

6th Supplemental Agreement

between

NETWORK RAIL INFRASTRUCTURE LIMITED

as Network Rail

and

FIRST GREATER WESTERN LIMITED

as Train Operator

relating to the Track Access Contract (Passenger Services) dated 4th March 2016

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THIS 6TH SUPPLEMENTAL AGREEMENT is dated 7th March 2017 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 GREATER WESTERN LIMITED**, (the "Train Operator"), a company registered in England under number 05113733 having its registered office at Milford House, 1 Milford Street, Swindon SN1 1HL.

WHEREAS:

- (A) The parties entered into a Track Access Contract (Passenger Services) dated 4th March 2016 on terms approved, and pursuant to directions issued, by ORR under section 18 of the Act.
- (B) The parties agree to enter into this 6th Supplemental Agreement in order to convert the access rights set out in 3.1 and 3.2 below from Contingent Rights to Firm Rights up to the Expiry Date of the Contract. In addition, associated summer period rights contained in Table 2.2 shall be transferred to Table 2.1.

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 the later of:
 - the date upon which the Office of Rail and Road issues its approval, pursuant to Section 22 of the Act, of the terms of this Supplemental Agreement; and
 - 0200 Hours Sunday 11th March 2017.

2. EFFECTIVE DATE AND TERM

The amendments to the Contract pursuant to this Supplemental Agreement shall have effect from the Effective Date.

The amendments shall cease to have effect on the termination of the Contract.

3. AMENDMENTS TO THE CONTRACT

3.1. In Schedule 5 Tables 2.1, service group EF06 and EF11 shall be deleted and replaced with the tables set out in Annex 1.

3.2. In Schedule 5 Tables 2.2, service group EF06 and EF11 shall be deleted and replaced with the tables set out in Annex 2.

4. 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.

5. 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.

6. LAW

This Supplemental Agreement shall be governed by, construed and given effect to in all respects in accordance with English Law.

7. 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 MARK LANGMAN

Duly authorised for and on behalf of

NETWORK RAIL INFRASTRUCTURE LIMITED

SIGNED by 

Print name MATTHEW GOLTON

Duly authorised for and on behalf of

FIRST GREATER WESTERN LIMITED

ANNEX 1

Table 2.1 Passenger Train Slots EF06

1						2					
EF 06 Table 2.1: Passenger Train Slots ^{1st, 3rd}						Passenger Train Slots					
INNER LONDON											
From	To	Via	Description	TSC	Timing Load	Peak times ¹		Off-Peak times ²	Weekday ³	Saturday	Sunday
						Morning Peak	Evening Peak				
London Paddington ⁴	Greenford ⁴		EF06.101	25508006	165 - 1	0	4 ⁵ 0 ⁶	22 ⁵ 1 ⁶	26 ⁵ 1 ⁶	32 ⁵ 1 ⁶	0
Greenford ⁴	London Paddington ⁴		EF06.102	25508006	165 - 1	4 ⁵ 0 ⁶	0	22 ⁵ 1 ⁶	26 ⁵ 1 ⁶	32 ⁵ 1 ⁶	0
London Paddington ⁴	Hayes & Harlington		EF06.113	25515005 ^b	165 - 1	0	2 ⁵ 6 ⁶	2 ⁵ 26 ⁶	4 ⁵ 32 ⁶	0 ⁵ 32 ⁶	0
Hayes & Harlington	London Paddington ⁴		EF06.114	25515005 ^b	165 - 1	2 ⁵ 6 ⁶	0	2 ⁵ 26 ⁶	4 ⁵ 32 ⁶	0 ⁵ 32 ⁶	0
Greenford ⁴	West Ealing		EF06.115	25508006 ^b	165 - 1	0	0	6 ⁵ 30 ⁶	6 ⁵ 30 ⁶	0 ⁵ 31 ⁶	0
West Ealing	Greenford		EF06.116	25508006	165 - 1	0	0	6 ⁵ 31 ⁶	6 ⁵ 31 ⁶	0 ⁵ 31 ⁶	0
London Paddington ⁴	Henley-on-Thames		EF06.103	25516005	165 - 1	0	2	1	3	0	0
Henley-on-Thames	London Paddington ⁴		EF06.104	25516005	165 - 1	2	0	0	2	0	0
London Paddington ⁴	Reading		EF06.105	25516005	165 - 1	0	7	37	44	33	17
Reading	London Paddington ⁴		EF06.106	25516005	165 - 1	10	0	34	44	39	18
London Paddington ⁴	Bourne End		EF06.107	25516005	165 - 1	0	3 ⁷ 0 ⁸	0	3 ⁷ 0 ⁸	0	0
Bourne End	London Paddington ⁴		EF06.108	25516005	165 - 1	2 ⁷ 0 ⁸	0	0	2 ⁷ 0 ⁸	0	0
London Paddington ⁴	Slough		EF06.113	25516005	165 - 1	0	0	1	0	0	0

