

# 44<sup>th</sup> SUPPLEMENTAL AGREEMENT

between

**NETWORK RAIL INFRASTRUCTURE LIMITED**

as Network Rail

and

**GOVIA THAMESLINK RAILWAY LIMITED**

as Train Operator

relating to the Track Access Contract (Passenger  
Services) dated 2<sup>nd</sup> March 2016

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**THIS 44<sup>TH</sup> SUPPLEMENTAL AGREEMENT** is dated 28th April 2022 and made

**BETWEEN:**

- (1) **NETWORK RAIL INFRASTRUCTURE LIMITED**, a company registered in England under number 2904587 having its registered office at Kings Place 90 York Way, London N1 9AG (“Network Rail”); and
- (2) **GOVIA THAMESLINK RAILWAY LIMITED**, a company registered in England under number 07934306, having its registered office at 3<sup>rd</sup> Floor, 41-51 Grey Street, Newcastle upon Tyne, NE1 6EE (the “Train Operator”).

**WHEREAS:**

- (A) The parties entered into a Track Access Contract (Passenger Services) dated 02 March 2016 in a form approved by the Office of Rail and Road (“ORR”) pursuant to Section 18(7) of the Act, as amended by various supplemental agreements each in a form approved by ORR pursuant to Section 22 of the Act (which track access contract as subsequently amended is hereafter referred to as the “Contract”).
- (B) The parties wish to amend the Contract in the terms described below.

**IT IS HEREBY AGREED** as follows:

1. **INTERPRETATION**

In this Supplemental Agreement:

- (A) 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
- (B) “Effective Date” means: 00.01 hours on 14th May 2022

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**

- 4.1 Table 2.2 Additional Passenger Train Slots of Schedule 5 shall have the tables in Annex A, Appendix 1 of this Supplemental Agreement added to the existing tables.
- 4.2 The Footnotes to Table 2.2 Additional Passenger Train Slots of Schedule 5 shall have Footnote 7, detailed in Annex A, Appendix 2 of this Supplemental Agreement, added to the existing Footnotes
- 4.3 Table 4.1 Calling Patterns of Schedule 5 of the Contract, the entries relating to Service Groups ET08 and ET09 shall have the entries in Annex A, Appendix 3 of this Supplemental Agreement added to the existing entries.

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.

<b>SIGNED</b> by	)	Katie Frost, Route Director
	)	
duly authorised for and on behalf of	)	
<b>NETWORK RAIL</b>	)	
<b>INFRASTRUCTURE LIMITED</b>	)	

SIGNED by

duly authorised for and on behalf of  
GOVIA THAMESLINK RAILWAY LIMITED

)  
)  
)  PATRICK VERWER

## ANNEX A

Appendix 1 44<sup>th</sup> SA

Table 2.2 Additional Passenger Train Slots

1						2					
Service Group: ET09 44 <sup>TH</sup> SA											
Service description: Southern Metro											
From	To	Via	Description	TSC	Timing Load	Peak times <sup>6</sup>		Off-Peak times <sup>2</sup>	Total Weekday <sup>3</sup>	Saturday	Sunday
						Morning Peak	Evening Peak				
London Victoria	Billingshurst	Mitcham Junction/Epsom	9.57	24785000	455	0	0	0	0	1 <sup>7</sup>	0
London Charing Cross	Blackfriars	Peckham Rye/Balham/Elephant and Castle	9.58	24787000	455	0	0	0	0	1 <sup>7</sup>	0
Blackfriars	Sevenoaks	Denmark Hill/Bromley/Swanley	9.59	24787000	455	0	0	0	0	1 <sup>7</sup>	0
Sevenoaks	London Victoria	Bromley/Denmark Hill/Brixton	9.60	24782000	455	0	0	0	0	1 <sup>7</sup>	0

1						2					
Service Group: ET08 44 <sup>TH</sup> SA											
Service description: Southern Outer											
From	To	Via	Description	TSC	Timing Load	Peak times <sup>6</sup>		Off-Peak times <sup>2</sup>	Total Weekday <sup>3</sup>	Saturday	Sunday
						Morning Peak	Evening Peak				
Billingshurst	Brighton	Haywards Heath/Hove	8.76	24746000	455	0	0	0	0	1 <sup>7</sup>	0
Brighton	London Charing Cross	Lewes/Norwood Junction/Sydenham	8.77	24746000	455	0	0	0	0	1 <sup>7</sup>	0

**Appendix 2** 44<sup>TH</sup> SA  
**Footnotes to table 2.2**

7. These access rights shall only apply between 00.01 and 23.59 on 14<sup>th</sup> May 2022.

**Appendix 3** 44<sup>TH</sup> SA  
**Table 4.1 Calling Patterns**

From	To	Via	Description	TSC	Regular Calling Pattern	Additional stations
London Victoria	Billingshurst	Mitcham Junction/Epsom	9.57	24785000	Horsham	
London Charing Cross	Blackfriars	Peckham Rye/Balham/Elephant and Castle	9.58	24787000	Balham	

From	To	Via	Description	TSC	Regular Calling Pattern	Additional stations
Billingshurst	Brighton	Haywards Heath/Hove	8.76	24746000	Horsham, Three Bridges, Haywards Heath, Hove	
Brighton	Charing Cross	Lewes/Norwood Junction/Sydenham	8.77	24746000	Hove, Preston Park, Brighton, Lewes	

