

**36th Supplemental
Agreement**

between

NETWORK RAIL INFRASTRUCTURE LIMITED
as Network Rail

and

SCOTRAIL TRAINS LIMITED
as Train Operator

relating to amendments to the Track Access Contract

CONTENTS

1.	INTERPRETATION.....	2
2.	EFFECTIVE DATE AND DURATION.....	2
3.	ORR GENERAL APPROVAL.....	3
4.	AMENDMENTS TO THE CONTRACT.....	3
5.	EFFECT OF THIS SUPPLEMENTAL AGREEMENT ON THE CONTRACT.....	3
6.	LAW.....	4
7.	THIRD PARTY RIGHTS.....	4
8.	COUNTERPARTS.....	5

THIS 36TH SUPPLEMENTAL AGREEMENT is dated 2nd August and made

Between:

- (1) Network Rail Infrastructure Limited, ("Network Rail"), a company registered in England under number 2904587 having its registered office at Waterloo General Office, London, SE1 8SW; and
- (2) ScotRail Trains Limited, (the "Train Operator"), a company registered in Scotland under number SC328826 having its registered office at Atrium Court, 50 Waterloo Street, Glasgow, United Kingdom, G2 6HQ, United Kingdom.

Background:

- (A) The Train Operator and Network Rail entered into a Track Access Contract (Passenger Services)(which is hereafter referred to as the "Contract") dated 03 March 2016 in a form approved by the Office of Rail and Road pursuant to section 18(7) of the Act.
- (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:

- 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;
- 1.2 "**Effective Date**" means 00:01hrs on the 20th August 2023.
- 1.3 "Appendix" shall mean the appendices and their relevant parts and attached hereto.

2. EFFECTIVE DATE AND DURATION

The amendments made to the Contract pursuant to this Supplemental Agreement shall have effect from the Effective Date and shall cease to have effect at 2359 hours 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

Appendix 1 to Schedule 8 of the Contract shall be deleted in its entirety and replaced with the table in Appendix A to this Supplemental Agreement.

5. EFFECT OF THIS SUPPLEMENTAL AGREEMENT ON THE CONTRACT

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. LAW

This Supplemental Agreement shall be governed by, construed and given effect to in all respects in accordance with the laws of Scotland.

7. THIRD PARTY RIGHTS


No rights shall be conferred under or arising out of this Supplemental Agreement on any person other than the Parties to this Supplemental Agreement and there shall not be created in any circumstances a jus quaesitum tertio in favour of any person.

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 one and the same instrument.

IN WITNESS WHEREOF this Supplemental Agreement comprising this and the foregoing 3 pages and Appendix A are executed as follows:-

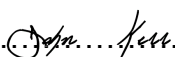
SIGNED  on behalf of **NETWORK RAIL INFRASTRUCTURE LIMITED** by Liam Sumpter at 151 St Vincent Street, Glasgow, G2 5NW on 2 August 2023 in the presence of:-


Witness: 

Full Name: Christine Grimes

Address: 151 St Vincent Street, Glasgow, G2 5NW

SIGNED on behalf of **SCOTRAIL TRAINS LIMITED** by Derek Marchant at Atrium Court, Glasgow on 2nd August 2023 in the presence of:-

Witness: .....

Full Name: John Kerr..... .....

Address: Atrium Court, 50 Waterloo Street, Glasgow, G2 6HQ

Appendix A

Appendix 1 to 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							
HA01 Express All Trains	2019-20	1.4434	0.7447	£1,151.57	42	168	540	Glasgow - Aberdeen - Dyce	Forward	ABERDEEN	0.0420
	2020-21	1.3120					540	Glasgow - Aberdeen - Dyce	Forward	DUNDEE	0.0476
	2021-22	1.2044					540	Glasgow - Aberdeen - Dyce	Reverse	DUNDEE	0.0396
	2022-23	1.2044					540	Glasgow - Aberdeen - Dyce	Reverse	GLASGOW QUEEN STREET	0.0592
	2023-24	1.2044					541	Edinburgh Aberdeen	-Forward	ABERDEEN	0.0335
							541	Edinburgh Aberdeen	-Forward	DUNDEE	0.0378
							541	Edinburgh Aberdeen	-Reverse	DUNDEE	0.0284
							541	Edinburgh Aberdeen	-Reverse	EDINBURGH	0.0280
							548	Edinburgh - Falkirk - Glasgow	Forward	GLASGOW QUEEN STREET	0.2373
							548	Edinburgh - Falkirk - Glasgow	Reverse	EDINBURGH	0.2346

