

# Seventh Supplemental Agreement

between

**NETWORK RAIL INFRASTRUCTURE LIMITED**

as Network Rail

and

**EAST COAST MAIN LINE COMPANY LIMITED**

as Train Operator

relating to the Track Access Contract (Passenger  
Services) dated 3<sup>rd</sup> March 2017

## CONTENTS

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

**THIS SEVENTH SUPPLEMENTAL AGREEMENT** is dated 16<sup>TH</sup> MAY 2018 and made

**BETWEEN:**

- (1) **NETWORK RAIL INFRASTRUCTURE LIMITED**, a company registered in England under company number 02904587, having its registered office at 1 Eversholt Street, London, NW1 2DN ("**Network Rail**"); and
- (2) **EAST COAST MAIN LINE COMPANY LIMITED**, a company registered in England under number 4659708 having its registered office at Friars Bridge Court, 41-45 Blackfriars Road, London, SE1 8NZ (the "**Train Operator**").

**WHEREAS:**

- (A) The parties entered into a Track Access Contract (Passenger Services) dated 03 March 2017 in a form approved by the Office of Rail and Road pursuant to section 17 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 is hereafter referred to as the "Contract").
- (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 00.01 hours 27<sup>th</sup> May 2018.

2. **OFFICE OF RAIL AND ROAD – 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 to the Contract pursuant to this Supplemental Agreement shall have effect from the Effective Date and shall cease to have effect on the expiry or earlier termination of the Contract.

4. **AMENDMENTS TO SCHEDULE 8**

- 4.1 Appendix 1 of Schedule 8 will be deleted and replaced in its entirety with the version set out in Appendix 1 to this Supplemental Agreement.

The parties are seeking to make this amendment in order to adjust the values in columns B and F of Appendix 1 to neutralise the impact of changes made to berthing offsets.

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. **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** whereof 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 *Rob McINTOSH*.....

Duly authorised for and on behalf of  
**NETWORK RAIL INFRASTRUCTURE LIMITED**

**SIGNED** by.....

Print name *Michael Ross*.....

Duly authorised for and on behalf of  
**EAST COAST MAIN LINE COMPANY LIMITED**

## APPENDIX 1

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	
Service Group	Network Rail				TOC				Cancellation Minutes	Cap	Service Code	Direction	Monitoring Point	Weighting	
	Performance Point	Payment Rate			Performance Point	Payment Rate									
		<u>(Not Used)</u>	<u>(Not Used)</u>	Total		<u>(Not Used)</u>	<u>(Not Used)</u>	Total							
HB01 ANGLO— SCOTTISH All Trains	2014-15 ✕			✕	✕			✕	90	270	700	London Kings X – York – Newcastle – Edinburgh - Glasgow	Forward Forward Forward Forward Forward Reverse Reverse Reverse Reverse Reverse	London Kings Cross Peterborough Edinburgh Doncaster Newcastle York Glasgow Central Peterborough Newcastle Edinburgh York Sunderland	✕ ✕ ✕ ✕ ✕ ✕ ✕ ✕ ✕ ✕ ✕ ✕
	2015-16 ✕														
	2016-17 ✕														
	2017-18 ✕														
	2018-19 ✕														

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	
Service Group	Network Rail				TOC				Cancellation Minutes	Cap	Service Code	Direction	Monitoring Point	Weighting	
	Performance Point	Payment Rate			Performance Point	Payment Rate									
		<u>(Not Used)</u>	<u>(Not Used)</u>	Total		<u>(Not Used)</u>	<u>(Not Used)</u>	Total							
HB02 WEST YORKSHIRE All Trains	2014-15 ✕			✕	✕			✕	90	270	702	London Kings X – Peterborough - Leeds	Forward	Wakefield Westgate	✕
	2015-16 ✕												Forward	London Kings Cross	✕
	2016-17 ✕												Forward	Peterborough	✕
	2017-18 ✕												Reverse	Newark Northgate	✕
	2018-19 ✕												Reverse	Peterborough	✕
													Reverse	Leeds	✕

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	
Service Group	Network Rail				TOC				Cancellation Minutes	Cap	Service Code	Direction	Monitoring Point	Weighting	
	Performance Point	Payment Rate			Performance Point	Payment Rate									
		(Not Used)	(Not Used)	Total		(Not Used)	(Not Used)	Total							
HB04 WEST YORKHIRE (Kings X - Bradford / Hull) All Trains	2014-15 ✕			✕	✕			✕	270	270	703	London Kings X – Bradford – Harrogate - Hull	Forward Forward Reverse Reverse Reverse Reverse Reverse Reverse Reverse Reverse	London Kings Cross Doncaster Bradford Forster Square Wakefield Westgate Peterborough Doncaster Skipton Leeds Hull Harrogate Lincoln	✕ ✕ ✕ ✕ ✕ ✕ ✕ ✕ ✕ ✕ ✕
HB05 ANGLO - SCOT (Aberdeen / Inverness) All Trains	2014-15 ✕			✕	✕			✕	270	270	701	London Kings X – Aberdeen / Inverness	Forward Forward Forward Forward Reverse Reverse Reverse Reverse Reverse Reverse	London Kings Cross Newcastle Edinburgh York Inverness Edinburgh Newcastle Aberdeen York Stirling	✕ ✕ ✕ ✕ ✕ ✕ ✕ ✕ ✕ ✕ ✕