

26th Supplemental Agreement

between

NETWORK RAIL INFRASTRUCTURE LIMITED
as Network Rail

and

ABELLIO SCOTRAIL LIMITED
as Train Operator

relating to amendments to the Track Access Contract
dated 03 March 2016

Extension of Track Access Contract

Amendments to VTP Tables

Clarification of Boxing Day Rights

Class 153s

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THIS 26TH SUPPLEMENTAL AGREEMENT is dated 30 March 2022 and made

Between:

- (1) Network Rail Infrastructure Limited, ("Network Rail"), a company registered in England under number 2904587 having its registered office at 1 Eversholt Street, London NW1 2DN; and
- (2) Abellio ScotRail Limited, (the "Train Operator"), a company registered in Scotland under number SC450732 having its registered office at Atrium Court, 50 Waterloo Street, Glasgow, United Kingdom, G2 6HQ.

Background:

- (A) The Train Operator and Network Rail entered into a Track Access Contract (Passenger Services) (which is hereafter referred to as the "Contract") dated 03 March 2016 in a form approved by the Office of Rail and Road pursuant to section 18(7) of the Act.
- (B) The parties now propose to enter into this Supplemental Agreement in order to amend the Contract as described herein.

IT IS HEREBY AGREED as follows:

1. INTERPRETATION

In this Supplemental Agreement:

- 1.1 Words and expressions defined in and rules of interpretation set out in the Contract shall have the same meaning and effect when used in this Supplemental Agreement except where the context requires otherwise;
- 1.2 "**Effective Date**" means the date upon which the Office of Rail and Road issues its approval, pursuant to Section 22 of the Act, of the terms of this Supplemental Agreement; and
- 1.3 "Appendix" shall mean the appendices and their relevant parts and attached hereto.

2. EFFECTIVE DATE AND DURATION

The amendments made to the Contract pursuant to this Supplemental Agreement shall have effect from the Effective Date and shall cease to have effect at 2359 hours on the Expiry Date or earlier termination of the Contract.

3. AMENDMENTS TO THE CONTRACT

- 3.1 In Clause 1.1, the definition of “Expiry Date” shall be deleted in its entirety and replaced with the following:

“means Subsidiary Change Date May 2023”;

- 3.2 In Schedule 5 of the Contract, Clause 5.1 (a) relating to Specified Equipment, shall be amended to include, ‘Class 153 DMU’;

- 3.3 In Schedule 4 of the Contract, Annex B to Part 3 shall be deleted and replaced with Appendix A;

- 3.4 In Schedule 5 of the Contract, Clause 2.10 shall be deleted in its entirety and replaced with:

“Save by prior agreement with Network Rail, the Train Operator shall not be entitled to operate Services on 26 December of any year with the exception of those Services specified in Table 8.1 where the Train Operator shall be entitled to operate a Saturday Service only.”; and

- 3.5 In Schedule 5 of the Contract, Clause 8 – Other Rights, the words “Not Used” shall be deleted and replaced with Appendix B.

4. EFFECT OF THIS SUPPLEMENTAL AGREEMENT ON THE CONTRACT

The Contract, as amended by this Supplemental Agreement, shall remain in full force and effect in accordance with its terms, and during the period in which the amendments made by this Supplemental Agreement are to have effect all references in the Contract to “the contract”, “herein”, “hereof”, “hereunder” and other similar expressions shall, unless the context requires otherwise, be read and construed as a reference to the Contract as amended by this Supplemental Agreement.

5. LAW

This Supplemental Agreement shall be governed by, construed and given effect to in all respects in accordance with the laws of Scotland.

6. THIRD PARTY RIGHTS

No rights shall be conferred under or arising out of this Supplemental Agreement on any person other than the Parties to this Supplemental Agreement and there shall not be created in any circumstances a jus quaesitum tertio in favour of any person.

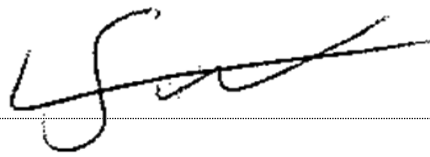
7. COUNTERPARTS

This Supplemental Agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute an original, but all the counterparts shall together constitute one and the same instrument.