						549	Glasgow/Edinburgh - Inverness	Forward	INVERNESS	0.0221
						549	Glasgow/Edinburgh - Inverness	Forward	PERTH	0.0385
						549	Glasgow/Edinburgh - Inverness	Forward	KINGUSSIE	0.0050
						549	Glasgow/Edinburgh - Inverness	Reverse	PERTH	0.0106
						549	Glasgow/Edinburgh - Inverness	Reverse	EDINBURGH	0.0397
						549	Glasgow/Edinburgh - Inverness	Reverse	GLASGOW QUEEN STREET	0.0093
						536	Glasgow/Edinburgh - Dundee & Arbroath	Forward	PERTH	0.0054
						536	Glasgow/Edinburgh - Dundee & Arbroath	Forward	DUNDEE	0.0269
						536	Glasgow/Edinburgh - Dundee & Arbroath	Forward	ARBROATH	0.0033
						536	Glasgow/Edinburgh - Dundee & Arbroath	Reverse	GLASGOW QUEEN STREET	0.0137
						536	Glasgow/Edinburgh - Dundee & Arbroath	Reverse	EDINBURGH	0.0267
						537	Montrose Aberdeen	Forward	ABERDEEN	0.0054

							537	Montrose Aberdeen	-Reverse	MONTROSE	0.0054
HA02	2019- 20 1.1232	£6,214.07	0.9954	£1,464.36	58	232	576	Edinburgh Dunblane	-Forward	DUNBLANE	0.1459
East Coast Suburban	2020- 21 1.0329						576	Edinburgh Dunblane	-Reverse	FALKIRK GRAHAMSTON	0.0253
All Trains	2021- 22 0.9590						576	Edinburgh Dunblane	-Reverse	EDINBURGH	0.1248
	2022- 23 0.9590						584	Haymarket - North Berwick	Forward	NORTH BERWICK	0.0989
	2023- 24 0.9590						584	Haymarket - North Berwick	Reverse	EDINBURGH	0.0931
							584	Haymarket - North Berwick	Reverse	HAYMARKET	0.0103
							586	Edinburgh Newcraighall	-Forward	TWEEDBANK	0.0852
							586	Edinburgh Newcraighall	-Reverse	EDINBURGH	0.0702
							5871	Fife Circular – Anti- Clockwise	Reverse	EDINBURGH	0.0621
							5871	Fife Circular – Anti- Clockwise	Forward	KIRKCALDY	0.0953
		5871	Fife Circular – Anti- Clockwise	Forward	GLENROTHES WITH THORNTON	0.0038					
		5870	Fife Circular – Clockwise	Reverse	Edinburgh	0.0621					

							5870	Fife Circular Clockwise	-Forward	COWDENBEATH	0.1144
							5870	Fife Circular Clockwise	-Forward	GLENROTHES WITH THORNTON	0.0086
HA03	2019- 20 3.5971	£976.57	1.4191	£126.06	143	215	579	Glasgow/Newcastle - Stranraer	Forward	CARLISLE	0.1485
South West Rural All Trains	2020- 21 3.2703						579	Glasgow/Newcastle - Stranraer	Forward	DUMFRIES	0.0676
	2021- 22 3.0029						579	Glasgow/Newcastle - Stranraer	Forward	NEW CUMNOCK	0.0725
	2022- 23 3.0029						579	Glasgow/Newcastle - Stranraer	Reverse	KILMARNOCK	0.1145
	2023- 24 3.0029						579	Glasgow/Newcastle - Stranraer	Reverse	GLASGOW CENTRAL	0.1667
							579	Glasgow/Newcastle - Stranraer	Reverse	DUMFRIES	0.1143
							577	Kilmarnock Girvan	-Forward	AYR	0.1362
							577	Kilmarnock Girvan	-Forward	KILMARNOCK	0.0498
							577	Kilmarnock Girvan	-Reverse	STRANRAER	0.0583
							577	Kilmarnock Girvan	-Reverse	GIRVAN	0.0716
HA04	2019- 20 2.1511	£1,566.74	1.1598	£45.40	101	152	542	Inverness - Wick / Thurso	Forward	WICK	0.0137

