



Department  
for Transport

Deputy Director: Eddie Muraszko  
Rail Services (Central)

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

Date: 18th September 2025

Attention: Managing Director, Shiona Rolfe  
CC: [REDACTED]<sup>1</sup>  
Dear Shiona,

**IN RESPECT OF THE NATIONAL RAIL CONTRACT ENTERED INTO DATED 19 SEPTEMBER 2023 (THE "NRC") BETWEEN THE SECRETARY OF STATE FOR TRANSPORT (THE "SECRETARY OF STATE") AND XC TRAINS LIMITED (THE "OPERATOR")**

**SECTION 55(5B)(A) NOTICE PURSUANT TO THE RAILWAYS ACT 1993 (THE "ACT") AS AMENDED BY THE TRANSPORT ACT 2000 AND THE RAILWAYS ACT 2005**

**CONTRAVENTION OF PARAGRAPH 8.1 OF CHAPTER 4.4 ("CONSEQUENCES FOR POOR PERFORMANCE – ENFORCEMENT BENCHMARKS")**

1. Words and expressions defined in the NRC have the same meaning when used herein unless the context otherwise implies.
2. Section 55(5B)(a) of the Act provides that if the Secretary of State is satisfied that the Operator has agreed to take, and is taking, all such steps as it appears to be appropriate to take for the purpose of securing or facilitating compliance with the condition or requirement in question, the Secretary of State shall only make a final order or make or confirm a provisional order if the Secretary of State considers it appropriate to do so.
3. Pursuant to paragraph 8.1 of Chapter 4.4 of the NRC the Operator shall ensure that its performance in each Reporting Period as calculated by the Secretary of State in accordance with the requirements of Chapter 4.4, is not equal to or worse than each Breach Performance Level in respect of the relevant Contract Year (the "**Relevant Obligation**").
4. The Operator was in default of the TOC on Self Cancellation rate in each of Rail Periods 2509 and 2510, a breach of the Relevant Obligation.
5. The Secretary of State is satisfied that the Operator has contravened the Relevant Obligation (the "**Contravention**").

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<sup>1</sup> 13 August 2025 (Date of Enforcement Advisory Panel) (CCT 6062723) - Where text has been omitted from the document - this is because the Secretary of State has decided to exclude the text in accordance with the provisions within the Freedom of Information Act 2000.

6. At the time of the Contravention, the Operator was subject to a Remedial Agreement between the Secretary of State and the Operator. The Remedial Agreement required the implementation of agreed measures and associated timescales for the purpose of ensuring that the Operator's performance against the TOC On Self Cancellations Enforcement Benchmark (the "**Applicable Benchmark**") would be better than the Breach Performance Level relating to the Applicable Benchmark. The Secretary of State is satisfied that the Operator was complying with the terms of the Remedial Agreement at the time the Contravention occurred.
7. The Secretary of State, in accordance with Section 55(5B)(a) of the Act is satisfied, having regard the Operator's compliance with their obligations under the Remedial Agreement, that the Operator agreed to take and was taking, taking appropriate steps for the purposes of securing compliance with the Relevant Obligation.
8. The above being the case the Secretary of State hereby gives the Operator notice that no provisional or final order shall be made in relation to the Contravention.
9. This Section 55(5B)(a) Notice is without prejudice to any action (including action under the NRC) that the Secretary of State may take in relation to any future contravention of the NRC, including the Contravention identified in this Section 55(5B)(a) Notice.
10. The Secretary of State reserves the right to take account of any further contraventions which relate to the subject of this Section 55(5B)(a) Notice.
11. A copy of this Section 55(5B)(a) Notice shall be placed on the Department for Transport's Contract Management System for essential record keeping and to monitor ongoing compliance of the Operator's obligations under the NRC.
12. In addition, the Secretary of State will publish a copy of this Section 55(5B)(a) Notice because of the impact on passengers caused by the Contravention.
13. This Section 55(5B)(a) Notice shall be governed by and construed in accordance with the laws of England and Wales.

Yours sincerely

SIGNED FOR AND ON BEHALF OF <b>The Secretary of State for Transport</b>	) ) ) )	[REDACTED <sup>2</sup> ]
<b>Print Name of Authorised Signatory:</b>		Eddie Muraszko
<b>Position:</b>		Deputy Director
<b>Date:</b>		18 <sup>th</sup> September 2025

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