

**FORTY SEVENTH SUPPLEMENTAL
AGREEMENT**

between

NETWORK RAIL INFRASTRUCTURE LIMITED

as Network Rail

and

NORTHERN TRAINS LIMITED

as Train Operator

relating to the Track Access Contract (Passenger
Services) dated 03 MARCH 2016

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THIS FORTY SEVENTH SUPPLEMENTAL AGREEMENT is dated 19th 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) **NORTHERN TRAINS LIMITED**, a company registered in England under number 03076444, having its registered office at Albany House, Floor 8, 94-98 Petty France, London, England, SW1H 9EA (the "**Train Operator**").

BACKGROUND:

- (A) Network Rail and Arriva Rail North Limited entered into a Track Access Contract (Passenger Services) dated 3 March 2016 as amended by various supplemental agreements (which track access contract as subsequently amended is hereafter referred to as the "**Contract**").
- (B) On 1st March 2020, the rights and obligations of Arriva Rail North Limited under the contract were transferred to the Train Operator pursuant to a transfer scheme made by the Secretary of State for Transport on 1st March under schedule 2 of the Railways Act 2005.
- (C) The parties propose to amend the Contract in the manner and on the terms described below.

IT IS HEREBY AGREED as follows:

1. INTERPRETATION

In this Supplemental Agreement:

- 1.1 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
- 1.2 "Effective Date" means: 02:00 on 21st May 2023

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 01:59 on 19th August 2023

4. AMENDMENTS TO THE CONTRACT

4.1 Schedule 5 of the Track Access Contract shall be updated as follows:

Under 'Service Group ED09 – Merseyrail City Lines, Table 2.2: Additional Passenger Train Slots' the words 'not used' will be deleted and replaced with the Table 2.2 as set out in Annex A to this Supplemental Agreement.

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

Phil James, Route Director
duly authorised for and on behalf of)



NETWORK RAIL)
INFRASTRUCTURE LIMITED)

SIGNED by)

Robert Warnes
Strategic Development Director)



duly authorised for and on behalf of)
NORTHERN TRAINS LIMITED)

Annex A

Service Group ED09 – Merseyrail City Lines

Table 2.2: Additional Passenger Train Slots *18th 25th 30th 33rd 37th 39th 47th*

| 1 | | | | | | 2 | | | |
|---|------------------|------|------------|--------------------|-------------------|------------------------------|----------------|-----------------|---------------|
| Service Group ED09¹ | | | | | | | | | |
| Service description: Merseyrail City Lines | | | | | | Passenger Train Slots | | | |
| From | To | | Via | Description | <u>TSC</u> | Timing Load | Weekday | Saturday | Sunday |
| Warrington Central | Liverpool Street | Lime | Direct | ED09.5.1 | 12299820 | 150 | 1 | 1 | 0 |

¹Rights shall expire on 19th August 2023