

Ninety-First Supplemental Agreement

between

NETWORK RAIL INFRASTRUCTURE LIMITED

as Network Rail

and

ARRIVA RAIL LONDON LIMITED

as Train Operator

relating to the Track Access Contract (Passenger Services) dated 9 November 2007

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THIS NINETY-FIRST SUPPLEMENTAL AGREEMENT is dated 05/08/2024 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) **ARRIVA RAIL LONDON LIMITED**, a company registered in England under number 04165861, having its registered office at 1 Admiral Way, Doxford International Business Park, Sunderland, Tyne & Wear, SR3 3XP (the “**Train Operator**”).

WHEREAS:

- (A) The parties entered into a Track Access Contract (Passenger Services) dated 9th November 2007 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 (which track access contract as subsequently amended is hereafter referred to as the “Contract”).
- (B) The parties propose to enter into this Supplemental Agreement in order to amend Appendices 7C and 7D of Schedule 7 within the Contract.

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; and
- (B) “Effective Date” means: Monday 5 August 2024

2. **ORR GENERAL APPROVAL**

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

3. **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.

4. **AMENDMENT TO THE CONTRACT**

Appendices 7C and 7D of Schedule 7, shall be deleted in their entirety and replaced by a new Appendix 7C and 7D as set out in the Appendices to this Supplemental Agreement.

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 Lucy McAuliffe

duly authorised for and on behalf of
NETWORK RAIL
INFRASTRUCTURE LIMITED

SIGNED by)
duly authorised for and on behalf of)
ARRIVA RAIL LONDON LIMITED)

Anjuli Ramburuth

30/7/2024 | 11:14 AM BST

APPENDIX 7C - DEFAULT TRAIN CONSIST DATA ^{46th, 77th}

Train Service Code	Type of Train Movement	Default Train Consist Data
21921000	Train movement(s) between Barking Riverside and Gospel Oak	1 Class 710/DV/AC Electric Multiple Unit (4 motor coaches)
22204000	Train movement(s) between Willesden Junction and Clapham Junction	1 Class 378 Electric Multiple Unit (4 motor coaches and 1 trailer coach)
22206000	Train movement(s) between Old Kent Road Junction Connection Point and Clapham Junction or Battersea Park	1 Class 378 Electric Multiple Unit (4 motor coaches and 1 trailer coach)
22214000	Train movement(s) between Richmond and Stratford	1 Class 378 Electric Multiple Unit (4 motor coaches and 1 trailer coach)
22215003	Train movement(s) between New Cross Gate Connection Point and West Croydon or Crystal Palace.	1 Class 378 Electric Multiple Unit (4 motor coaches and 1 trailer coach)
22215003	Train movement(s) between Highbury & Islington and Western Curve Connection Point.	1 Class 378 Electric Multiple Unit (4 motor coaches and 1 trailer coach)
22216000	Train movement(s) between London Euston and Watford Junction (via D.C lines only)	1 Class 710 DV Electric Multiple Unit (5 motor coaches)
22216001	Empty Coaching Stock Movements	1 Class 378 Electric Multiple Unit (4 motor coaches and 1 trailer coach)
21235001	Train movements between Liverpool Street and Chingford (Off Peak)	1 Class 710 Electric Multiple Unit (4 motor coaches)
21234001	Train movements between Liverpool Street and Enfield Town or Cheshunt via Southbury (Off Peak)	1 Class 710 Electric Multiple Unit (4 motor coaches)
25235001	Train movements between Liverpool Street and Chingford (Peak)	2 Class 710 Electric Multiple Units (8 motor coaches)
25234001	Train movements between Liverpool Street and Enfield Town or Cheshunt via Southbury (Peak)	2 Class 710 Electric Multiple Units (8 motor coaches)
21237001	Train movement(s) between Romford and Upminster via Emerson Park	1 Class 710 Electric Multiple Unit (4 motor coaches)
21252001	West Anglia and Romford-Upminster Empty Coaching Stock movement(s)	1 Class 710 Electric Multiple Unit (4 motor coaches)

"METERED TRAINS M" FOR THE PURPOSES OF PARAGRAPH 4.1.1 OF PART 2

Train Type	Train ID	Traction Type