

# Department for **Transport**

██████████  
Managing Director  
London & Birmingham Railway Ltd  
3<sup>rd</sup> floor  
41-51 Grey Street  
Newcastle upon Tyne  
NE1 6EE

██████████  
Deputy Director  
Department for Transport  
Rail Service Delivery  
3/31 Great Minister House  
76 Marsham Street  
London  
SW1P 4DR

Direct Line: ██████████

██████████  
Web Site: [www.dft.gov.uk](http://www.dft.gov.uk)

Our Ref: DfT/NRFT/sch10.1/1.1/354

13 September 2010

Dear ██████████

## REMEDIAL PLAN NOTICE PURSUANT TO PARAGRAPH 1.1 OF SCHEDULE 10.1 OF THE NATIONAL RAIL FRANCHISE TERMS (THE "TERMS")

The Secretary of State for Transport (the "**Secretary of State**") and London & Birmingham Railway Limited (the "**Franchisee**") entered into a franchise agreement (the "**Franchise Agreement**") incorporating the Terms on 20 June 2007 pursuant to section 23(1) of the Railways Act 1993 (the "**Act**").

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

The Franchisee has contravened the obligation to introduce into passenger service 69 Class 172 units on or before 30 July 2010 as outlined in clause 9.1(b) of Part 1 to Appendix 11 (the "**Contravention**").

The Franchisee is required to propose to the Secretary of State for Transport such steps as the Franchisee considers appropriate for the purpose of securing or facilitating compliance with the Relevant Terms by preparing a remedial plan (the "**Remedial Plan**") in accordance with paragraphs 1.3 and 1.4 of Schedule 10.1 of the Terms. The Franchisee is required to submit the Remedial Plan to the Secretary of State by close of business 1 October 2010.

This Notice is without prejudice to any action the Secretary of State may take in relation to any other contravention of the Franchise Agreement, including the Contravention identified herein.

Yours sincerely ██████████  
██████████  
██████████

██████████  
For and on behalf of the Secretary of State