

**47<sup>TH</sup> SUPPLEMENTAL AGREEMENT**

**between**

**NETWORK RAIL INFRASTRUCTURE LIMITED**

**and**

**FIRST TRANSPENNINE EXPRESS LIMITED**

**Relating to changes to Appendix 1 Schedule 8**

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This 46th SUPPLEMENTAL AGREEMENT is dated 22/03/2023 and made between:

- (2) **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 4<sup>th</sup> 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 the Contract as described herein.

**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:  
The date on which the Office of Rail and Road issues its approval of the terms of this Supplemental Agreement under Section 22 of the Act.

**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**

As per the marked up Appendix 1 Schedule 8 tables found in Annex A.

**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 authorized representatives, respectively entered into this Supplemental Agreement on the date first above written.

SIGNED BY ..... *P. James* .....

PRINT NAME ..... Phil James .....

Duly authorized for and on behalf of

**NETWORK RAIL INFRASTRUCTURE LIMITED**

SIGNED BY ..... *Matthew Golton* .....

PRINT NAME ..... MATTHEW GOLTON .....

Duly authorised for and on behalf of

**FIRST TRANSPENNINE EXPRESS LIMITED**

## ANNEX A

### Appendix 1 to Schedule 8 <sup>34th/44th/47th</sup>

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	3.4985	£23,312.84	0.8521	£8,849.35	46	120	731	Edinburgh-Newcastle – Manchester Airport/Liverpool Lime Street	Forward	MANCHESTER AIRPORT	0.0000
	2020-21	3.3732						731	Edinburgh-Newcastle – Manchester Airport/Liverpool Lime Street	Forward	MANCHESTER PICCADILLY	0.0000
	2021-22	3.3254						731	Edinburgh-Newcastle – Manchester Airport/Liverpool Lime Street	Forward	MANCHESTER VICTORIA	0.0315
	2022-23	3.2626						731	Edinburgh-Newcastle – Manchester Airport/Liverpool Lime Street	Forward	LIVERPOOL LIME STREET	0.0465
	2023-24	3.1788						731	Edinburgh-Newcastle – Manchester Airport/Liverpool Lime Street	Forward	LEEDS	0.0180
								731	Edinburgh-Newcastle – Manchester Airport/Liverpool Lime Street	Forward	YORK	0.0391
	731	Edinburgh-Newcastle –						Forward	NEWCASTLE	0.0016		

							Manchester Airport/Liverpool Lime Street			
						731	Edinburgh-Newcastle – Manchester Airport/Liverpool Lime Street	Reverse	EDINBURGH	0.0024
						731	Edinburgh-Newcastle – Manchester Airport/Liverpool Lime Street	Reverse	NEWCASTLE	0.0651
						731	Edinburgh-Newcastle – Manchester Airport/Liverpool Lime Street	Reverse	YORK	0.0308
						731	Edinburgh-Newcastle – Manchester Airport/Liverpool Lime Street	Reverse	LEEDS	0.0555
						731	Edinburgh-Newcastle – Manchester Airport/Liverpool Lime Street	Reverse	MANCHESTER VICTORIA	0.0254
						731	Edinburgh-Newcastle – Manchester Airport/Liverpool Lime Street	Reverse	MANCHESTER PICCADILLY	0.0000
						732	Scarborough / York – Manchester Piccadilly	Forward	LIVERPOOL LIME STREET	0.0000
						732	Scarborough / York – Manchester Piccadilly	Forward	Manchester PICCADILLY	0.0472
						732	Scarborough / York – Manchester Piccadilly	Forward	LEEDS	0.0137
						732	Scarborough / York – Manchester Piccadilly	Forward	YORK	0.0134
						732	Scarborough / York – Manchester Piccadilly	Reverse	MANCHESTER PICCADILLY	0.0000

						732	Scarborough / York – Manchester Piccadilly	Reverse	SCARBOROUGH	0.0252
						732	Scarborough / York – Manchester Piccadilly	Reverse	LEEDS	0.0434
						732	Scarborough / York – Manchester Piccadilly	Reverse	YORK	0.0136
						733	Hull – Leeds- Wakefield Kirkgate - Huddersfield Liverpool	Forward	MANCHESTER PICCADILLY	0.0000
						733	Hull – Leeds- Wakefield Kirkgate - Huddersfield Liverpool	Forward	LIVERPOOL	0.0429
						733	Hull – Leeds- Wakefield Kirkgate - Huddersfield Liverpool	Forward	MANCHESTER VICTORIA	0.0703
						733	Hull – Leeds- Wakefield Kirkgate - Huddersfield Liverpool	Forward	HUDDERSFIELD	0.0130
						733	Hull – Leeds- Wakefield Kirkgate - Huddersfield Liverpool	Forward	LEEDS	0.0210
						733	Hull – Leeds- Wakefield Kirkgate - Huddersfield Liverpool	Reverse	MANCHESTER VICTORIA	0.0324
						733	Hull – Leeds- Wakefield Kirkgate - Huddersfield Liverpool	Reverse	LEEDS	0.0522
						733	Hull – Leeds- Wakefield Kirkgate - Huddersfield Liverpool	Reverse	HUDDERSFIELD	0.0101
						733	Hull – Leeds- Wakefield Kirkgate - Huddersfield Liverpool	Reverse	WAKEFIELD KIRKGATE	0.0011
						733	Hull – Leeds- Wakefield Kirkgate - Huddersfield Liverpool	Reverse	HULL	0.0287



