

53rd SUPPLEMENTAL AGREEMENT

between

NETWORK RAIL INFRASTRUCTURE LIMITED

as Network Rail

and

GOVIA THAMESLINK RAILWAY LIMITED

as Train Operator

relating to the Track Access Contract (Passenger
Services) dated 2nd March 2016

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THIS 53RD SUPPLEMENTAL AGREEMENT is dated 24th May 2023 and made

BETWEEN:

- (1) **NETWORK RAIL INFRASTRUCTURE LIMITED**, a company registered in England under number 2904587 having its registered office at Waterloo General Office, London, SE1 8SW (“Network Rail”); and
- (2) **GOVIA THAMESLINK RAILWAY LIMITED**, a company registered in England under number 07934306, having its registered office at 3rd Floor, 41-51 Grey Street, Newcastle upon Tyne, NE1 6EE (the “Train Operator”).

WHEREAS:

- (A) The parties entered into a Track Access Contract (Passenger Services) dated 02 March 2016 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 (which track access contract as subsequently amended is hereafter referred to as the “Contract”).
- (B) The parties wish to amend the Contract in the terms described below.

IT IS HEREBY AGREED as follows:

1. **INTERPRETATION**

In this Supplemental Agreement:

- (A) 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; and
- (B) “Effective Date” means: from the date of submission to the ORR

2. **ORR GENERAL APPROVAL**

This Supplemental Agreement is entered into pursuant to the Passenger Access (Short Term Timetable and Miscellaneous Changes) General Approval 2023.

3. **EFFECTIVE DATE AND TERM**

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 at the Expiry Date or earlier termination of the Contract.

4. **AMENDMENTS TO THE CONTRACT**

- 4.1 The following lines and associated footnotes are to be added to Table 2.2 Additional Passenger Train Slots of Schedule 5.

1						2					
Service Group: ET02											
Service description: Thameslink Sussex Outer											
From	To	Via	Description	TSC	Timing Load	Peak times ¹		Off-Peak times ²	Total Weekday ³	Saturday	Sunday
						Morning Peak	Evening Peak				
Gatwick	Three Bridges			22729000	700	0	6 ⁷	18 ⁷	24 ⁷	21 ⁷	0
Three Bridges	Gatwick Airport			22729000	700	0	0	27 ⁸	27 ⁸	29 ⁸	0

Footnotes:

7. The Train operator must make an Access Proposal for these train slots to be combined with current rights for Train slots between Blackfriars and Gatwick Airport. These rights will expire on 21st August 2023.

8. The Train operator must make an Access Proposal for these train slots to be combined with current rights for Train slots between Gatwick Airport and St Pancras International. These rights will expire on 21st August 2023.

5. **GENERAL**

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”, “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.

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. **LAW**

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

8. **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 Lucy McAuliffe, Route Director Sussex



duly authorised for and on behalf of
NETWORK RAIL
INFRASTRUCTURE LIMITED

SIGNED by) Patrick Verwer

duly authorised for and on behalf of)
GOVIA THAMESLINK RAILWAY LIMITED)

