

TWENTY NINTH Supplemental Agreement

between

NETWORK RAIL INFRASTRUCTURE LIMITED

as Network Rail

and

LONDON NORTH EASTERN RAILWAY LIMITED

as Train Operator

**relating to amendments to a Track Access
Contract (Passenger Services) dated 03 March 2017**

THIS SUPPLEMENTAL AGREEMENT is dated 02 November 2022 and made between:

- (1) - **NETWORK RAIL INFRASTRUCTURE LIMITED**, a company registered in England under company number 02904587, having its registered office at 1 Eversholt Street, London, NW1 2DN ("**Network Rail**"); and
- (2) - **LONDON NORTH EASTERN RAILWAY LIMITED**, a company registered in England under number 04659712 having its registered office at East Coast House, 25 Skeldergate, York, YO1 6DH (the "**Train Operator**").

Background:

- (A) - Network Rail and East Coast Main Line Company Limited entered into a Track Access Contract (Passenger Services) dated 03 March 2017 as amended by various supplemental agreements (which track access contract as subsequently amended is hereafter referred to as the "**Contract**").
- (B) - On 24 June 2018 the rights and obligations of East Coast Main Line Company Limited under the Contract were transferred to the Train Operator pursuant to a transfer scheme made by the Secretary of State for Transport on 21 June 2018 under Schedule 2 of the Railways Act 2005.
- (C) - Network Rail and the Train Operator (the Parties) now propose to enter into this Supplemental Agreement in order to amend the Contract to reflect revised berthing offsets in service groups HB01, HB02, HB04 and HB05.

IT IS HEREBY AGREED as follows:

1. INTERPRETATION

- 1.1 - In this Supplemental Agreement 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.

2. EFFECTIVE DATE AND TERM

- 2.1 - 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 on the Expiry Date or earlier termination of the Contract.
- 2.2 - "Effective Date" means the date of this Supplemental Agreement.

3. RETROSPECTIVE EFFECT

Notwithstanding the Effective Date the amendments shall be applied retrospectively from 00:01 on 26 June 2022.

4. OFFICE OF RAIL AND ROAD – GENERAL APPROVAL

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

5. AMENDMENTS TO THE CONTRACT

The Contract shall be amended as follows:

- 5.1 - Appendix 1 of Schedule 8 shall be deleted in its entirety and replaced with the entry set out in Annex 1 of this Supplemental Agreement.

The Performance Points listed in columns B and D within Appendix 1 of Schedule 8 are to be amended to reflect corrections to berthing offsets.

6. EFFECT OF THIS SUPPLEMENTAL AGREEMENT ON THE CONTRACT

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 with effect from and including the date hereof 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.

7. LAW

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

8. 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.

9. 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 of which Network Rail and the Train Operator have, by their duly authorised representatives, respectively entered into this Supplemental Agreement on the date first above written.

SIGNED BY -)

for and on behalf of
**NETWORK
INFRASTRUCTURE LIMITED**

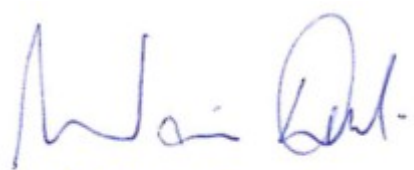
RAIL)



) Paul Rutter, East Coast Route Director
)

SIGNED BY -)

for and on behalf of
**LONDON NORTH EASTERN
RAILWAY LIMITED**



) WARREN DENT
) SAFETY - OPERATIONS DIRECTOR
)

