



Department for Transport

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Dear

CONTRAVENTIONS OF THE SERVICES AGREEMENT

Services Agreement (“the Services Agreement”) dated 13 November 2009 between the Secretary of State for Transport (“the Secretary of State”), Directly Operated Railways Limited and East Coast Main Line Company Limited (“the Franchisee”).

Words and expressions defined in the Services Agreement have the same meaning when used herein unless the context otherwise implies.

The Franchisee has contravened Schedule 7.1 and Schedule 13 of the Services Agreement by misreporting the number of Partial Cancellations since Period 1113. In essence, the nature of the contravention being that the Franchisee had not been reporting Passenger Services that arrive at their final destination scheduled in the Timetable more than 120 minutes late as Partial Cancellations for reasons which are attributed to the Franchisee.

The Secretary of State is satisfied that the Franchisee is taking the necessary steps to ensure that there is no repetition of this contravention.

For the avoidance of doubt, the Franchisee is required to report Passenger Services that arrive at their final destination schedule in the Timetable more than 120 minutes late as follows:

- Passenger Services that arrive at their final destination more than 120 minutes late for reasons that are attributable to the Franchisee are treated as Partial Cancellations and are not reported separately as Minutes Delay within the Service Delivery Benchmark regime.
- Where there are multiple incidents attributed to different parties contained within the overall delay total, the attribution of the Partial Cancellation shall be to whichever party is responsible for the single incident which has generated the greatest number of Minutes Delay.
- In the event of a 50/50 split in attribution, this shall be reported as 0.5 of a Partial Cancellation.

This Notice is without prejudice to any action the Secretary of State may take in relation to any future contraventions of the Services Agreement, including any contraventions similar to those identified in this letter.

The Department will place a copy of this letter on its public register.

Yours sincerely

Commercial Manager
For and on behalf of the Secretary of State for Transport