IN WITNESS WHEREOF this Supplemental Agreement comprising this and the foregoing 3 pages and Appendices A - B are executed as follows:-


SIGNED on behalf of **NETWORK RAIL INFRASTRUCTURE LIMITED** by Liam Sumpter at Glasgow on 30 March 2022 in the presence of:-

Witness: 
Full Name: Grace Brown
Address: 151 St Vincent Street
Glasgow G2 5NW



SIGNED on behalf of **ABELLIO SCOTRAIL LIMITED** by John Kerr at Atrium Court on 30-03-22 | 18:43 BST in the presence of:-

Witness: 
Full Name: Donna Sim
Address: Atrium Court, Glasgow



Appendix A

Annex B to Part 3 of Schedule 4 – Lookup Table for EBM Weight

Viable Transfer Point [VTP]	Viable Transfer Point [VTP]	Via	Applicable Infrastructure Rules	Other Operating Rules	S4CS Code	Description of Possession Response	Comments	Service Group	% Applicable	FULL Bus Replacement (100%)				PARTIAL Bus Replacement (50% x X%)					No Bus Replacement (0%)	EBMs Total
										From	To	Miles	Trains	From	To	Miles	Trains	% Trains		
[Description]																				
Mallaig (MLG)	Fort William (FTW)				ASR101			HA04	100%	MLG	FTW	41.5								
Fort William (FTW)	Crianlarich (CNR)				ASR102			HA04	100%	FTW	CNR	62.5								
Crianlarich (CNR)	Oban (OBN)				ASR103			HA04	100%	CNR	OBN	41.75								
Crianlarich (CNR)	Dalmuir (DMR)				ASR104			HA04	100%	CNR	DMR	49								
								HA04	100%	DMR	GLQ	10								
Dalmuir (DMR)	Glasgow Queen Street (GLQ)				ASR105			HA04	100%	CNR	DMR	49								
								HA04	100%	DMR	GLQ	10								
Balloch (BHC)	Dalmuir (DMR)				ASR106			HA08	100%	BHC	DMR	11.5								
Helensburgh Central (HLC)	Dalmuir (DMR)				ASR107			HA08	100%	HLC	DMR	14.5								

Dalmuir (DMR)	Annie'sland (ANL)	(via Drumry)			ASR108			HA08	50%					DMR	ANL	5.25								
								HA08	50%					ANL	PTK	1.5								
Annie'sland (ANL)	Glasgow Queen Street (GLQ)	(via Ashfield)			ASR109			HA07	100%	ANL	GLQ	6												
Milngavie (MLN)	Annie'sland (ANL)				ASR110			HA08	100%	MLN	ANL	3.25												
								HA08	100%	ANL	PTK	1.5												
Dalmuir (DMR)	Partick (PTK)	(via Clydebank)			ASR111			HA08	100%	DMR	PTK	5.75												
Annie'sland (ANL)	Partick (PTK)				ASR112			HA08	100%	MLN	ANL	3.25												
								HA08	100%	ANL	PTK	1.5												
Partick (PTK)	Glasgow Central (GLC)				ASR113			HA08	100%	PTK	GLC	2.25												
								HA08	100%	GLC	RUT	3												
Glasgow Central (GLC)	Rutherglen (RUT)				ASR114			HA08	100%	PTK	GLC	2.25												
								HA08	100%	GLC	RUT	3												
								HA07	100%	GLC	RUT	3												
Glasgow Queen Street (GLQ)	Springburn (SPR)				ASR115			HA08	100%	PTK	GLQ	2.5												
								HA08	100%	GLQ	SPR	3.75												
								HA07	100%	GLQ	SPR	3.75												
Glasgow Queen Street (GLQ)	Shettleston (SLS)				ASR116			HA08	100%	PTK	GLQ	2.5												
								HA08	100%	GLQ	SLS	3.75												
Partick (PTK)	Glasgow Queen Street (GLQ)				ASR117			HA08	100%	PTK	GLQ	2.5												
								HA08	100%	GLQ	SLS	3.75												