1						2					
EF 06 <i>Table 2.1: Passenger Train Slots^{1st, 3rd}</i>											
INNER LONDON						Passenger Train Slots					
From	To	Via	Description	TSC	Timing Load	Peak times ¹		Off-Peak times ²	Weekday ³	Saturday	Sunday
						Morning Peak	Evening Peak				
Slough	London Paddington ⁴		EF06.109	25516005	165 - 1	2 ⁷ 1 ⁸	0	0 ⁷ 1 ⁸	2 ⁷ 2 ⁸	0	0
London Paddington ⁴	Maidenhead		EF06.110	25516005	165 - 1	0	1 ⁷ 4 ⁸	0	1 ⁷ 4 ⁸	0	0
Maidenhead	London Paddington ⁴		EF06.111	25516005	165 - 1	0 ⁷ 3 ⁸	0	1	1 ⁷ 4 ⁸	0	0
London Paddington	Twyford		EF06.112	25516005	165 - 1	0	0	1	1	0	0

Notes to Table:

¹ Peak times – arriving London Paddington between 07.00 and 09.59, departing London Paddington between 16.00 and 18.59

² Off-Peak times - arriving at and departing from a relevant station outside Peak times

³ Passenger Train Slots listed under the sub-headings “Peak times” and “Off-Peak times” are the constituent parts of, and are not in addition to, those listed under the sub-heading “Weekday”.

⁴ These rights expire at 02h00 on the May 2018 Subsidiary Timetable Change Date or when Crossrail services start whichever is later

⁵ From Principal Change Date 2016 to 0200hrs on 2nd January 2017 or when the crossover 8195 A&B on the relief lines at Hayes East is commissioned, whichever is later.

⁶ From 0200hrs on 2nd January 2017 or when the crossover 8195 A&B on the relief lines at Hayes East is commissioned, whichever is later.

⁷ Until the route between London Paddington and Maidenhead is confirmed open to electric traction for passenger services.

⁸ From the date the route between London Paddington and Maidenhead is confirmed open to electric traction for passenger services.

Table 2.1 Passenger Train Slots EF11

1						2		
EF 11						Table 2.1: Passenger Train Slots ^{1st, 2nd}		
EXETER SUBURBAN						Passenger Train Slots		
From	To	Via	Description	TSC	Timing Load	Weekday	Saturday	Sunday
Exeter St. Davids	Exeter Central		EF11.101	25482001	142	1	0	0
Exeter St Davids	Exeter St James Park		EF11.102	25482001	142	3	0	0
Exeter Central	Exeter St. Davids		EF11.103	25482001	142	2	1	0
Exeter St James' Park	Exeter St. Davids		EF11.104	25482001	142	2	1	0
Barnstaple	Exmouth		EF11.105	25480001 and 25482001	142	11	10	0
Paignton	Exmouth		EF11.106	25462001 and 25482001	142	16	14	15
Exeter St. Davids	Exmouth		EF11.107	25482001	142	5	7	4

1						2		
EF 11						Table 2.1: Passenger Train Slots ^{1st, 2nd}		
EXETER SUBURBAN						Passenger Train Slots		
From	To	Via	Description	TSC	Timing Load	Weekday	Saturday	Sunday
Exeter Central	Exmouth		EF11.126	25482001	142	0	0	4
Barnstaple	Exeter Central		EF11.108	25480001	142	3	3	5
Barnstaple	Exeter St. Davids		EF11.109	25480001	142	1 FO	1	2
Exmouth	Exeter St. Davids		EF11.110	25482001	142	5	8	5
Exmouth	Exeter Central		EF11.128	25482001	142	0	0	3
Exmouth	Paignton		EF11.111	25482001 & 25462001	142	15	12	14
Exmouth	Barnstaple		EF11.112	25482001 & 25480001	142	12	12	0
Exeter Central	Barnstaple		EF11.113	25480001	142	1 FSX 2 FO	1	7

