

Fifth 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 1st April 2019

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THIS FIFTH SUPPLEMENTAL AGREEMENT is dated 20th July 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 the date upon which the ORR issues its approval, pursuant to the Section 22 of the Act, of the terms of this Supplemental Agreement.

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 on the Expiry Date or earlier termination of the Contract.

3. **AMENDMENTS TO THE CONTRACT**

Table 2.1 of Schedule 5 of the Contract shall be deleted in its entirety and replaced by the Table 2.1 in Annex 1

4. **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.

5. **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.


6. **LAW**

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

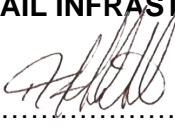
7. **COUNTERPARTS**

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.....
Duly authorised for and on behalf of
MERSEYRAIL ELECTRICS 2002 LIMITED

Annex 1

Table 2.1: Passenger Train Slots

1						2					
Service Group: HE01 Northern Line											
Service description						Passenger Train Slots					
Sub Group 1: Southport – Hunts Cross											
From	To	Via	Description	TSC	Timing Load	Peak times		Off-Peak times	Weekday	Saturday	Sunday
						Morning Peak	Evening Peak				
Southport	Liverpool Central		Stopping	12302012	EMUDC-75	18		55	73	71	58
Liverpool Central	Hunts Cross		Stopping	12301012	EMUD C-75	16		55	71	71	32
Hunts Cross	Liverpool Central		Stopping	12301012	EMUD C-75	16		54	70	70	31
Liverpool Central	Southport		Stopping	12302012	EMUD C-75	17		56	73	72	59

1						2					
Service Group: HE01 Northern Line											
Service description						Passenger Train Slots					
Sub Group 2: Kirkby – Liverpool Central											
From	To	Via	Description	TSC	Timing Load	Peak times		Off-Peak times	Weekday	Saturday	Sunday
						Morning Peak	Evening Peak				
Kirkby	Liverpool Central		Stopping	12303012	EMUDC-75	16		45	61	61	31
Liverpool Central	Kirkby		Stopping	12303012	EMUDC-75	16		46	62	62	33

1						2					
Service Group: HE01 Northern Line											
Service description						Passenger Train Slots					
Sub Group 3: Ormskirk – Liverpool Central											
From	To	Via	Description	TSC ¹	Timing Load	Peak times		Off-Peak times	Weekday	Saturday	Sunday
						Morning Peak	Evening Peak				
Ormskirk	Liverpool Central		Stopping		EMUDC-75	16		46	62	62	32
Liverpool Central	Ormskirk		Stopping		EMUDC-75	16		46	62	62	32

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

1						2					
Service Group: HE02 Wirral Line											
Service description						Passenger Train Slots					
Sub Group 4: New Brighton – Liverpool Central											
From	To	Via	Description	TSC	Timing Load	Peak times		Off-Peak times	Weekday	Saturday	Sunday
						Morning Peak	Evening Peak				
New Brighton	Liverpool Central		Stopping	12305012	EMUDC-75	16		44	60	60	32
Liverpool Central	New Brighton		Stopping	12305012	EMUD C-75	16		45	61	60	32

1						2					
Service Group: HE02 Wirral Line											
Service description						Passenger Train Slots					
Sub Group 5: West Kirby – Liverpool Central											
From	To	Via	Description	TSC	Timing Load	Peak times		Off-Peak times	Weekday	Saturday	Sunday
						Morning Peak	Evening Peak				
West Kirby	Liverpool Central		Stopping	12305012	EMUDC-75	16		43	59	59	31
Liverpool Central	West Kirby		Stopping	12305012	EMUD C-75	16		43	59	59	32

1						2					
Service Group: HE02 Wirral Line											
Service description						Passenger Train Slots					
Sub Group 6: Chester – Liverpool Central											
From	To	Via	Description	TSC ²	Timing Load	Peak times		Off-Peak times	Weekday	Saturday	Sunday
						Morning Peak	Evening Peak				
Chester	Liverpool Central		Stopping		EMUDC-75	14	48	62	57	32	
Liverpool Central	Chester		Stopping		EMUD C-75	14	48	62	58	32	

² Train Service Code 12306212 applies between Liverpool Loop/Chester and Ellesmere Port when S ervice is sponsored by Merseyside Passenger Transport Executive, otherwise Train Service Code 22306003 applies

1						2					
Service Group: HE02 Wirral Line											
Service description						Passenger Train Slots					
Sub Group 7: Ellesmere Port – Liverpool Central											
From	To	Via	Description	TSC ³	Timing Load	Peak times		Off-Peak times	Weekday ³	Saturday	Sunday
						Morning Peak	Evening Peak				
Ellesmere Port	Liverpool Central		Stopping		EMU DC-75	11		27	38	35	32
Liverpool Central	Ellesmere Port		Stopping		EMU DC-75	11		28	39	36	32

³ 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

1						2					
Service Group: HE02 Wirral Line											
Service description						Passenger Train Slots					
Sub Group 6 & 7 Short Working: Hooton – Liverpool Central											
From	To	Via	Description	TSC ⁴	Timing Load	Peak times		Off-Peak times	Weekday	Saturday	Sunday
						Morning Peak	Evening Peak				
Hooton	Liverpool Central		Stopping		EMUDC-75	0		2	2	2	1
Liverpool Central	Hooton		Stopping		EMUDC-75	1		1	2	0	0

⁴ 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

1						2					
Service Group: HE02 Wirral Line											
Service description											
Sub Group 4,5,6&7											
From	To	Via	Description	TSC ^{5 6}	Timing Load	Peak times		Off-Peak times	Weekday	Saturday	Sunday
						Morning Peak	Evening Peak				
Liverpool Central	Moorfields		Stopping		EMUDC-75	57		160	217	213	129
Moorfields	Liverpool Central		Stopping		EMUDC-75	61		160	221	214	129
Liverpool Central	Liverpool Central		Stopping		EMUDC-75	60		160	220	214	129

⁵ 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

⁶ Train Service Code 12305012 applies between Liverpool Loop and New Brighton/West Kirby