

RAILWAYS ACT 1993

ACCESS CHARGES REVIEW 2008

NOTICE OF AGREEMENT: FRANCHISED PASSENGER 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 franchised passenger track access review notice**”).
- 3 Copies of the 2008 franchised passenger 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 franchised passenger 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
Arriva Trains Wales/Trenau Arriva Cymru Limited	5 February 2004
c2c Rail Limited	23 May 2003
The Chiltern Railway Company Limited	5 February 2004
East Midlands Trains Limited	11 November 2007
First Capital Connect Limited	9 February 2006
First Greater Western Limited	8 December 2006
First/Keolis Transpennine Limited	30 January 2004
First ScotRail Limited	10 December 2004
London & Birmingham Railway Limited	11 November 2007
London & South Eastern Railway Limited	6 December 2007
London Eastern Railway Limited	10 December 2004
London Overground Rail Operations Ltd	9 November 2007
Merseyrail Electrics 2002 Limited	17 July 2003
New Southern Railway Limited	21 May 2004
Northern Rail Limited	4 February 2005
NXEC Trains Limited	4 February 2005
Stagecoach South Western Trains Limited	20 May 2004
West Coast Trains Limited	10 December 2008
XC Trains Limited	11 November 2007