

FORTIETH SUPPLEMENTAL AGREEMENT

between

NETWORK RAIL INFRASTRUCTURE LIMITED

as Network Rail

and

NORTHERN TRAINS LIMITED

as Train Operator

relating to the Track Access Contract (Passenger
Services) dated 03 MARCH 2016

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THIS FORTIETH SUPPLEMENTAL AGREEMENT is dated 20th April 2022

and made

BETWEEN:

- (1) **NETWORK RAIL INFRASTRUCTURE LIMITED**, a company registered in England under number 2904587 having its registered office at 1 Eversholt Street, London, NW1 2DN (“**Network Rail**”); and
- (2) **NORTHERN TRAINS LIMITED**, a company registered in England under number 03076444, having its registered office at Albany House, Floor 8, 94-98 Petty France, London, England, SW1H 9EA (the “**Train Operator**”).

BACKGROUND:

- (A) Network Rail and Arriva Rail North Limited entered into a Track Access Contract (Passenger Services) dated 3 March 2016 as amended by various supplemental agreements (which track access contract as subsequently amended is hereafter referred to as the “**Contract**”).
- (B) On 1st March 2020, the rights and obligations of Arriva Rail North Limited under the contract were transferred to the Train Operator pursuant to a transfer scheme made by the Secretary of State for Transport on 1st March under schedule 2 of the Railways Act 2005.
- (C) The parties propose to amend the Contract in the manner and on the terms described below.

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; and
- 1.2 “Effective Date” means: The date of signature of this Supplemental Agreement

2. ORR GENERAL APPROVAL

This Supplemental Agreement is entered into pursuant to the Passenger Access (Short Term Timetable and Miscellaneous Changes) General Approval 2009.

3. EFFECTIVE DATE AND TERM

The amendments made to the Contract as set out in this Supplemental Agreement shall have effect from the Effective Date and shall cease to have effect at the Expiry Date or earlier termination of the Contract.

4. AMENDMENTS TO THE CONTRACT

a) In Schedule 5, Table 2.1 of the Contract, the entry relating to Service Group ED06 South and East Yorkshire Inter Urban shall be deleted in its entirety and replaced by the Table 2.1 in Annex 1

b) In Schedule 5, Table 2.2 of the Contract, the entry relating to Service Group ED06 South and East Yorkshire Inter Urban shall be deleted in its entirety and replaced by the Table 2.2 in Annex 2

5. GENERAL

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.

6. THIRD PARTY RIGHTS

No person who is not a party to this Supplemental Agreement shall have any right under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this Supplemental Agreement.

7. LAW

This Supplemental Agreement shall be governed by, construed and given effect to in all respects in accordance with English Law.

8. 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 but one and the same instrument.

IN WITNESS WHEREOF Network Rail and the Train Operator have, by their duly authorised representatives, entered into this Supplemental Agreement on the date first above written.

SIGNED by)
)



duly authorised for and on behalf of)
NETWORK RAIL)
INFRASTRUCTURE LIMITED)

SIGNED by)
)
duly authorised for and on behalf of)
NORTHERN TRAINS LIMITED)



Rob Warnes - Strategic Development Director

Annex 1

Table 2.1: Passenger Train Slots 18th 30th 33rd 40th

1						2					
Service Group ED06											
Service description: South and East Yorkshire Inter Urban						Passenger Train Slots					
From	To	Via	Description	TSC	Timing Load	Peak times ¹		Off-Peak times ²	Weekday ³	Saturday	Sunday
						Morning Peak	Evening Peak				
Hull	Beverley	Direct	ED06.4	11838821	156	0	0	2	2	2	0
Hull	Bridlington					0	0	7	7	7	2
Hull	Scarborough					0	0	2	2	2	1
Beverley	Hull					0	0	1	1	1	0
Bridlington	Hull					0	0	7	7	7	3
Scarborough	Hull					0	0	1	1	1	3
Doncaster	Hull	Goole					11838821 11808920 11816820	156	0	4	8
Hull	Doncaster		ED06.4	3	0	14			17	17	14

1						2						
Service Group ED06												
Service description: South and East Yorkshire Inter Urban						Passenger Train Slots						
From	To	Via	Description	TSC	Timing Load	Peak times ¹		Off-Peak times ²	Weekday ³	Saturday	Sunday	
						Morning Peak	Evening Peak					
Sheffield	Hull	Goole	ED06.5	11838821 11808920 11816820	156	0	0	2	2	2	4	
Sheffield	Beverley			11838821 11808920 11816821	150	0	0	0	0	0	0	
Beverley	Sheffield					1	0	0	1	1	0	
Sheffield	Bridlington					156	0	1	2	2	2	2
Sheffield	Scarborough					150	5	0	8	13	13	10
Hull	Sheffield						0	0	3	3	3	3
Bridlington	Sheffield						0	0	1	1	1	1
Scarborough	Sheffield						1	0	11	12	12	9
Scarborough	Sheffield			Selby	ED06.6	11838821 11807820	156	0	0	1	1	1
Sheffield	Hull						0	0	1	1	1	0
Selby	Scunthorpe	Doncaster	ED06.1	11838821 11825820	156	1	0	0	1	1	0	