					ASR118			HA08	100%	PTK	GLQ	2.5							
								HA08	100%	GLQ	SPR	2.5							
Glasgow Queen Street (GLQ)	Croy (CRO)				ASR119			HA01	100%	GLQ	CRO	11.5							
								HA07	100%	GLQ	CRO	11.5							
Croy (CRO)	Linlithgow (LIN)				ASR120			HA01	100%	CRO	LIN	19.5							
Croy (CRO)	Stirling (STG)	(via Larbert)			ASR121			HA01	100%	CRO	STG	18							
								HA07	100%	CRO	STG	18							
Stirling (STG)	Dunblane (DBL)				ASR122			HA01	100%	STG	DBL	5							
								HA01	100%	DBL	PTH	28							
								HA02	100%	STG	DBL	5							
								HA07	100%	STG	DBL	5							
Stirling (STG)	Alloa (ALO)				ASR123			HA02	100%	STG	ALO	6							
								HA07	100%	STG	ALO	6							
Dunblane (DBL)	Perth (PTH)				ASR124			HA01	100%	STG	DBL	5							
								HA01	100%	DBL	PTH	28							
								HA02	100%	DBL	PTH	28							
Perth (PTH)	Dundee (DEE)				ASR125			HA01	100%	PTH	DEE	21							
Dundee (DEE)	Aberdeen (ABD)				ASR126			HA01	100%	DEE	ABD	71.25							
Aberdeen (ABD)	Dyce (DYC)				ASR127			HA04	100%	ABD	DYC	6							

Dyce (DYC)	Inverurie (INR)				ASR128			HA04	100%	DYC	INR	11								
Inverurie (INR)	Elgin (ELG)				ASR129			HA04	100%	INR	ELG	55								
Elgin (ELG)	Inverness (INV)				ASR130			HA04	100%	ELG	INV	37								
Inverness (INV)	Dingwall (DIN)				ASR131			HA04	100%	INV	DIN	18.75								
Dingwall (DIN)	Tain (TAI)				ASR132			HA04	100%	DIN	TAI	25.5								
					ASR133			HA04	100%	DIN	TAI	25.5								
								HA04	100%	TAI	THS	110								
Tain (TAI)	Thurso (THS)				ASR134			HA04	100%	DIN	TAI	25.5								
								HA04	100%	TAI	THS	110								
Thurso (THS)	Wick (WCK)				ASR135			HA04	100%	THS	WCK	20.75								
Dingwall (DIN)	Strathcarron (STC)				ASR136			HA04	100%	DIN	STC	46								
								HA04	100%	SCR	KYL	17.75								
Strathcarron (SCR)	Kyle of Lochalsh (KYL)				ASR137			HA04	100%	SCR	KYL	17.75								

Perth (PTH)	Aviemore (AVM)				ASR138			HA01	100%	PTH	AVM	83.75												
Aviemore (AVM)	Inverness (INV)				ASR139			HA01	100%	AVM	INV	34.5												
Perth (PTH)	Kirkcaldy (KDY)				ASR140			HA01	100%	PTH	KDY	31												
								HA02	100%	PTH	KDY	31												
Dundee (DEE)	Kirkcaldy (KDY)				ASR141			HA01	100%	INK	KDY	12.75												
								HA01	100%	KDY	DEE	33.25												
								HA02	100%	INK	KDY	12.75												
								HA02	100%	KDY	DEE	33.25												
					ASR142			HA01	50%						INK	KDY	12.75							
								HA01	50%						KDY	DEE	33.25							
								HA02	50%						INK	KDY	12.75							
								HA02	50%						KDY	DEE	33.25							
Inverkeithing (INK)	Glenrothes With Thornton (GLT)				ASR144			HA02	100%	INK	GLT	17.25												
Glenrothes With Thornton (GLT)	Kirkcaldy (KDY)				ASR145			HA02	100%	GLT	KDY	5												
Inverkeithing (INK)	Kirkcaldy (KDY)				ASR146			HA01	100%	INK	KDY	12.75												
								HA01	100%	KDY	DEE	33.25												
								HA02	100%	INK	KDY	12.75												
								HA02	100%	KDY	DEE	33.25												
						ASR147			HA01	50%					INK	KDY	12.75							
								HA01	50%					KDY	DEE	33.25								