ANNEX 1

APPENDIX 1 OF SCHEDULE 8

A	B	C	D	E	F	G	H		I	J	K
Service Group	Network Rail		TOC		Cancellation Minutes	Cap	Service code		Direction	Monitoring Point	Weighting
	Performance Point	Payment Rate	Performance Point	Payment Rate							
HB01 Anglo - Scottish All Trains	2019-20				75	270	700	Kings X - York - Newcastle - Edinburgh	Forward	NEWCASTLE	
	2020-21						700	Kings X - York - Newcastle - Edinburgh	Forward	YORK	
	2021-22						700	Kings X - York - Newcastle - Edinburgh	Forward	DARLINGTON	
	2022-23						700	Kings X - York - Newcastle - Edinburgh	Forward	PETERBOROUGH	
	2023-24						700	Kings X - York - Newcastle - Edinburgh	Forward	LONDON KINGS CROSS	
							700	Kings X - York - Newcastle - Edinburgh	Reverse	PETERBOROUGH	
							700	Kings X - York - Newcastle - Edinburgh	Reverse	YORK	
							700	Kings X - York - Newcastle - Edinburgh	Reverse	NEWCASTLE	
							700	Kings X - York - Newcastle - Edinburgh	Reverse	EDINBURGH	
							700	Kings X - York - Newcastle - Edinburgh	Reverse	DARLINGTON	
HB02 West Yorkshire All Trains					60	270	702	London Kings X - Peterborough – Leeds – Harrogate - Lincoln	Forward	PETERBOROUGH	
							702	London Kings X - Peterborough – Leeds – Harrogate - Lincoln	Forward	LONDON KINGS CROSS	

	2019-20 2020-21 2021-22 2022-23 2023-24						702	London Kings X - Peterborough – Leeds – Harrogate - Lincoln	Forward	DONCASTER	
							702	London Kings X - Peterborough – Leeds – Harrogate - Lincoln	Reverse	PETERBOROUGH	
							702	London Kings X - Peterborough – Leeds – Harrogate - Lincoln	Reverse	DONCASTER	
							702	London Kings X - Peterborough – Leeds – Harrogate - Lincoln	Reverse	BRADFORD	
							702	London Kings X - Peterborough – Leeds – Harrogate - Lincoln	Reverse	LINCOLN	
							702	London Kings X - Peterborough – Leeds – Harrogate - Lincoln	Reverse	HARROGATE	
							702	London Kings X - Peterborough – Leeds – Harrogate - Lincoln	Reverse	LEEDS	
HB04 West Yorkshire (Kings X – Skipton / Hull) All Trains	2019-20 2020-21 2021-22 2022-23 2023-24				100	270	703	London Kings X - - Skipton - Hull	Forward	DONCASTER	
							703	London Kings X - Skipton - Hull	Forward	LONDON KINGS CROSS	
							703	London Kings X - Skipton - Hull	Forward	PETERBOROUGH	
							703	London Kings X - Skipton - Hull	Reverse	PETERBOROUGH	
							703	London Kings X - Skipton - Hull	Reverse	DONCASTER	
							703	London Kings X - Skipton - Hull	Reverse	HULL	
							703	London Kings X - Skipton - Hull	Reverse	LEEDS	
							703	London Kings X - Skipton - Hull	Reverse	SKIPTON	
HB05 Anglo – Scot	2019-20 2020-21				160	270	701	London Kings X - Aberdeen / Inverness / Glasgow	Forward	EDINBURGH	

(Aberdeen / Inverness) All Trains	2021-22 2022-23 2023-24					701	London Kings X - Aberdeen / Inverness / Glasgow	Forward	NEWCASTLE		
		701	London Kings X - Aberdeen / Inverness / Glasgow	Forward	YORK						
		701	London Kings X - Aberdeen / Inverness / Glasgow	Forward	DARLINGTON						
		701	London Kings X - Aberdeen / Inverness / Glasgow	Forward	LONDON KINGS CROSS						
		701	London Kings X - Aberdeen / Inverness / Glasgow	Reverse	YORK						
		701	London Kings X - Aberdeen / Inverness / Glasgow	Reverse	NEWCASTLE						
		701	London Kings X - Aberdeen / Inverness / Glasgow	Reverse	EDINBURGH						
		701	London Kings X - Aberdeen / Inverness / Glasgow	Reverse	ABERDEEN						
		701	London Kings X - Aberdeen / Inverness / Glasgow	Reverse	INVERNESS						
		701	London Kings X - Aberdeen / Inverness / Glasgow	Reverse	DARLINGTON						
		701	London Kings X - Aberdeen / Inverness / Glasgow	Reverse	GLASGOW						
		701	London Kings X - Aberdeen / Inverness / Glasgow	Reverse	SUNDERLAND						
		701	London Kings X - Aberdeen / Inverness / Glasgow	Reverse	STIRLING						