

22nd 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 22ND SUPPLEMENTAL AGREEMENT is dated 17 May 2018 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 22nd Supplemental Agreement in order to make the following amendments to the contract for service changes to be introduced on 20th May 2018:
 - Amend access rights in Schedule 5 Table 2.1 and Table 4.1

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 20th May 2018.

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 Table 2.1, the tables, as they apply to service groups EF04 and EF12, shall be deleted and replaced with the tables as set out in Annex 1.
- 3.2. In Schedule 5 Table 4.1, the table for service group EF13, as it applies to Portsmouth Harbour – Brighton, shall be deleted and replaced with the table as 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 Mark Langman

Print name MARK LANGMAN

Duly authorised for and on behalf of

NETWORK RAIL INFRASTRUCTURE LIMITED

SIGNED by.....

Print name.....

Duly authorised for and on behalf of

FIRST GREATER WESTERN LIMITED

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.....
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

1						2					
EF 04 <i>Table 2.1: Passenger Train Slots</i>											
LONDON - WEST OF ENGLAND						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				
London Paddington	Plymouth	Hungerford, Castle Cary and Taunton	EF04.101	25397003	HST8 - 125	0	2 FO ⁴	6 FSX ⁴ WP 5 FO ⁴ WP 4 FSX ⁴ SP 3 FO ⁴ SP	6 FSX ⁴ WP 7 FO ⁴ WP 4 FSX ⁴ SP 5 FO ⁴ SP	5 WP 4 SP	6 WP 4 SP
Plymouth	London Paddington	Taunton, Castle Cary and Hungerford	EF04.102	25397003	HST8 - 125	2	0	3 WP 1 SP	5 WP 3 SP	6 WP 3 SP	6 ⁵ WP 4 ⁶ WP 2 SP
London Paddington	Plymouth	Chippenham	EF04.103	25397003	HST8 - 125	0	0	0	0	0	1

1						2					
EF 04 Table 2.1: Passenger Train Slots											
LONDON - WEST OF ENGLAND						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				
Plymouth	London Paddington	Weston-super-Mare and Chippenham	EF04.104	25397003	HST8 - 125	1	0	0	1	0	4
London Paddington	Penzance	Hungerford, Castle Cary and Taunton	EF04.105	25397003	HST8 - 125	0	2	8 ⁵ FSX ⁴ WP 7 ⁶ FSX ⁴ WP 9 ⁵ FO ⁴ WP 8 ⁶ FO ⁴ WP 6 FSX ⁴ SP 7 FO ⁴ SP	10 ⁵ FSX ⁴ WP 9 ⁶ FSX ⁴ WP 11 ⁵ FO ⁴ WP 10 ⁶ FO ⁴ WP 8 FSX ⁴ SP 9 FO ⁴ SP	7 WP 10 SP	6 WP 7 SP
Penzance	London Paddington	Taunton, Castle Cary and Hungerford	EF04.106	25397003	HST8 - 125	0	0	8 ⁵ WP 7 ⁶ WP 8 SP	8 ⁵ WP 7 ⁶ WP 8 SP	7 WP 10 SP	7 WP 8 SP
London Paddington	Penzance	Chippenham	EF04.107	25397003	HST8 - 125	0	0	0	0	1	1

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EF 04 <i>Table 2.1: Passenger Train Slots</i>											
LONDON - WEST OF ENGLAND						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				
Penzance	London Paddington	Chippenham	EF04.108	25397003	HST8 - 125	0	0	2	2	1	0
London Paddington	Paignton	Hungerford, Castle Cary and Taunton	EF04.109	25397003	HST8 - 125	0	1	0	1	0 WP 3 SP	1
Paignton	London Paddington	Taunton, Castle Cary and Hungerford	EF04.110	25397003	HST8 - 125	0	0	2	2	3 SP	0
London Paddington	Paignton	Chippenham	EF04.111	25397003	HST8 - 125	0	0	2	2	1	0
Paignton	London Paddington	Weston-super-Mare and Chippenham	EF04.112	25397003	HST8 - 125	0	0	1	1	1	1
London Paddington	Exeter St Davids	Hungerford, Castle Cary and Taunton	EF04.113 (Exeter Service)	25397003	HST8 - 125	0	2 FSX ⁴	1 FSX ⁴ 2 FO ⁴ SP	3 FSX ⁴ 2 FO ⁴ SP	1 WP 0 SP	1
Exeter St Davids	London Paddington	Taunton, Castle Cary and Hungerford	EF04.114 (Exeter Service)	25397003	HST8 - 125	1	0	1 SX 1 FSX ⁴	2 SX 1 FSX ⁴	1 WP 0 SP	1

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EF 04 <i>Table 2.1: Passenger Train Slots</i>											
LONDON - WEST OF ENGLAND						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				
Exeter St Davids	London Paddington	Bristol Temple Meads and Chippenham	EF04.115	25397003	HST8 - 125	0	0	1FO	1FO	0	0
Westbury	Exeter St Davids		EF04.116	25397003	HST8 - 125	0	0	1FO	1FO	0	0
London Paddington	Taunton	Hungerford and Castle Cary	EF04.117	25397003	HST8 - 125	0	0	0	0	1WP 0SP	0
Taunton	London Paddington	Castle Cary and Hungerford	EF04.118	25397003	HST8 - 125	0	0	1SX ⁴ 1FO ⁴	1SX ⁴ 1FO ⁴	1WP 0SP	0
London Paddington	Frome	Hungerford and Westbury	EF04.119	25397003	HST8 - 125	0	1	0	1	0	0
Frome	London Paddington	Westbury and Hungerford	EF04.120	25397003	HST8 - 125	1	0	0	1	0	0
London Paddington	Bristol Temple Meads	Hungerford	EF04.121 (Westbury Service)	25397003	HST8 - 125	0	1	0	1	0	0

