

Schedule 10.1 – Remedial Plan Notice			
Date	Reason	Clauses	End Date
24 December 2018	Breach of Performance Level for Cancellations Suburban East Sector Period 9 & Period 10 2018/2019, Breach of Performance PPM Period 10 2018/2019	Schedule 10.1 - Paragraph 1.1 and 2	N/A

SCOTRAIL FRANCHISE – REMEDIAL PLAN NOTICE (SCHEDULE 10.1)

REPORT PERIOD 9 2018/2019 – BREACH PERFORMANCE LEVEL FOR CANCELLATIONS SUBURBAN EAST SECTOR

REPORT PERIOD 10 2018/2019 – BREACH PERFORMANCE FOR CANCELLATIONS FOR SUBURBAN EAST SECTOR & EXPRESS SECTOR OTHER

REPORTING PERIOD 10 2018/2019 – BREACH PERFORMANCE LEVEL FOR PPM

This is a Remedial Plan Notice pursuant to the terms of the paragraphs 1.1 and 2 of Schedule 10.1 (Remedial plans and Remedial Agreements) of the Franchise Agreement between Scottish Ministers and Abellio ScotRail Ltd dated 7 and 18 October 2014 (“the Franchise Agreement”).

Having regard to the terms of your letter dated 20 December 2018 headed “cancellation benchmarks”, we are satisfied that in respect of Report Period 9 2018/2019 Abellio ScotRail Ltd’s performance calculated as a moving annual average in accordance with Schedule 7.1 (Train operating Performance) will equal or exceed the Breach Performance Level for the Cancellations Benchmark for the Suburban East Sector and that Abellio ScotRail Ltd is contravening the following terms of the Franchise Agreement:

- Paragraph 1.5(a) of Schedule 1.2 of the Franchise Agreement
- Paragraph 3.3(a) of Schedule 7.1 of the Franchise Agreement

We are satisfied that in respect of Report Period 10 2018/2019 Abellio ScotRail Ltd’s performance was calculated as a moving annual average in accordance with Schedule 7.1 (Train Operating Performance) is likely to equal or exceed the Breach Performance Level for the Cancellations Benchmark for the Suburban East Sector and Express Sector Other, and that therefore Abellio ScotRail Ltd is likely to contravene the following terms of the Franchise Agreement:

- Paragraph 1.5(a) of Schedule 1.2 of the Franchise Agreement
- Paragraph 3.3(a) of Schedule 7.1 of the Franchise Agreement

We are satisfied that in respect of Report Period 10 2018/2019 Abellio ScotRail Ltd’s performance calculated as a moving annual average in accordance with Schedule 7.1 (Train Operating Level) is likely to fall below (that is either equal to or worse than) the Breach Performance Level for the PPM Benchmark and that therefore Abellio ScotRail Ltd is likely to contravene the following terms of the Franchise Agreement:

- Paragraph 1.5(b) of Schedule 1.2 of the Franchise Agreement
- Paragraph 3.3(c) of Schedule 7.1 of the Franchise Agreement

We therefore require Abellio ScotRail Ltd within a period of 8 (eight) weeks from the date of this Remedial Plan Notice to provide an appropriate plan for the purpose of facilitating or securing compliance with the relevant terms of the Franchise Agreement described above (a "Remedial Plan").