								734	Saltburn - Middlesbrough – Manchester Airport	Forward	MANCHESTER PICCADILLY	0.0677
								734	Saltburn - Middlesbrough – Manchester Airport	Forward	MANCHESTER AIRPORT	0.0265
								734	Saltburn - Middlesbrough – Manchester Airport	Forward	LEEDS	0.0320
								734	Saltburn - Middlesbrough – Manchester Airport	Forward	YORK	0.0210
								734	Saltburn - Middlesbrough – Manchester Airport	Reverse	Saltburn	0.001
								734	Saltburn - Middlesbrough – Manchester Airport	Reverse	MANCHESTER PICCADILLY	0.0070
								734	Saltburn - Middlesbrough – Manchester Airport	Reverse	LEEDS	0.0545
								734	Saltburn - Middlesbrough – Manchester Airport	Reverse	YORK	0.0257
								734	Saltburn - Middlesbrough – Manchester Airport	Reverse	MIDDLESBROUGH	0.0205
								734	Saltburn Middlesbrough – Manchester Airport	Reverse	REDCAR	0.0000
EA02	2019-20	3.4427	£3,623.64	1.4733	£1,460.25	87	240	817	Manchester - Sheffield - Doncaster - Cleethorpes	Forward	MANCHESTER PICCADILLY	0.0000
South Trans Pennine	2020-21	3.3310						817	Manchester - Sheffield - Doncaster - Cleethorpes	Forward	MANCHESTER VICTORIA	0.051
All Trains	2021-22	3.2884						817	Manchester - Sheffield - Doncaster - Cleethorpes	Forward	CLEETHORPES	0.0410
	2022-23	3.2326						817	Manchester - Sheffield - Doncaster - Cleethorpes	Forward	DONCASTER	0.1430
	2023-24	3.1579						817	Manchester - Sheffield - Doncaster - Cleethorpes	Forward	SHEFFIELD	0.1950
								817	Manchester - Sheffield - Doncaster - Cleethorpes	Reverse	MANCHESTER PICCADILLY	0.000
								817	Manchester - Sheffield - Doncaster - Cleethorpes	Reverse	MANCHESTER VICTORIA	0.2100

								817	Manchester - Sheffield - Doncaster - Cleethorpes	Reverse	MANCHESTER AIRPORT	0.0000
								817	Manchester - Sheffield - Doncaster - Cleethorpes	Reverse	SHEFFIELD	0.0900
								817	Manchester - Sheffield - Doncaster - Cleethorpes	Reverse	LIVERPOOL LIME STREET	0.1960
								817	Manchester - Sheffield - Doncaster - Cleethorpes	Reverse	DONCASTER	0.0740
EA07	2019-20	5.9959	£3,127.97	1.7508	£1,671.57	110	360	730	Manchester Airport/Liverpool Lime Street - Preston - Glasgow/Edinburgh	Forward	CARLISLE	0.1403
Preston – Scotland	2020-21	5.8144										
All Train	2021-22	5.7452										
	2022-23	5.6576										
	2023-24	5.5362										
								730	Manchester Airport/Liverpool Lime Street - Preston - Glasgow/Edinburgh	Forward	EDINBURGH	0.1119
								730	Manchester Airport/Liverpool Lime Street - Preston - Glasgow/Edinburgh	Forward	GLASGOW CENTRAL	0.0820
								730	Manchester Airport/Liverpool Lime Street - Preston - Glasgow/Edinburgh	Forward	MANCHESTER OXFORD RD	0.0562
								730	Manchester Airport/Liverpool Lime Street - Preston - Glasgow/Edinburgh	Forward	PRESTON	0.1096
								730	Manchester Airport/Liverpool Lime Street - Preston - Glasgow/Edinburgh	Reverse	CARLISLE	0.0505
								730	Manchester Airport/Liverpool Lime Street - Preston - Glasgow/Edinburgh	Reverse	PRESTON	0.0705
								730	Manchester Airport/Liverpool Lime	Reverse	MANCHESTER OXFORD RD	0.1141

								Street - Preston - Glasgow/Edinburgh			
							730	Manchester Airport/Liverpool Lime Street - Preston - Glasgow/Edinburgh	Reverse	MANCHESTER AIRPORT	0.2213
							730	Manchester Airport/Liverpool Lime Street - Preston - Glasgow/Edinburgh	Reverse	LIVERPOOL LIME STREET	0.0436