								HA02	50%						INK	KDY	12.75				
								HA02	50%						KDY	DEE	33.25				
Inverkeithing (INK)	Edinburgh Waverley (EDB)	(via Dalmeny)						HA01	100%	INK	EDB	13									
								HA02	100%	INK	EDB	13									
Edinburgh Waverley (EDB)	Linlithgow (LIN)							HA01	100%	EDB	LIN	17.5									
								HA02	100%	EDB	LIN	17.5									
Linlithgow (LIN)	Falkirk Grahamston (FKG)							HA02	100%	LIN	FKG	8									
Falkirk Grahamston (FKG)	Stirling (STG)							HA02	100%	FKG	STG	11									
Edinburgh Waverley (EDB)	Newcraighall (NEW)							HA02	100%	EDB	NEW	4.75									
Newcraighall (NEW)	Tweedbank (TWB)							HA02	100%	NEW	TWB	29.75									
Edinburgh Waverley (EDB)	North Berwick (NBW)							HA02	100%	EDB	NBW	22									
Edinburgh Waverley (EDB)	Dunbar (DUN)							HA02	100%	EDB	DUN	29									
Edinburgh Waverley (EDB)	Bathgate (BHG)							HA08	100%	EDB	BHG	18.75									
								ASR158													
								HA08	100%	BHG	ADR	15									

Bathgate (BHG)	Airdrie (ADR)																		
Airdrie (ADR)	Shettleston (SLS)				ASR159			HA08	100%	ADR	SLS	7.25							
Springburn (SPR)	Cumbernauld (CUB)				ASR160			HA07	100%	SPR	CUB	2.75							
Cumbernauld (CUB)	Falkirk Grahamston (FKG)				ASR161			HA07	100%	CUB	FKG	9.75							
Rutherglen (RUT)	Uddingston (UDD)				ASR162			HA06	100%	RUT	UDD	5.25							
Rutherglen (RUT)	Newton (NTN)				ASR163			HA08	100%	RUT	UDD	5.25							
Rutherglen (RUT)	Newton (NTN)				ASR163			HA06	100%	RUT	NTN	3.5							
Rutherglen (RUT)	Newton (NTN)				ASR163			HA08	100%	RUT	NTN	3.5							
Uddingston (UDD)	Glasgow Central (GLC)	(via Bridge Street Jn)			ASR164			HA06	100%	UDD	GLC	5.5							
Uddingston (UDD)	Glasgow Central (GLC)	(via Bridge Street Jn)			ASR164			HA08	100%	UDD	GLC	5.5							
Newton (NTN)	Larkhall (LRH)				ASR165			HA06	100%	NEW	LRH	9.25							
Newton (NTN)	Larkhall (LRH)				ASR165														
Newton (NTN)	Motherwell (MTH)	(via Airbles)			ASR166			HA06	100%	NTN	MTH	8.25							
Newton (NTN)	Motherwell (MTH)	(via Airbles)			ASR166			HA08	100%	NTN	MTH	8.25							
Newton (NTN)	Motherwell (MTH)	(via Airbles)			ASR167														
Newton (NTN)	Motherwell (MTH)	(via Airbles)			ASR167			HA06	100%	NTN	MTH	8.25							
Newton (NTN)	Motherwell (MTH)	(via Airbles)			ASR167			HA06	100%	RUT	NTN	3.5							
Newton (NTN)	Motherwell (MTH)	(via Airbles)			ASR167			HA06	100%	GLC	RUT	3							
Newton (NTN)	Motherwell (MTH)	(via Airbles)			ASR167			HA08	100%	NTN	MTH	8.25							

