

4th Supplemental Agreement

between

NETWORK RAIL INFRASTRUCTURE LIMITED

as Network Rail

and

FIRST TRENITALIA WEST COAST RAIL LIMITED

as Train Operator

relating to the Track Access Contract (Passenger Services) dated 1st December 2022

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THIS 4TH SUPPLEMENTAL AGREEMENT is dated 22nd November 2022 and made

BETWEEN:

- (1) **NETWORK RAIL INFRASTRUCTURE LIMITED**, a company registered in England under number 2904587 having its registered office at 1 Eversholt Street, London NW1 2DN (“Network Rail”); and”
- (2) **FIRST TRENITALIA WEST COAST RAIL LIMITED**, a company registered in England under number 10349442 having its registered office at 8th Floor The Point, 37 North Wharf Road, London, United Kingdom, W2 1AF (the “Train Operator”).

WHEREAS:

The parties have been directed under Section 22A of the Act to enter into this Fourth Supplemental Agreement in order to amend the Contract as 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;
- (B) “Effective Date” means 05/02/2023.

2. 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.

3. ORR – GENERAL APPROVAL

This Supplemental Agreement is entered into pursuant to the Passenger Access (Short Term Timetable and Miscellaneous Changes) General Approval 2009.

4. AMENDMENTS TO THE CONTRACT

4.1 Appendix 1 of Schedule 8 shall be deleted in its entirety and replaced with the entry set out in Annex 1.

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: James Dean, Route Director, West Coast South
Duly authorised for and on behalf of
NETWORK RAIL INFRASTRUCTURE LIMITED



SIGNED by
Print name: Craig Forster
Duly authorised for and on behalf of
FIRST TRENITALIA WEST COAST RAIL LIMITED

ANNEX 1

APPENDIX 1 OF SCHEDULE 8

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							
HF01 London Euston – Birmingham / Wolverhampton All Trains	2019-20 Redacted	Redacted	Redacted	Redacted	36	120	100	London Euston - Birmingham/Wolverhampton	Forward	COVENTRY	Redacted
	2020-21 Redacted						100	London Euston - Birmingham/Wolverhampton	Forward	LONDON EUSTON	Redacted
	2021-22 Redacted						100	London Euston - Birmingham/Wolverhampton	Reverse	SHREWSBURY	Redacted
	2022-23 Redacted						100	London Euston - Birmingham/Wolverhampton	Reverse	COVENTRY	Redacted
	2023-24 Redacted						100	London Euston - Birmingham/Wolverhampton	Reverse	BIRMINGHAM NEW STREET	Redacted
							100	London Euston - Birmingham/Wolverhampton	Reverse	WOLVERHAMPTON	Redacted
							100	London Euston - Birmingham/Wolverhampton	Reverse	RUGBY	Redacted
HF02 London Euston – North Wales All Trains	2019-20 Redacted	Redacted	Redacted	Redacted	76	270	104	London Euston - North Wales	Forward	CHESTER	Redacted
	2020-21 Redacted						104	London Euston - North Wales	Forward	CREWE	Redacted
	2021-22 Redacted						104	London Euston - North Wales	Forward	LONDON EUSTON	Redacted
	2022-23 Redacted						104	London Euston - North Wales	Forward	MILTON KEYNES CENTRAL	Redacted
	2023-24 Redacted						104	London Euston - North Wales	Reverse	CHESTER	Redacted
							104	London Euston - North Wales	Reverse	BANGOR	Redacted
							104	London Euston - North Wales	Reverse	HOLYHEAD	Redacted

