

## TERMINATION NOTICE

This Termination Notice is issued in accordance with 9.4(A) of the FM Rail Track Access Agreement dated 11 July 2002. The effect of this Notice is the application of the requirements and provisions of:

- 9.4 (D) of the Agreement, under the heading "Effect of Termination Notice"; and of
- 9.6 of the Agreement, under the heading "Consequences of Termination".

**This Notice is dated 29 February 2008**

The Track Access Agreement shows "Rights to Terminate" under 9.4 as follows:

### 9.4 Termination

#### (A) Network Rail's Right to Terminate

Network Rail may serve a Termination Notice on FM Rail –

- 1) where FM Rail fails to comply with any material restriction in a Suspension Notice;
- 2) where FM Rail fails to comply with its obligations under Clause 9.3(E)(3); or
- 3) where the FM Rail Event of Default specified in a Suspension Notice served by Network Rail is not capable of being remedied and such FM Rail Event of Default is continuing.

On the basis that the FM Rail Event of Default shown under (3) above:

- is not capable of being remedied, with FM Rail's European Passenger Licence having been formally revoked by the Office of Rail Regulation
- is continuing

it is Network Rail's decision to terminate the Agreement.

**I therefore advise you that the FM Rail Track Access Agreement dated 11 July 2002 is Terminated with effect from 00.01 on Tuesday 4 March 2008**

Stephen Cornish  
Network Rail  
Customer Relationship Executive  
Special Trains

Manchester  
29 February 2008

