

# Fourth Supplemental Agreement

between

NETWORK RAIL INFRASTRUCTURE LIMITED

as Network Rail

and

MERSEYRAIL ELECTRICS 2002 LIMITED

as Train Operator

relating to the Track Access Contract (Passenger Services) dated 1<sup>st</sup> April 2019

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**THIS FOURTH SUPPLEMENTAL AGREEMENT** is dated 6th May 2022 and made

**BETWEEN:**

- (1) **NETWORK RAIL INFRASTRUCTURE LIMITED**, a company registered in England under number 2904587 having its registered office at Network Rail, 1 Eversholt Street, London NW1 2DN (“Network Rail”); and
- (2) **MERSEYRAIL ELECTRICS 2002 LIMITED**, a company registered in England under number 04356933 having its registered office at Rail House, Lord Nelson Street, Liverpool, Merseyside L1 1JF (the “Train Operator”).

**WHEREAS:**

- (A) The parties entered into a Track Access Contract (Passenger Services) dated 1 April 2019 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 (the “Contract”).
- (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, unless the context otherwise requires:

- (A) words and phrases defined in, and rules of interpretation set out in, the Contract shall have the same meaning and effect when used in this Supplemental Agreement; and
- (B) “Effective Date” means 02.00 on 2<sup>nd</sup> May 2022

2. **EFFECTIVE DATE AND TERM**

The amendments to the Contract as set out in this Supplemental Agreement shall have effect from the Effective Date and shall cease to have effect at 01.59 on 31<sup>st</sup> July 2022

3. **ORR GENERAL APPROVAL**

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

4. **AMENDMENTS TO THE CONTRACT**

4.1 Schedule 5 of the Contract shall be amended as follows:

Under 'Table 2.2: Additional Passenger Train Slots', the words 'not used' will be deleted and replaced with the Table 2.2 as set out in Annex A to this Supplemental Agreement.

5. **GENERAL**

The parties agree that 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" or, as the case may be, the "Agreement", "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 two counterparts which, taken together, shall constitute one and the same document. Either party may enter into this Supplemental Agreement by signing either of such counterparts.

IN WITNESS of which the duly authorised representatives of Network Rail and the Train Operator have executed this Supplemental Agreement on the date first above written.



SIGNED by

Print name: Phil James  
Duly authorised for and on behalf of  
**NETWORK RAIL INFRASTRUCTURE LIMITED**



SIGNED by.....

Print name GEORGE WILLIAMS  
Duly authorised for and on behalf of  
**MERSEYRAIL ELECTRICS 2002 LIMITED**

## Annex A

Table 2.2: Additional Passenger Train Slots

1						2					
<b>Service Group: HE01 Northern Line</b>											
<b>Service description</b>						<b>Passenger Train Slots</b>					
<b>Sub Group 2: Kirkby – Liverpool Central</b>											
From	To	Via	Description	TSC	Timing Load	Peak times		Off-Peak times	Weekday	Saturday	Sunday
						Morning Peak	Evening Peak				
Liverpool Central	Kirkby		Stopping	12303012	EMUDC-75	0		1	1	1	1

<b>Service Group: HE01 Northern Line</b>											
<b>Service description</b>						<b>Passenger Train Slots</b>					
<b>Sub Group 3: Ormskirk – Liverpool Central</b>											
From	To	Via	Description	TSC <sup>1</sup>	Timing Load	Peak times		Off-Peak times	Weekday	Saturday	Sunday
						Morning Peak	Evening Peak				
Ormskirk	Liverpool Central		Stopping		EMUDC-75	0		1	1	1	1
Liverpool Central	Ormskirk		Stopping		EMUDC-75	0		1	1	1	0

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<sup>1</sup> Train Service Code 12304212 applies between Liverpool Central/Ormskirk when Service is sponsored by Merseyside Passenger Transport Executive, otherwise Train Service Code 22304003 applies

Service Group: HE02 Wirral Line											
Service description						Passenger Train Slots					
Sub Group 6: Chester – Liverpool Central						Peak times		Off-Peak times	Weekday	Saturday	Sunday
From	To	Via	Description	TSC <sup>2</sup>	Timing Load	Morning Peak	Evening Peak				
Chester	Liverpool Central		Stopping		EMUDC-75	4		0	4	0	0
Liverpool Central	Chester		Stopping		EMUD C-75	3		0	3	0	0

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<sup>2</sup> Train Service Code 12306212 applies between Liverpool Leep/Chester and Ellesmere Port when Service is sponsored by Merseyside Passenger Transport Executive, otherwise Train Service Code 22306003 applies



<b>Service Group: HE02 Wirral Line</b>											
<b>Service description</b>						<b>Passenger Train Slots</b>					
<b>Sub Group 7: Ellesmere Port – Liverpool Central</b>											
From	To	Via	Description	TSC <sup>3</sup>	Timing Load	Peak times		Off- Peak times	Weekday <sup>3</sup>	Saturday	Sunday
						Morning Peak	Evening Peak				
Ellesmere Port	Liverpool Central		Stopping		EMUDC -75		1	0	1	0	0

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<sup>3</sup> Train Service Code 12306212 applies between Liverpool Loop/Chester and Ellesmere Port when Service is sponsored by Merseyside Passenger Transport Executive, otherwise Train Service Code 22306003 applies