

**48TH SUPPLEMENTAL AGREEMENT**

**between**

**NETWORK RAIL INFRASTRUCTURE LIMITED**

**and**

**FIRST TRANSPENNINE EXPRESS LIMITED**

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**44th Supplemental Agreement to the TRACK ACCESS CONTRACT (PASSENGER SERVICES)  
between Network Rail Infrastructure Limited ("NR") and First TransPennine Express Limited  
("FTPE")**

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This 48<sup>th</sup> SUPPLEMENTAL AGREEMENT is dated 05/02/2023 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) **FIRST TRANSPENNINE EXPRESS LIMITED**, a company registered in England under number 09000801 having its registered office at 4th Floor, Capital House, 25 Chapel Street, London, NW1 5DH.

**Background:**

- (A) The parties entered into a Track Access Contract (Passenger Services) dated 03 March 2016 in a form approved and directed by the Office of Rail and Road pursuant to section 17 of the Railways Act 1993 ("the Act") hereafter referred to as the "**Contract**".
- (B) The parties now propose to enter into this Supplemental Agreement in order to amend Appendix 1 of Schedule 8 within the Track Access Contract to reflect revised berthing offsets in service group EA01.

**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.
- 1.2 "**Effective Date**" means **0200hrs on 5<sup>th</sup> February 2023**.

**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**

The Contract shall be amended as follows:

Appendix 1 of Schedule 8 will be deleted and replaced in its entirety with the version set out in Annex 1 to this Supplemental Agreement.

**4. 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.

**5. LAW**

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

**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. 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**

**PRINT NAME** Phil James

Duly authorised for and on behalf of

**NETWORK RAIL INFRASTRUCTURE LIMITED**

**SIGNED BY**

**PRINT NAME** DARREN HIGGINS (COMMERCIAL DIRECTOR)

Duly authorised for and on behalf of

**FIRST TRANSPENNINE EXPRESS LIMITED**

**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							
EA01 North Trans Pennine All Trains	2019-20 [Redacted]	Redacted	Redacted	Redacted	46	120	731	Edinburgh-Newcastle – Manchester Airport/Liverpool Lime Street	Forward	MANCHESTER AIRPORT	Redacted
	2020-21 [Redacted]						731	Edinburgh-Newcastle – Manchester Airport/Liverpool Lime Street	Forward	MANCHESTER PICCADILLY	Redacted
	2021-22 [Redacted]						731	Edinburgh-Newcastle – Manchester Airport/Liverpool Lime Street	Forward	MANCHESTER VICTORIA	Redacted
	2022-23 [Redacted]						731	Edinburgh-Newcastle – Manchester Airport/Liverpool Lime Street	Forward	LIVERPOOL LIME STREET	Redacted
	2023-24 [Redacted]						731	Edinburgh-Newcastle – Manchester Airport/Liverpool Lime Street	Forward	LEEDS	Redacted
							731	Edinburgh-Newcastle – Manchester Airport/Liverpool Lime Street	Forward	YORK	Redacted
							731	Edinburgh-Newcastle – Manchester Airport/Liverpool Lime Street	Forward	NEWCASTLE	Redacted

							Street				
							731	Edinburgh-Newcastle – Manchester Airport/Liverpool Lime Street	Reverse	EDINBURGH	Redacted
							731	Edinburgh-Newcastle – Manchester Airport/Liverpool Lime Street	Reverse	NEWCASTLE	Redacted
							731	Edinburgh-Newcastle – Manchester Airport/Liverpool Lime Street	Reverse	YORK	Redacted
							731	Edinburgh-Newcastle – Manchester Airport/Liverpool Lime Street	Reverse	LEEDS	Redacted
							731	Edinburgh-Newcastle – Manchester Airport/Liverpool Lime Street	Reverse	MANCHESTER VICTORIA	Redacted
							731	Edinburgh-Newcastle – Manchester Airport/Liverpool Lime Street	Reverse	MANCHESTER PICCADILLY	Redacted
							732	Scarborough / York – Liverpool	Forward	LIVERPOOL LIME STREET	Redacted
							732	Scarborough / York – Liverpool	Forward	MANCHESTER PICCADILLY	Redacted
							732	Scarborough / York – Liverpool	Forward	LEEDS	Redacted
							732	Scarborough / York – Liverpool	Forward	YORK	Redacted
							732	Scarborough / York – Liverpool	Reverse	MANCHESTER PICCADILLY	Redacted
							732	Scarborough / York – Liverpool	Reverse	SCARBOROUGH	Redacted

