

Louise Beilby
Senior Access Executive



3 January 2024

Devon Wall
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Network Rail Infrastructure Ltd
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George Williams
Concession & Business Framework
Manager
Merseyrail Electrics 2002 Ltd
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Dear Devon and George

Approval of the 15th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Merseyrail Electrics 2002 Limited (trading as Merseyrail) dated 1 April 2019

We have today approved the above supplemental agreement submitted to us formally on 2 January 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 amend Appendix 7D of Schedule 7 to include class 777/1 Independently Powered Electric Multiple Units (IPEMU) for On Train Metering;
- to amend Annex B to Part 3 of Schedule 4 - Lookup Table for EBM Weights; and
- to amend table 2.1 of Schedule 5 to remove 13 unused access rights.

These amendments will be effective upon ORR's approval and will expire on the Expiry Date or earlier termination of Merseyrail's track access contract. We note that this amendment would normally have been possible to do via a General Approval, but not in this case because of the current PR23 moratorium on this provision for amendments to Schedules 4 and 7.



Industry consultation

As the proposed amendments do not affect any other party, there was no requirement for an industry consultation in this case.

ORR review

Our review of the application raised no operational, performance or economic concerns. A minor drafting error was corrected during 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

A handwritten signature in blue ink, appearing to read 'Louise Beilby', with a stylized flourish at the end.

Louise Beilby