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EF 04 <i>Table 2.1: Passenger Train Slots</i>											
LONDON - WEST OF ENGLAND						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				
Bristol Temple Meads	London Paddington	Hungerford	EF04.122 (Westbury Service)	25397003	HST8 - 125	1	0	0	1	0	0
London Paddington	Newquay	Hungerford, Castle Cary and Taunton	EF04.123	25397003	HST8 - 125	0	0	0 WP 1 SP	0 WP 1 SP	0 WP 2 SP	0 WP 1 SP
Newquay	London Paddington	Taunton, Castle Cary and Hungerford	EF04.124	25397003	HST8 - 125	0	0	0 WP 1 SP	0 WP 1 SP	0 WP 3 SP	0 WP 1 SP
London Paddington	Penzance	whichever route is open	EF04.125 (Sleeper Service)	25396002	75-57350	0	0	1	1	0	1
Penzance	London Paddington	whichever route is open	EF04.126 (Sleeper Service)	25396002	75-57350	0	0	1	1	0	1

Notes to Table:

¹ Peak times – arriving London Paddington between 07.30 and 10.01, departing London Paddington between 16.30 and 19.00

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

⁵ Until the Principal Change Date 2018 (Dec 2018)

⁶ From the Principal Change Date 2018 (Dec 2018).

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EF 12						Table 2.1: Passenger Train Slots		
DEVON AND CORNWALL						Passenger Train Slots		
From	To	Via	Description	TSC	Timing Load	Weekday	Saturday	Sunday
Liskeard	Plymouth		EF12.101	25474001	150	1 WP 3 SP	0 WP 1 SP	0
Plymouth	Liskeard		EF12.102	25474001	150	1	0	0
Par	Plymouth		EF12.103	25474001	150	0	1 WP 2 SP	0
Plymouth	Par		EF12.104	25474001	150	1	0 WP 3 SP	0
Penzance	Plymouth		EF12.105	25474001	150	8	8 WP 4 SP	5
Plymouth	Penzance		EF12.106	25474001	150	8	9 WP 3 SP	6

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EF 12								
Table 2.1: Passenger Train Slots								
DEVON AND CORNWALL						Passenger Train Slots		
From	To	Via	Description	TSC	Timing Load	Weekday	Saturday	Sunday
Penzance	Truro		EF12.107	25474001	150	2	1	0
Par	Penzance		EF12.108	25474001	150	0 WP 1 SP	1 WP 0 SP	0
St Erth	Par		EF11.204	25479001 and 25474001	150	0	0 WP 1 SP	0
Plymouth	Newquay		EF12.121	25474001 and 25477001	150	0	0 WP 1 SP	0
Newquay	Plymouth		EF12.122	25477001 and 2547001	150	0	0 WP 1 SP	0
Plymouth	Gunnislake		EF12.109	25473001	150	9	8	5 1 SP

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EF 12								
Table 2.1: Passenger Train Slots								
DEVON AND CORNWALL						Passenger Train Slots		
From	To	Via	Description	TSC	Timing Load	Weekday	Saturday	Sunday
Gunnislake	Plymouth		EF12.110	25473001	150	9	8	5 1 SP
Looe	Liskeard		EF12.111	25476001	150	12	12 WP 13 SP	8
Liskeard	Looe		EF12.112	25476001	150	12	12 WP 13 SP	8
Par	Newquay		EF12.113	25477001	150	6 WP 5 SP	7	3 WP 4 SP
Newquay	Par		EF12.114	25477001	150	6 WP 5 SP	7	3 WP 4 SP
Falmouth Docks	Truro		EF12.115	25478001	153	29	29	10

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EF 12 <i>Table 2.1: Passenger Train Slots</i>								
DEVON AND CORNWALL						Passenger Train Slots		
From	To	Via	Description	TSC	Timing Load	Weekday	Saturday	Sunday
Truro	Falmouth Docks		EF12.116	25478001	153	29	29	10
Penzance	St. Ives		EF12.117	25479001	150	2	3	1
St. Ives	Penzance		EF12.118	25479001	150	2	3	1
St. Erth	St. Ives		EF12.119	25479001	150	26	22	16 WP 18 SP
St. Ives	St. Erth		EF12.120	25479001	150	26	22	16 WP 18 SP

Notes to Table:

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

Annex 2

EF 13 SOUTH WALES TO SOUTH COAST Table 4.1 Calling Patterns					
Between	And	Description	TSC	Regular Calling Pattern	Additional stations
Brighton	Portsmouth Harbour	EF13.112 and EF13.138	25470001	Hove, Shoreham-by-Sea, Worthing, Barnham, Chichester, Havant, Fratton, Portsmouth and Southsea	Hedge End, Emsworth, Southbourne, Angmering and Portslade.