

# FIFTH SUPPLEMENTAL AGREEMENT

between

**NETWORK RAIL INFRASTRUCTURE LIMITED**  
as Network Rail

and

**EAST COAST TRAINS LIMITED**  
as Train Operator

relating to the Track Access Contract dated 3 October 2016

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**THIS FIFTH SUPPLEMENTAL AGREEMENT** is dated 05 December 2022 and made

**BETWEEN:**

- (1) - **NETWORK RAIL INFRASTRUCTURE LIMITED**, ("Network Rail"), a company registered in England under number 2904587, having its registered office at 1 Eversholt Street, London, NW1 2DN; and
- (2) - **EAST COAST TRAINS LIMITED**, (the "Train Operator"), a private company limited by shares registered in England under company number 08765536, having its registered office at 8<sup>th</sup> Floor, The Point, 37 North Wharf Road, London W2 1AF.

**WHEREAS:**

- (A) - The parties entered into a Track Access Contract (Passenger Services) dated 3 October 2016 following directions issued by the Office of Rail and Road pursuant to Section 17 of the Act (the "Agreement").
- (B) The parties wish to amend the Agreement in the terms described below.

**IT IS HEREBY AGREED** as follows:

**1. INTERPRETATION**

In this Supplemental Agreement, words and expressions defined in and rules of interpretation set out in the Agreement 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 Agreement as set out in this Supplemental Agreement shall have effect from the Effective Date.
- 2.2 - "Effective Date" means the later of:
  - a) the date on which the Office of Rail and Road issues its approval pursuant to Section 22 of the Act, of the terms of this Supplemental Agreement; and -
  - b) 02:00 on the Subsidiary Change Date 2022. -

**3. AMENDMENTS TO THE AGREEMENT**

- 3.1 - Table 4.1 Calling Patterns which follows paragraph 3 in Schedule 5 shall be deleted and replaced by the table as set out in Appendix 1 to this Supplemental Agreement.

4. **EFFECT OF THIS SUPPLEMENTAL AGREEMENT ON THE AGREEMENT**

The parties agree that the Agreement, 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 Agreement to “the Agreement”, “herein”, “hereof”, “hereunder” and other similar expressions shall, unless the context requires otherwise, be read and construed as a reference to the Agreement 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 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 - ) Paul Rutter  
 )  
duly authorised for and on behalf of )   
**NETWORK RAIL** )  
**INFRASTRUCTURE LIMITED** )

**SIGNED** by - ) Andy Mellors  
 )  
duly authorised for and on behalf of )   
**EAST COAST TRAINS LIMITED** )

## APPENDIX 1

## 4 Calling Patterns

Table 4.1: Calling Patterns

| 1                                       |                     |                     |             |     | 2                       | 3                        |
|---|---------------------|---------------------|-------------|-----|-------------------------|--------------------------|
| <b>Service Group 1 Anglo – Scottish</b> |                     |                     |             |     |                         |                          |
| <b>Service description</b>              |                     |                     |             |     |                         |                          |
| Between                                 | And                 | Via                 | Description | TSC | Regular Calling Pattern | Additional stations      |
| London King's Cross                     | Edinburgh           | East Coast Mainline | 1.1 and 1.2 | TBC | Newcastle, Morpeth      | Stevenage <sup>1 2</sup> |
| Edinburgh                               | Newcastle           | East Coast Mainline | 1.3         | TBC | Morpeth                 | N/A                      |
| Newcastle                               | London King's Cross | East Coast Mainline | 1.4         | TBC | Non-stop                | Stevenage <sup>1 2</sup> |

Notes to Table: -

<sup>1</sup> Limited to pick up only in the North-bound direction and set down only in the South-bound direction. -<sup>2</sup> From the Subsidiary Change Date 2023 this Table 4.1 will revert to the table below. -

| 1                                       |                     |                     |             |     | 2                       | 3                      |
|---|---------------------|---------------------|-------------|-----|-------------------------|------------------------|
| <b>Service Group 1 Anglo – Scottish</b> |                     |                     |             |     |                         |                        |
| <b>Service description</b>              |                     |                     |             |     |                         |                        |
| Between                                 | And                 | Via                 | Description | TSC | Regular Calling Pattern | Additional stations    |
| London King's Cross                     | Edinburgh           | East Coast Mainline | 1.1 and 1.2 | TBC | Newcastle, Morpeth      | Stevenage <sup>1</sup> |
| Edinburgh                               | Newcastle           | East Coast Mainline | 1.3         | TBC | Morpeth                 | N/A                    |
| Newcastle                               | London King's Cross | East Coast Mainline | 1.4         | TBC | Non-stop                | Stevenage <sup>1</sup> |

Notes to Table: -

<sup>1</sup> Limited to no more than 2 calls per day (pick up only) in the North-bound direction, and 2 calls per day (set down only) in the South-bound direction. -