OFFICIAL

								Wales			
							104	London Euston - North Wales	Reverse	CREWE	Redacted
							104	London Euston - North Wales	Reverse	WREXHAM GENERAL	Redacted
							104	London Euston - North Wales	Reverse	MILTON KEYNES CENTRAL	Redacted
HF03 London Euston - Manchester All Trains	2019-20 Redacted 2020-21 Redacted 2021-22 Redacted 2022-23 Redacted 2023-24 Redacted	Redacted	Redacted	Redacted	38	120	108	London Euston - Manchester Piccadilly	Forward	LONDON EUSTON	Redacted
							108	London Euston - Manchester Piccadilly	Forward	STOKE-ON-TRENT	Redacted
							108	London Euston - Manchester Piccadilly	Forward	CREWE	Redacted
							108	London Euston - Manchester Piccadilly	Reverse	STOKE-ON-TRENT	Redacted
							108	London Euston - Manchester Piccadilly	Reverse	MILTON KEYNES CENTRAL	Redacted
							108	London Euston - Manchester Piccadilly	Reverse	STOCKPORT	Redacted
							108	London Euston - Manchester Piccadilly	Reverse	MANCHESTER PICCADILLY	Redacted
							108	London Euston - Manchester Piccadilly	Reverse	CREWE	Redacted
HF04 London Euston - Liverpool All Trains	2019-20 Redacted 2020-21 Redacted 2021-22 Redacted 2022-23 Redacted 2023-24 Redacted	Redacted	Redacted	Redacted	65	270	109	London Euston - Liverpool Lime Street	Forward	LONDON EUSTON	Redacted
							109	London Euston - Liverpool Lime Street	Forward	CREWE	Redacted
							109	London Euston - Liverpool Lime Street	Reverse	LIVERPOOL LIME STREET	Redacted
							109	London Euston - Liverpool Lime Street	Reverse	CREWE	Redacted
HF06	2019-20	Redacted	Redacted	Redacted	91	270	112	London Euston -	Forward	PRESTON	Redacted

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London Euston - Carlisle / Scotland All Trains	Redacted 2020-21 Redacted							Carlisle/Glasgow			
	2021-22 Redacted						112	London Euston - Carlisle/Glasgow	Forward	LONDON EUSTON	Redacted
	2022-23 Redacted						112	London Euston - Carlisle/Glasgow	Forward	CARLISLE	Redacted
	2023-24 Redacted						112	London Euston - Carlisle/Glasgow	Reverse	BLACKPOOL	Redacted
							112	London Euston - Carlisle/Glasgow	Reverse	PRESTON	Redacted
							112	London Euston - Carlisle/Glasgow	Reverse	GLASGOW CENTRAL	Redacted
							112	London Euston - Carlisle/Glasgow	Reverse	CARLISLE	Redacted
							112	London Euston - Carlisle/Glasgow	Reverse	LANCASTER	Redacted
							112	London Euston - Carlisle/Glasgow	Reverse	WARRINGTON BANK QUAY	Redacted
HF08 London - Scotland via West Midlands All Trains	2019-20 Redacted	Redacted	Redacted	Redacted	69	172	114	London Euston - Scotland via W Midlands (Class 9s)	Forward	COVENTRY	Redacted
	2020-21 Redacted						114	London Euston - Scotland via W Midlands (Class 9s)	Forward	MILTON KEYNES CENTRAL	Redacted
	2021-22 Redacted						114	London Euston - Scotland via W Midlands (Class 9s)	Forward	LONDON EUSTON	Redacted
	2022-23 Redacted						114	London Euston - Scotland via W Midlands (Class 9s)	Forward	BIRMINGHAM NEW STREET	Redacted
	2023-24 Redacted						114	London Euston - Scotland via W Midlands (Class 9s)	Forward	PRESTON	Redacted
							114	London Euston - Scotland via W Midlands (Class 9s)	Forward	CREWE	Redacted
							114	London Euston - Scotland via W Midlands (Class 9s)	Reverse	BIRMINGHAM NEW STREET	Redacted
							114	London Euston - Scotland via W Midlands (Class 9s)	Reverse	COVENTRY	Redacted
							114	London Euston - Scotland via W Midlands (Class 9s)	Reverse	MILTON KEYNES CENTRAL	Redacted

OFFICIAL

							114	London Euston - Scotland via W Midlands (Class 9s)	Reverse	EDINBURGH	Redacted
							114	London Euston - Scotland via W Midlands (Class 9s)	Reverse	PRESTON	Redacted
							114	London Euston - Scotland via W Midlands (Class 9s)	Reverse	CARLISLE	Redacted
							114	London Euston - Scotland via W Midlands (Class 9s)	Reverse	GLASGOW CENTRAL	Redacted
							114	London Euston - Scotland via W Midlands (Class 9s)	Reverse	CREWE	Redacted