Hull	Adwick			11808920 11807820 11825820		1	0	0	1	1	0
1						2					
Service Group ED06											
Service description: South and East Yorkshire Inter Urban						Passenger Train Slots					
From	To	Via	Description	TSC	Timing Load	Peak times ¹		Off-Peak times ²	Weekday ³	Saturday	Sunday
Adwick	Sheffield		ED06.2	11807820		3	2	5	10	10	0
Sheffield	Adwick					3	3	5	11	11	0
Doncaster	Adwick					1	0	0	1	1	0
Doncaster	Goole		ED06.3	11816820 11808920 11838821		0	0	4	4	4	1
Goole	Hull				150	0	0	3	3	3	0
Scunthorpe	Doncaster		ED06.7	11807820	150	3	0	14	17	17	0
Doncaster	Sheffield		ED06.6			0	4	13	17	17	15
Sheffield	Doncaster	Direct				5	4	9 ⁴	18 ⁴	18 ⁴	15

1						2					
Service Group ED06											
Service description: South and East Yorkshire Inter Urban						Passenger Train Slots					
From	To	Via	Description	TSC	Timing Load	Peak times ¹		Off-Peak times ²	Weekday ³	Saturday	Sunday
						Morning Peak	Evening Peak				
Goole	Sheffield		ED06.4	11807820	156	0	0	0	0	0	1
Doncaster	Scunthorpe	Direct	ED06.7			0	4	12	16	16	0

Notes to Table:

1 Peak times – arriving Doncaster between 06:00 and 09:59, departing Doncaster between 15:00 and 18:59

2 Off-Peak times – arriving at and departing from Doncaster outside Peak times

3 Passenger Train Slots listed under the sub-headings “Peak times” and “Off-Peak times” are the constituent parts of, and are not in addition to, those listed under the sub-heading “Weekday”

4 Temporary surrender of unused rights, applicable from 10th January 2022 to SCD 2023: Reduction from 10 to 9 Off Peak and from 19 to 18 on Saturday^{40th}

1						2					
Service Group ED06											
Service description: South and East Yorkshire Inter Urban						Passenger Train Slots					
From	To	Via	Description	TSC	Timing Load	Peak times ¹		Off-Peak times ²	Weekday ³	Saturday	Sunday
						Morning Peak	Evening Peak				
Hull	York	Direct	ED06.9	21806000	156	0	0	0	0	0	5
Selby						0	0	1	1	0	0
York						0	0	1	1	1	7
York						0	0	2	2	1	0
Hull	York	Sherburn-in - Elmet				3	0	0	3	3	9
Selby						1	0	0	1	1	2
York						2	0	4	6	6	7
York						0	0	0	0	0	1
York	Scarborough	Malton	ED06.11	21809000	158	0	4	11	15	15	13
Scarborough	York	Malton	ED06.11	21809000	158	3	0	12	15	15	13
Scarborough	York	Hull		11838821 21806000	155	0	0	1	1	1	0
York	Bridlington		ED06.10	11838821 21806000	156	0	4	4	8	8	0

Bridlington	York		ED06.10	11838821 21806000	156	0	0	10	10	10	0
York	Bridlington	Direct	ED06.10	11838821 21806000	156	0	0	3	3	3	0
Bridlington	York	Direct	ED06.10	11838821 21806000	156	0	0	3	3	3	0

Notes to Table:

1 Peak times – arriving York between 06:00 and 09:59, departing York between 15:00 and 18:59

2 Off-Peak times – arriving at and departing from York outside Peak times

3 Passenger Train Slots listed under the sub-headings “Peak times” and “Off-Peak times” are the constituent parts of, and are not in addition to, those listed under the sub-heading “Weekday”.

Annex 2

Table 2.2: Additional Passenger Train Slots ^{18th 25th 30th 33rd 37th 40th}

1						2					
Service Group ED06 ¹											
Service description: South and East Yorkshire Inter Urban						Passenger Train Slots					
From	To	Via	Description	TSC	Timing Load	Peak times ¹		Off-Peak times ²	Weekday ³	Saturday	Sunday
						Morning Peak	Evening Peak				
Adwick	Sheffield	Doncaster	ED06.2	11807820	156	2 ²	2	4	8 ²	8 ²	0
Sheffield	Adwick					1	1	4	6	6	0
Hull	York	Direct	ED06.9	21806000	156	0	0	0	0	0	0
York	Hull					0	0	0	0	0	1

1 Rights shall expire on the Subsidiary change date 2023^{37th}

2 Temporary surrender of unused rights, applicable from 10th January 2022 to SCD 2023: Reduction from 3 to 2 Morning Peak and from 9 to 8 on Saturday^{40th}