some queries for the applicants prior to inviting formal submission. First, we asked what ScotRail's current position on stabling was - Network Rail provided a practical example of how stabling is approached in a current location and advised that the same approach will be taken at Leven. We also asked how the new services and infrastructure will be incorporated into the performance regimes. Network Rail advised that new contractual monitoring points would be incorporated into Schedule 8 in a future supplemental agreement which would resolve this query. We identified some minor drafting issues which were resolved before we invited formal submission.

## **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

**Louise Beilby**