Highland Rural All Trains	2020- 21	1.9035				542	Inverness - Wick / Thurso	Forward	TAIN	0.0054
	2021- 22	1.7008				542	Inverness - Wick / Thurso	Reverse	INVERNESS	0.0472
	2022- 23	1.7008				542	Inverness - Wick / Thurso	Forward	INVERGORDON	0.0254
	2023- 24	1.7008				543	Inverness - Kyle Of Lochalsh	Reverse	INVERNESS	0.0245
						543	Inverness - Kyle Of Lochalsh	Forward	KYLE OF LOCHALSH	0.0251
						545	Glasgow Queen Street - Oban/Fort William/Mallaig	Forward	MALLAIG	0.0193
						545	Glasgow Queen Street - Oban/Fort William/Mallaig	Forward	OBAN	0.0619
						545	Glasgow Queen Street - Oban/Fort William/Mallaig	Forward	FORT WILLIAM	0.0158
						545	Glasgow Queen Street - Oban/Fort William/Mallaig	Reverse	FORT WILLIAM	0.0143
						545	Glasgow Queen Street - Oban/Fort William/Mallaig	Reverse	GLASGOW QUEEN ST	0.0743
					547	Aberdeen Inverness	-Reverse	ELGIN	0.0468	
					547	Aberdeen Inverness	-Reverse	ABERDEEN	0.2736	

							547	Aberdeen Inverness	-Forward	DYCE	0.0890
							547	Aberdeen Inverness	-Forward	INVERNESS	0.1333
							547	Aberdeen Inverness	-Forward	KEITH	0.0455
							547	Aberdeen Inverness	-Forward	INVERURIE	0.0849
HA05	2019- 20 0.9372	£8,112.96	0.4502	£69.95	37	140	569	Glasgow - Wemyss Bay/Gourock	Forward	WEMYSS BAY	0.0383
Ayrshire and Inverclyde	2020- 21 0.8605						569	Glasgow - Wemyss Bay/Gourock	Forward	GOUROCK	0.1248
All Trains	2021- 22 0.7978						569	Glasgow - Wemyss Bay/Gourock	Reverse	GLASGOW CENTRAL	0.1603
	2022- 23 0.7978						571	Glasgow Ardrossan/Largs	-Forward	ARDROSSAN SOUTH BEACH	0.0920
	2023- 24 0.7978						571	Glasgow Ardrossan/Largs	-Forward	LARGS	0.0198
							571	Glasgow Ardrossan/Largs	-Reverse	GLASGOW CENTRAL	0.1089
							573	Glasgow - Ayr	Forward	AYR	0.1796
							573	Glasgow - Ayr	Reverse	GLASGOW CENTRAL	0.1914
							565	Glasgow - Paisley Canal	Forward	PAISLEY CANAL	0.0425
							565	Glasgow - Paisley Canal	Reverse	GLASGOW CENTRAL	0.0424
HA06		£4,753.11	0.6179	£1,875.34	35	152	562	Gse South	Forward	NEILSTON	0.1131