1						2		
EF 11						Table 2.1: Passenger Train Slots ^{1st, 2nd}		
EXETER SUBURBAN						Passenger Train Slots		
From	To	Via	Description	TSC	Timing Load	Weekday	Saturday	Sunday
Exeter St Davids	Barnstaple		EF11.114	25480001	142	1	1	0
Paignton	Exeter St. Davids		EF11.115	25462001	142	7	9 WP 8-SP	2
Paignton	Newton Abbot		EF11.116	25462001	142	6	1	0
Plymouth	Newton Abbot		EF11.117	25462001	142	2	1 WP 2 SP	0
Plymouth	Exeter St. Davids		EF11.118	25462001	142	5	4 WP 6 SP	4
Exeter St. Davids	Paignton		EF11.119	25462001	142	4	9	1
Newton Abbot	Paignton		EF11.120	25462001	142	7	1	0
Newton Abbot	Plymouth		EF11.121	25462001	142	2	1	0

1						2		
EF 11						Table 2.1: Passenger Train Slots ^{1st, 2nd}		
EXETER SUBURBAN						Passenger Train Slots		
From	To	Via	Description	TSC	Timing Load	Weekday	Saturday	Sunday
Exeter St. Davids	Plymouth		EF11.122	25462001	142	6 WP 7 SP	5	4
Paignton	Exeter St James' Park		EF11.123	25462001 and 25482001	142	1	0	0
Paignton	Exeter Central		EF11.124	25462001	142	0	1	1
Exeter St James' Park	Paignton		EF11.125	25462001 and 25482001	142	2	0	0
Exeter Central	Paignton		EF11.126	25462001	142	2	2	2

Notes to Table:

⁴ SX – Monday to Friday only, FSX – Monday to Thursday only and FO – Friday only

ANNEX 2

Table 2.2: Additional Passenger Train Slots EF06

1					2		
EF06 Table 2.2 Additional Passenger Train Slots ^{3rd, 4th}							
INNER LONDON					Additional Passenger Train Slots		
From	To	Via	Description	TSC	Weekday	Saturday	Sunday
London Paddington	Reading		EF06.201	25516005	1	2	0
London Paddington	Maidenhead		EF06.202	25516005	1	0	0
Slough	London Paddington		EF06.203	25516005	1 ¹ 0 ²	0	0

¹ Until the route between London Paddington and Maidenhead is confirmed open to electric traction for passenger services.

² From the date the route between London Paddington and Maidenhead is confirmed open to electric traction for passenger services.

Table 2.2: Additional Passenger Train Slots EF11

1					2		
EF11 Table 2.2 Additional Passenger Train Slots ^{4th}							
EXETER SUBURBAN					Additional Passenger Train Slots		
From	To	Via	Description	TSC	Weekday	Saturday	Sunday
Exmouth	Okehampton ¹		EF11.201	25482001 & 25480001	0	0	5SP/5ESP
Okehampton ¹	Exmouth		EF11.202	25482001 & 25480001	0	0	5SP/5ESP
Plymouth	Exeter St Davids		EF11.207	25462001	0	1	0
Plymouth	Newton Abbot		EF11.208	25462001	0	1	0
Exeter Central	Exeter St Davids		EF11.209	25482001	0	0	1
Paignton	Exmouth		EF11.210	25462001 and 25482001	0	0	
Exeter Central	Barnstaple		EF11.211	25480001	0	0	2

1					2		
EF11 Table 2.2 Additional Passenger Train Slots ^{4th}							
EXETER SUBURBAN					Additional Passenger Train Slots		
From	To	Via	Description	TSC	Weekday	Saturday	Sunday
Paignton	Exmouth		EF11.212	25462001 and 25482001			1 WP

Notes to Table:

¹ Applies on Network Rail infrastructure only