								HA08	100%	RUT	NTN	3.5											
								HA08	100%	GLC	RUT	3											
Motherwell (MTH)	Wishaw (WSH)				ASR168			HA06	100%	MTH	WSH	3.25											
								HA08	100%	MTH	WSH	3.25											
Wishaw (WSH)	Carstairs (CRS)				ASR169			HA06	100%	WSH	CRS	12.75											
								HA08	100%	WSH	CRS	12.75											
Wishaw (WSH)	Lanark (LNK)				ASR170			HA08	100%	WSH	LNK	12.75											
Carstairs (CRS)	Edinburgh Waverley (EDB)				ASR171			HA06	100%	CRS	EDB	28.75											
								HA08	100%	CRS	EDB	28.75											
West Calder (WCL)	Edinburgh Waverley (EDB)				ASR172			HA06	100%	WCL	EDB	16.75											
Carfin (CRF)	West Calder (WCL)				ASR173			HA06	100%	CRF	WCL	16.5											
Uddingston (UDD)	Carfin (CRF)	(via Holytown)			ASR174			HA06	100%	UDD	CRF	5.35											
Rutherglen (RUT)	Whifflet (WFF)	(via Kirkwood)			ASR175			HA08	100%	RUT	WFF	11											
Uddingston (UDD)	Motherwell (MTH)				ASR176			HA06	50%					UDD	MTH	5.5							
								HA08	50%					UDD	MTH	5.5							
					ASR177			HA06	100%	UDD	MTH	5.5											

								HA08	100%	UDD	MTH	5.5								
								HA06	100%	NTN	MTH	8.25								
						ASR178		HA06	100%	RUT	NTN	3.5								
								HA06	100%	GLC	RUT	3								
								HA06	100%	WFF	MTH	4								
Whifflet (WFF)	Motherwell (MTH)					ASR179		HA08	100%	WFF	MTH	4								
								HA08	100%	WFF	CUB	7.5								
Whifflet (WFF)	Cumbernauld (CUB)					ASR180														
								HA03	100%	GLC	CMY	2.25								
Glasgow Central (GLC)	Crossmyloof (CMY)	(via Muirhouse North Jn)				ASR181		HA06	100%	GLC	CMY	2.25								
								HA06	100%	CMY	EKL	9.25								
Crossmyloof (CMY)	East Kilbride (EKL)	(via Giffnock)				ASR182														
								HA03	100%	CMY	BRR	7								
Crossmyloof (CMY)	Barrhead (BRR)					ASR183		HA06	100%	CMY	BRR	7								
								HA06	100%	NEI	MFL	8.5								
								HA06	100%	MFL	GLC	3.25								
Neilston (NEI)	Mount Florida (MFL)	(Via Muirend)				ASR184														
								HA06	100%	NEI	MFL	8.5								
						ASR185														
								HA06	100%	NEI	MFL	8.5								
Mount Florida (MFL)	Glasgow Central (GLC)	(via Muirhouse North Jn)				ASR186		HA06	100%	MFL	GLC	3.25								
						ASR187		HA06	100%	NTN	MFL	5.5								

								HA06	100%	MFL	GLC	3.25							
								HA06	100%	GLC	PSE	3.75							
					ASR188			HA06	100%	PSE	MFL	2							
								HA06	100%	MFL	GLC	3.25							
								HA06	100%	MFL	GLC	3.25							
					ASR189														
								HA06	100%	NTN	MFL	5.5							
Newton (NTN)	Mount Florida (MFL)	(via Kings Park)			ASR190			HA06	100%	MFL	GLC	3.25							
								HA03	100%	BRR	KMK	17							
Barrhead (BRR)	Kilmarnock (KMK)				ASR191			HA06	100%	BRR	KMK	17							
								HA03	100%	KMK	DMF	58							
Kilmarnock (KMK)	Dumfries (DMF)				ASR192														
								HA03	100%	DMF	CAR	33							
Dumfries (DMF)	Carlisle (CAR)				ASR193														
								HA05	100%	GLC	PYG	7.25							
Glasgow Central (GLC)	Paisley Gilmour Street (PYG)	(via Bridge Street Jn)			ASR194														
								HA05	100%	GLC	PCN	7.75							
Glasgow Central (GLC)	Paisley Canal (PCN)	(via Bridge Street Jn)			ASR195														
								HA05	100%	PYG	GRK	19							
Paisley Gilmour Street (PYG)	Gourock (GRK)				ASR196														
								HA05	100%	GRK	WMS	23.5							
					ASR197														

