



Department for Transport

Virgin Rail Group Limited

The Battleship Building
179 Harrow Road
London
W2 6NB

Attention: Company Secretary

West Coast Trains Limited

Meridian
85 Smallbrook Queensway
Birmingham
B5 4HA

Attention: Director Operations and Customer Service

xxxxxx
Commercial Manager
Department for Transport
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Our Ref: RVWC/1/6/3/6

Date: 29 February 2016

Dear Sirs

**This franchise agreement has been superseded by the
West Coast 2018 rail franchise agreement.**

NOTICE PURSUANT TO SECTION 55(6) OF THE RAILWAYS ACT 1993 (THE "ACT") AS AMENDED BY THE TRANSPORT ACT 2000 AND THE RAILWAYS ACT 2005

The Secretary of State for Transport (the "**Secretary of State**"), VRG (as "**Franchisee**") and West Coast Trains Limited (the "**Franchise Operator**") entered into a franchise agreement (the "**Franchise Agreement**") on 18 June 2014 pursuant to the Act.

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

A contravention has been identified in respect of the Franchisee's obligation under Schedule 7.1, paragraph 2.15(a) of the Franchise Agreement to procure that in each Reporting Period the moving annual average of the Franchisee's performance does not exceed the Breach Performance Levels and the Default Performance Levels specified in the cells relating to each such Reporting Period in the Cancellations Benchmark Table (the "**Relevant Paragraph**"), by which the Franchise Operator has, during Rail Periods 1606, 1607, 1608 and 1609, exceeded the Breach Performance Level as set out in the Franchise Agreement (the "**Contravention**").

The Franchise Operator has taken steps in order to secure compliance with the Relevant Paragraph by recruiting 36 extra driver staff to remove reliance on rest day working.

The Secretary of State, in accordance with Section 55(5B)(a) of the Act is satisfied, having regard to the above-mentioned steps, that the Franchise Operator is, for the time

being, taking appropriate steps for the purposes of securing compliance with the Relevant Paragraph.

The above being the case the Secretary of State hereby gives the Franchise Operator notice as required under Section 55(6)(a) of the Act, that no provisional or final order shall be made in relation to the Contravention.

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

A copy of this letter shall be placed on the Secretary of State's public register as required by Section 73(2)(e) of the Act.

Yours faithfully

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For and on behalf of the Secretary of State