Glasgow Suburban South All Trains	2019-20 0.8833 2020-21 0.8157 2021-22 0.7605 2022-23 0.7605 2023-24 0.7605						562	Gse South	Forward	NEWTON	0.0665
							562	Gse South	Reverse	GLASGOW CENTRAL	0.2780
							567	Glasgow - East Kilbride	Forward	EAST KILBRIDE	0.0660
							567	Glasgow - East Kilbride	Forward	BUSBY	0.0546
							567	Glasgow - East Kilbride	Reverse	GLASGOW CENTRAL	0.1212
							568	Glasgow - Barrhead - Kilmarnock	Forward	KILMARNOCK	0.0227
							568	Glasgow - Barrhead - Kilmarnock	Forward	BARRHEAD	0.0403
							568	Glasgow - Barrhead - Kilmarnock	Reverse	GLASGOW CENTRAL	0.0671
							564	Glasgow - Shotts (-Edinburgh)	Forward	EDINBURGH	0.0867
							564	Glasgow - Shotts (-Edinburgh)	Reverse	GLASGOW CENTRAL	0.0755
							564	Glasgow - Shotts (-Edinburgh)	Reverse	MOTHERWELL	0.0083
HA07 Glasgow Suburban North All Trains	2019-20 0.8409 2020-21 0.7777	£1,474.45	0.5401	£195.63	38	152	561	Glasgow Queen Street/Springburn - Cumbernauld	Forward	FALKIRK GRAHAMSTON	0.0245
							561	Glasgow Queen Street/Springburn - Cumbernauld	Forward	CUMBERNAULD	0.0904

	2021- 22 0.7262 2022- 23 0.7262 2023- 24 0.7262						561	Glasgow Queen Street/Springburn - Cumbernauld	Reverse	GLASGOW QUEEN ST	0.0454
							575	Glasgow - Stirling - Dunblane/Alloa	Forward	DUNBLANE	0.0094
							575	Glasgow - Stirling - Dunblane/Alloa	Forward	STIRLING	0.2733
							575	Glasgow - Stirling - Dunblane/Alloa	Forward	ALLOA	0.0457
							575	Glasgow - Stirling - Dunblane/Alloa	Reverse	GLASGOW QUEEN STREET	0.3828
							574	Glasgow Northern Surburban	Forward	ANNIESLAND	0.0649
							574	Glasgow Northern Surburban	Reverse	GLASGOW QUEEN STREET	0.0636
HA08 North Electrics & Argyle Line All Trains	2019- 20 1.3362 2020- 21 1.2345 2021- 22 1.1512 2022- 23 1.1512 2023- 24 1.1520	£14,405.16	0.8841	£1,835.05	38	152	560	Gse North	Forward	GLASGOW QUEEN STREET LI	0.0970
							560	Gse North	Forward	CUMBERNAULD	0.0000
							560	Gse North	Forward	AIRDRIE	0.0675
							560	Gse North	Forward	BATHGATE	0.0105
							560	Gse North	Forward	EDINBURGH	0.0621
							560	Gse North	Forward	DALMUIR	0.0082
							560	Gse North	Forward	SPRINGBURN	0.0171
							560	Gse North	Reverse	AIRDRIE	0.0065

						560	Gse North	Reverse	GLASGOW QUEEN STREET LI	0.0651
						560	Gse North	Reverse	HELENSBURGH CENTRAL	0.0171
						560	Gse North	Reverse	GARSCADDEN	0.0191
						560	Gse North	Reverse	MILNGAVIE	0.0335
						560	Gse North	Reverse	BALLOCH	0.0154
						560	Gse North	Reverse	DALMUIR	0.0502
						560	Gse North	Reverse	BATHGATE	0.0402
						560	Gse North	Reverse	DUMBARTON CENTRAL	0.0171
						563	Argyle Line	Forward	CARSTAIRS	0.0021
						563	Argyle Line	Forward	GLASGOW CENTRAL LI	0.0841
						563	Argyle Line	Forward	MOTHERWELL	0.0727
						563	Argyle Line	Forward	LANARK	0.0152
						563	Argyle Line	Forward	LARKHALL	0.0404
						563	Argyle Line	Forward	WHIFFLET	0.0225
						563	Argyle Line	Forward	CUMBERNAULD	0.0020
						563	Argyle Line	Reverse	GLASGOW CENTRAL LI	0.0815
						563	Argyle Line	Reverse	MOTHERWELL	0.0046
						563	Argyle Line	Reverse	GARSCADDEN	0.0360
						563	Argyle Line	Reverse	MILNGAVIE	0.0447

							563	Argyle Line	Reverse	DALMUIR	0.0344
							563	Argyle Line	Reverse	GLASGOW CENTRAL HIGH LEVEL	0.0332