						732	Scarborough / York – Liverpool	Reverse	LEEDS	Redacted
						732	Scarborough / York – Liverpool	Reverse	YORK	Redacted
						732	Scarborough / York – Liverpool	Forward	MANCHESTER VICTORIA	Redacted
						732	Scarborough / York – Liverpool	Reverse	MANCHESTER VICTORIA	Redacted
						733	Hull – Leeds- Wakefield Kirkgate - Huddersfield Manchester Piccadilly	Forward	MANCHESTER PICCADILLY	Redacted
						733	Hull – Leeds- Wakefield Kirkgate - Huddersfield Manchester Piccadilly	Forward	HUDDERSFIELD	Redacted
						733	Hull – Leeds- Wakefield Kirkgate - Huddersfield Manchester Piccadilly	Forward	LEEDS	Redacted
						733	Hull – Leeds- Wakefield Kirkgate - Huddersfield Manchester Piccadilly	Reverse	LEEDS	Redacted
						733	Hull – Leeds- Wakefield Kirkgate - Huddersfield Manchester Piccadilly	Reverse	HUDDERSFIELD	Redacted
						733	Hull – Leeds- Wakefield Kirkgate - Huddersfield Manchester Piccadilly	Reverse	WAKEFIELD KIRKGATE	[Redacted]
						733	Hull – Leeds- Wakefield Kirkgate - Huddersfield Manchester Piccadilly	Reverse	HULL	]Redacted
						734	Redcar- Middlesbrough – Manchester Airport	Forward	MANCHESTER PICCADILLY	Redacted
						734	Redcar- Middlesbrough – Manchester Airport	Forward	MANCHESTER AIRPORT	[Redacted]
						734	Redcar- Middlesbrough – Manchester Airport	Forward	LEEDS	[Redacted]



							734	Redcar- Middlesbrough – Manchester Airport	Forward	YORK	[Redacted]
							734	Redcar- Middlesbrough – Manchester Airport	Reverse	MANCHESTER PICCADILLY	[Redacted]
							734	Redcar- Middlesbrough – Manchester Airport	Reverse	LEEDS	[Redacted]
							734	Redcar- Middlesbrough – Manchester Airport	Reverse	YORK	[Redacted]
							734	Redcar- Middlesbrough – Manchester Airport	Reverse	MIDDLESBROUGH	[Redacted]
							734	Redcar- Middlesbrough – Manchester Airport	Reverse	REDCAR	[Redacted]
EA02 South Trans Pennine All Trains	2019-20 [Redacted]	[Redacted]	[Redacted]	[Redacted]	87	240	817	Manchester - Sheffield - Doncaster - Cleethorpes	Forward	MANCHESTER PICCADILLY	[Redacted]
	2020-21 [Redacted]						817	Manchester - Sheffield - Doncaster - Cleethorpes	Forward	CLEETHORPES	[Redacted]
	2021-22 [Redacted]						817	Manchester - Sheffield - Doncaster - Cleethorpes	Forward	DONCASTER	[Redacted]
	2022-23 [Redacted]						817	Manchester - Sheffield - Doncaster - Cleethorpes	Forward	SHEFFIELD	[Redacted]
	2023-24 [Redacted]						817	Manchester - Sheffield - Doncaster - Cleethorpes	Reverse	MANCHESTER PICCADILLY	[Redacted]
							817	Manchester - Sheffield - Doncaster - Cleethorpes	Reverse	MANCHESTER AIRPORT	[Redacted]
							817	Manchester - Sheffield - Doncaster - Cleethorpes	Reverse	SHEFFIELD	[Redacted]
							817	Manchester - Sheffield - Doncaster - Cleethorpes	Reverse	DONCASTER	[Redacted]
EA07 Preston – Scotland All Train	2019-20 [Redacted]	[Redacted]	[Redacted]	[Redacted]	110	360	730	Manchester Airport/Liverpool Lime Street - Preston - Glasgow/Edinburgh	Forward	CARLISLE	[Redacted]
	2020-21 [Redacted]						730	Manchester Airport/Liverpool Lime Street - Preston -	Forward	EDINBURGH	[Redacted]
	2021-22 [Redacted]										
	2022-23 [Redacted]										
	2023-24 [Redacted]										

							Glasgow/Edinburgh			
						730	Manchester Airport/Liverpool Lime Street - Preston - Glasgow/Edinburgh	Forward	GLASGOW CENTRAL	Redacted
						730	Manchester Airport/Liverpool Lime Street - Preston - Glasgow/Edinburgh	Forward	MANCHESTER OXFORD RD	Redacted
						730	Manchester Airport/Liverpool Lime Street - Preston - Glasgow/Edinburgh	Forward	PRESTON	Redacted
						730	Manchester Airport/Liverpool Lime Street - Preston - Glasgow/Edinburgh	Reverse	CARLISLE	Redacted
						730	Manchester Airport/Liverpool Lime Street - Preston - Glasgow/Edinburgh	Reverse	PRESTON	Redacted
						730	Manchester Airport/Liverpool Lime Street - Preston - Glasgow/Edinburgh	Reverse	MANCHESTER OXFORD RD	Redacted
						730	Manchester Airport/Liverpool Lime Street - Preston - Glasgow/Edinburgh	Reverse	MANCHESTER AIRPORT	Redacted
						730	Manchester Airport/Liverpool Lime Street - Preston - Glasgow/Edinburgh	Reverse	LIVERPOOL LIME STREET	Redacted