

**SEVENTEENTH SUPPLEMENTAL AGREEMENT**

**between**

**NETWORK RAIL INFRASTRUCTURE LIMITED**

**and**

**TRANSPORT FOR WALES RAIL LTD**

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**relating to Schedule 5 of the Track Access Contract**

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**THIS SEVENTEENTH SUPPLEMENTAL AGREEMENT**

is dated 10th November 2023 and made between:

- (1) **NETWORK RAIL INFRASTRUCTURE LIMITED** (“**Network Rail**”), a company registered in England under number 04402220 having its registered office at Waterloo General Office, London, United Kingdom, SE1 8SW, and
- (2) **TRANSPORT FOR WALES RAIL LTD** (the “**Train Operator**”), a company registered in England and Wales under number 12619906, whose registered office is at 3 Llys Cadwyn, Pontypridd, CF37 4TH

**Whereas:**

- A. The parties entered into a Track Access Contract (Passenger Services) dated 6<sup>th</sup> August 2020 pursuant to Section 18 (7) of the Act as amended by various supplemental agreements in a form approved pursuant to Section 22 of the Act (which track access contract as subsequently amended is hereafter referred to as the “**Contract**”);
- B. The Contract was novated from Keolis Amey Operations/Gweithrediadau Keolis Amey Limited to the Train Operator pursuant to a Deed of Novation dated 7 February 2021.
- C. The parties now propose to enter into this Supplemental Agreement in order to make changes within Schedule 5.

**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**” shall mean the date upon which the Office of Rail and Road issues its approval pursuant to Section 22 of the Act of the terms of this Supplemental Agreement.

**2. EFFECTIVE DATE AND DURATION**

- 2.1 The amendments made to the Contract shall have effect from the Effective Date and shall cease to have effect on Subsidiary Change Date 2024.

**3. AMENDMENTS TO THE CONTRACT**

- 3.1 In Schedule 5 Table 2.2, the entries for Service Group HL08 shall include the entries as shown in Appendix 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 Effective Date 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 in England and Wales.

**6. 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.

**7. 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.

**IN WITNESS WHEREOF** Network Rail and the Train Operator have, by their duly authorised representatives, respectively entered into this Supplemental Agreement on the date first above written.

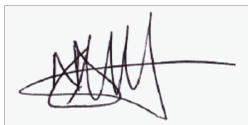
SIGNED BY

for and on behalf of

**NETWORK RAIL  
INFRASTRUCTURE LIMITED**

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Nick Millington



SIGNED BY

for and on behalf of

**TRANSPORT FOR WALES  
RAIL LTD**

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Jan Chaudhry-van der Velde

J. Chaudhry

Appendix 1

Table 2.2:

1					2		
Service Group: HLO8					Additional Passenger Train		
Service Description: North Wales Interurban (Summer)					Total	Saturday	Sunday
From	To	Via	Description	TSC	Weekday		
Holyhead	Chester	Conwy	8.1.12	22340000	0	0	1 <sup>1</sup>

1					2		
Service Group: HLO8					Additional Passenger Train		
Service Description: North Wales Interurban (Winter)					Total	Saturday	Sunday
From	To	Via	Description	TSC	Weekday		
Holyhead	Chester	Conwy	8.1.12	22340000	0	0	1 <sup>1</sup>

<sup>1</sup> This access right shall take effect from the Principal Change Date 2023 (PCD) and expire on the Subsidiary Change Date 2024 (SCD).