

# 9th Supplemental Agreement (General Approval)

between

**NETWORK RAIL INFRASTRUCTURE LIMITED**  
as Network Rail

and

**MERSEYRAIL ELECTRICS 2002 LIMITED**  
as Train Operator

relating to the Track Access Contract (Passenger  
Services) dated 1<sup>st</sup> April 2019

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**THIS NINTH SUPPLEMENTAL AGREEMENT (GA)** is dated 14 June 2023 and made

**BETWEEN:**

- (1) **NETWORK RAIL INFRASTRUCTURE LIMITED**, a company registered in England under number 2904587 having its registered office at Network Rail, Waterloo General Office, London, SE1 8SW (“Network Rail”); and
- (2) **MERSEYRAIL ELECTRICS 2002 LIMITED**, a company registered in England under number 04356933 having its registered office at Rail House, Lord Nelson Street, Liverpool, Merseyside L1 1JF (the “Train Operator”).

**WHEREAS:**

- (A) The parties entered into a Track Access Contract (Passenger Services) dated 1 April 2019 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 (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**

In this Supplemental Agreement, unless the context otherwise requires:

- (A) words and phrases defined in, and rules of interpretation set out in, the Contract shall have the same meaning and effect when used in this Supplemental Agreement; and
- (B) “Effective Date” means the date upon which the ORR issues its approval of the terms of this General Approval.

2. **EFFECTIVE DATE AND TERM**

The amendments to the Contract as set out in this General Approval shall have effect from the Effective Date and shall cease to have effect on the Expiry Date or earlier termination of the Contract.

3. **ORR GENERAL APPROVAL**

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

4. **AMENDMENTS TO THE CONTRACT**

- 4.1 Amendments to Appendix 7D of Schedule 7 to include class 777 EMU's for on train metering. Appendix 7D of Schedule 7 to the Contract shall be deleted in its entirety and replaced with Appendix 7D as set out in Annex A.

5. **GENERAL**

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 during the period in which the amendments made by this Supplemental Agreement are to have effect, all references in the Contract to "the contract" or, as the case may be, the "Agreement", "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.

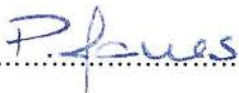
7. **LAW**

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 two counterparts which, taken together, shall constitute one and the same document. Either party may enter into this Supplemental Agreement by signing either of such counterparts.

IN WITNESS of which the duly authorised representatives of Network Rail and the Train Operator have executed 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..... C. Maher .....

Duly authorised for and on behalf of

**MERSEYRAIL ELECTRICS 2002 LIMITED**

**Annex A****Appendix 7D**

"Metered Trains M" for the purposes of paragraph 4.1.1 of Part 2

<b>Train Type</b>	<b>Train ID</b>	<b>Traction Type</b>
Class 777 EMU	N/A	DC