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RAIL REGULATION

See attached list

29 March 2006

## Performance regime review: review implementation notice

1. Today we are publishing the 'review implementation notice' in relation to the performance regime review. This is the third notice in the statutory implementation process for access charges reviews as set out in Schedule 4A of the Railways Act 1993. We provided a summary of this process in our final conclusions document<sup>1</sup>.
2. The first notice (the 'review notice') was published on 20 December 2005 along with the final conclusions of the review. This notice contained the changes to be made to the specified access contracts and the date that these changes should come into operation. The review notice also set 13 February 2006 as the last date at which written objections could be received from Network Rail.
3. Network Rail registered its objection to the review conclusions by the deadline, however it subsequently withdrew that objection. We then published the notice of agreement on 21 February 2006.
4. Following publication of the notice of agreement, train operators had 28 days in which to give notice of termination of their track access contract if they so wished. The deadline for this was 22 March 2006. As no termination notice has been given, the review implementation notice is being published under paragraph 7(1) of Schedule 4A. This notice sets out again the relevant changes to access contracts and the date on which the changes take effect. The date of implementation remains 1 April 2006.
5. Network Rail has notified us (attached) that Parts L1 – L11 inclusive of the Network Code have ceased to have effect in relation to all franchised passenger train operators. This was a necessary pre-condition for the implementation of the changes specified in Part 1A of Annexes 2 and 3 to the review notice.

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<sup>1</sup> *Review of the Schedule 8 performance regime: final conclusions* (Paragraphs 4.9 – 4.13), Office of Rail Regulation, London, December 2005. This can be found on our website at <http://www.rail-reg.gov.uk/upload/pdf/266.pdf>.

**John Thomas, Director of Regulatory Economics**

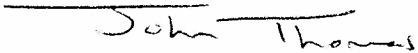
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6. Annex 2 to the review implementation notice provides a template s22 agreement that each train operator and Network Rail should use to confirm that the review changes have been made. These should be submitted on or after 1 April 2006.

A handwritten signature in black ink that reads "John Thomas".

**John Thomas**