Paisley Gilmour Street (PYG)	Wemyss Bay (WMS)																			
Paisley Gilmour Street (PYG)	Johnstone (JHN)	ASR198					HA05	100%	PYG	JHN	3.5									
Johnstone (JHN)	Kilwinning (KWN)	ASR199					HA05	100%	JHN	KWN	16									
Kilwinning (KWN)	Troon (TRN)	ASR200					HA05	100%	KWN	TRN	8.25									
Ayr (AYR)	Girvan (GIR)	ASR201					HA03	100%	AYR	GIR	21.25									
Girvan (GIR)	Stranraer (STR)	ASR202					HA03	100%	GIR	STR	38.25									
Troon (TRN)	Ayr (AYR)	ASR203					HA03	100%	TRN	AYR	38.25									
							HA05	100%	TRN	AYR	6.5									
Troon (TRN)	Kilmarnock (KMK)	ASR204					HA03	100%	TRN	KMK	9									
Kilwinning (KWN)	Ardrossan South Beach (ASB)	ASR205					HA05	100%	KWN	ASB	4.5									
							HA05	100%	ASB	LAR	11.5									
		ASR206						HA05	100%	KWN	ASB	4.5								
								HA05	100%	ASB	ADS	1								
		ASR207					HA05	100%	ASB	ADS	1									

Ardrossan South Beach (ASB)	Ardrossan Harbour (ADS)																		
Ardrossan South Beach (ASB)	Largs (LAR)				ASR208			HA05	100%	ASB	LAR	11.5							

Appendix B

Table 8.1: Boxing Day Rights

Service Group	Between	And	Via	Description	Train Service Code
HA03	Ayr	Girvan	Maybole	7.90, 7.93	13577015
HA05	Ardrossan Harbour	Glasgow Queen Street	Paisley Gilmour Street	6.131, 6.134	13571015
HA05	Ayr	Glasgow Central	Paisley Gilmour Street	6.140, 6.142	13573015
HA05	Glasgow Central	Wemyss Bay	Paisley Gilmour Street	6.122, 6.125	13569815
HA05	Glasgow Central	Gourock	Paisley Gilmour Street	6.120, 6.123	13569815
HA05	Glasgow Central	Paisley Canal	Corkerhill	7.30, 7.31	13565015
HA05	Glasgow Central	Largs	Paisley Gilmour Street	6.133, 6.136	13571015
HA06	East Kilbride	Glasgow Queen Street	Busby	7.40, 7.41	13567015
HA06	Glasgow Central	Kilmarnock	Crossmyloof	7.51, 7.53	13568015
HA06	Glasgow Central	Newton	Maxwell Park or Queens Park	6.63, 6.64, 6.66, 6.67	13562015
HA06	Glasgow Central	Neilston	Queens Park	6.62, 6.65	13562015
HA07	Glasgow Queen Street	Cumbernauld	Stepps	7.0, 7.3	13561015
HA07	Anniesland	Glasgow Queen Street	Maryhill	7.60, 7.61	13574515
HA08	Helensburgh Central	Dalmuir	Dumbarton East	8.43, 8.9	13560015

HA08	Helensburgh Central	Bathgate	Singer or Yoker	8.42, 8.5	13560015
HA08	Helensburgh Central	Airdrie	Singer or Yoker	8.2, 8.41	13560015
HA08	Partick	Springburn	Bellgrove	8.21, 8.51	13560015
HA08	Yoker	Balloch	Dumbarton East	8.22, 8.33	13560015
HA08	Balloch	Larkhall	Yoker, Blantyre	8.68, 8.92	23563015
HA08	Balloch	Motherwell	Yoker, Carmyle	8.72, 8.93	23563015
HA08	Garscadden	Motherwell	Blantyre	8.75, 8.100	23563015
HA08	Lanark	Motherwell	Wishaw	8.67, 8.110	23560015
HA08	Larkhall	Garscadden	Blantyre	8.70	23563015
HA08	Larkhall	Balloch	Blantyre, Yoker	8.68, 8.92	23563015
HA08	Milngavie	Motherwell	Blantyre	8.77, 8.106	23563015