

FIFTY NINTH SUPPLEMENTAL AGREEMENT

between

NETWORK RAIL INFRASTRUCTURE LIMITED

as Network Rail

and

TRANSPENNINE TRAINS LIMITED

as Train Operator

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

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THIS FIFTY NINTH SUPPLEMENTAL AGREEMENT is dated 24 May 2024 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) **TRANSPENNINE TRAINS LIMITED**, a company registered in England under number 12544930 having its registered office at Great Minister House, 2nd Floor Franchise Resilience and Mobilisation Team, 33 Horseferry Road, London, SW1P 4DR (the "**Train Operator**").

BACKGROUND:

- (A) Network Rail and First TransPennine Express Limited entered into a Track Access Contract (Passenger Services) dated 03 March 2016 and amended by various supplemental agreements in a form approved and directed by the Office of Rail and Road pursuant to section 17 of the Railways Act 1993 ("the Act") hereafter referred to as the "**Contract**".
- (B) On 28 May 2023, the rights and obligations of First TransPennine Express Limited under the Contract were transferred to the Train Operator pursuant to a transfer scheme made by the Secretary of State for Transport on 28 May 2023 under schedule 2 of the Railways Act 2005.
- (C) Network Rail and the Train Operator (the parties) now propose to enter into this Supplemental Agreement 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; and
- 1.2 "Effective Date" means: 02:00 on 02 June 2024.

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 02:00 on 02 June 2024, reverting to 0 at 01:59 on 01 September 2024.

4 AMENDMENTS TO THE CONTRACT

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

Under 'Service Group EA01 – North Transpennine, Table 2.2: Additional Passenger Train Slots', the lines of entry in Appendix A will be added.

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 Managing Director – North West

duly authorised for and on behalf of)
NETWORK RAIL)
INFRASTRUCTURE LIMITED)

SIGNED by Chris Jackson)

Managing Director

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

APPENDIX A**Service Group EA01 – North Transpennine****Table 2.2: Additional Passenger Train Slots** ^{57th, 59th}

1						2		
Service Group: EA01								
Service description: North Transpennine						Passenger Train Slots		
From	To	Via	Description	<u>TSC</u>	Timing Load	Weekday	Saturday	Sunday
York	Scarborough		Eastbound	21732000	185	0	2 ⁷¹	3 ⁷²
Leeds	Scarborough		Eastbound	21732000	185	0	1 ⁷³	0
Scarborough	York		Westbound	21732000	185	0	3 ⁷⁴	3 ⁷⁵

⁷¹ From 02 June 2024 this quantum will begin and from 01 September 2024 this quantum will revert to 0.

⁷² From 02 June 2024 this quantum will begin and from 01 September 2024 this quantum will revert to 0.

⁷³ From 02 June 2024 this quantum will begin and from 01 September 2024 this quantum will revert to 0.

⁷⁴ From 02 June 2024 this quantum will begin and from 01 September 2024 this quantum will revert to 0.

⁷⁵ From 02 June 2024 this quantum will begin and from 01 September 2024 this quantum will revert to 0.