

**9TH SUPPLEMENTAL AGREEMENT**

**between**

**NETWORK RAIL INFRASTRUCTURE LIMITED**

**and**

**FIRST TRANSPENNINE EXPRESS LIMITED**

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**relating to changes to Schedule 5 of the Track Access Contract for additional services  
between Manchester Airport and Glasgow Central, from Hull to Manchester Victoria  
and from Hull to Leeds**

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THIS 9<sup>TH</sup> SUPPLEMENTAL AGREEMENT is dated 16<sup>TH</sup> AUGUST 2017 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) FIRST TRANSPENNINE EXPRESS LIMITED, a company registered in England under number 09000801 having its registered office at 50 Eastbourne Terrace, Paddington, London W2 6LG.

**Background:**

- (A) The parties entered into a Track Access Contract (Passenger Services) dated 03 March 2016 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 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.

**2. EFFECTIVE DATE AND TERM**

- 2.1 The amendments to the Contract as set out in this Supplemental Agreement shall have effect from the Effective Date and shall cease to have effect as follows:
  - 2.1.1 The amendments to the Anglo –Scottish Service Group shall cease to have effect on the expiry of the Contract.
  - 2.1.2 The amendments to the North Transpennine Service Group shall cease to have effect on the Subsidiary Change Date 2018.
- 2.2 Effective Date means the later of 19<sup>th</sup> August 2017 and the date upon which the Office of Rail and Road issues its approval, pursuant to Section 22 of the Act, of the terms of the Supplemental Agreement.

**3. AMENDMENTS TO THE CONTRACT**

The Contract shall be amended as follows:

- 3.1 In Table 2.1 of Schedule 5 to the Contract, Service Groups: North Transpennine (Westbound) and Anglo-Scottish shall be amended as set out in Annex A

- 3.2 In Table 4.1 of Schedule 5 to the Contract an additional row shall be added to Service Group North Transpennine to include a calling pattern for the Hull to Manchester Victoria service, as set out in Annex B.

**4. EFFECT OF THIS SUPPLEMENTAL AGREEMENT ON THE CONTRACT**

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 with effect from and including the date hereof 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.

**5. LAW**

This Supplemental Agreement shall be governed by, construed and given effect to in all respects in accordance with the law of England and Wales.


**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. 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 one and the same instrument.

**IN WITNESS** of which Network Rail and the Train Operator have, by their duly authorised representatives, respectively entered into this Supplemental Agreement on the date first above written.

  
.....  
**SIGNED BY** Mark Killick, Chief Operating Officer, LNW

**PRINT NAME** Mark Killick

Duly authorised for and on behalf of

**NETWORK RAIL INFRASTRUCTURE LIMITED**

  
.....  
**SIGNED BY**

**PRINT NAME**

*Esomery*

Duly authorised for and on behalf of

**FIRST TRANSPENNINE EXPRESS LIMITED**

## 2 Passenger Train Slots

Annex A

Table 2.1: Passenger Train Slots

1						2		
Service Group: North Transpennine (Westbound)								
Service description						Passenger Train Slots		
From	To	Via	Description	TSC	Timing Load	Weekday	Saturday	Sunday
Hull	Leeds		Westbound	21733000	185 or 170	2	2	4 <sup>1</sup>
Hull	Manchester Victoria		Westbound	21733000	185	1 <sup>2</sup>	0	0
Hull	Manchester Piccadilly		Westbound	21730000	185 or 170	13	13	8
Hull	Manchester Airport		Westbound	21730000	185 or 170	1	1	0

<sup>1</sup> The right to 1 of these services shall expire on the Subsidiary Change Date 2018

<sup>2</sup> This right shall expire on the Subsidiary Change Date 2018

1						2		
Service Group: North Transpennine (Westbound)								
Service description						Passenger Train Slots		
From	To	Via	Description	TSC	Timing Load	Weekday	Saturday	Sunday
Middlesbrough	York	Yarm	Westbound	21734000	185	1	2	1
Middlesbrough	York	Darlington	Westbound	21734000	185	1	1	0
Middlesbrough	Leeds	Darlington	Westbound	21734000	185	1	0	0
Middlesbrough	Manchester Airport	Yarm	Westbound	21734000	185	13	13	5
Middlesbrough	Liverpool Lime Street	Yarm	Westbound	21734000	185	1	1	1
Newcastle	Liverpool Lime Street	Manchester Victoria	Westbound	21731000	185	13	13	11
Newcastle	Manchester Airport		Westbound	21731000 21734000	185	2	2	2

1						2		
<b>Service Group: North Transpennine (Westbound)</b>								
<b>Service description</b>						<b>Passenger Train Slots</b>		
<b>From</b>	<b>To</b>	<b>Via</b>	<b>Description</b>	<b>TSC</b>	<b>Timing Load</b>	<b>Weekday</b>	<b>Saturday</b>	<b>Sunday</b>
Newcastle	Manchester Piccadilly		Westbound	21731000 21732000	185	0	0	1
Scarborough	Liverpool Lime Street		Westbound	21732000	185	13	14	12
Scarborough	Manchester Airport		Westbound	21732000 21734000	185	2	2	0
Scarborough	Manchester Piccadilly		Westbound	21734000	185	0	1	1
Scarborough	York		Westbound	21732000	185	2	3	0
York	Manchester Airport		Westbound	21734000	185	12	13	12
York	Liverpool Lime Street	Manchester Piccadilly	Westbound	21732000	185	1	1	2



1						2		
Service Group: North Transpennine (Westbound)								
Service description						Passenger Train Slots		
From	To	Via	Description	TSC	Timing Load	Weekday	Saturday	Sunday
York	Liverpool Lime Street	Manchester Victoria	Westbound	21731000	185	1	1	0
York	Manchester Piccadilly		Westbound	21732000	185	4	3	0
Leeds	Manchester Piccadilly		Westbound	21733000	185 or 170	1	0	0
Manchester Piccadilly	Liverpool Lime Street		Westbound	21732000	185	2	1	1

1						2		
<b>Service Group: Anglo-Scottish</b>								
<b>Service description</b>						<b>Passenger Train Slots</b>		
From	To	Via	Description	TSC	Timing Load	Weekday	Saturday	Sunday
Manchester Airport	Edinburgh Waverley	Golborne Jr., Shap, Carlisle and Kirknewton	Northbound	21730001	350	8	7	6
Manchester Airport	Glasgow Central	Golborne Jr., Shap, Carlisle and Beattock	Northbound	21730001	350	6	5	6
Manchester Airport	Glasgow Central	Shap, Carlisle and Beattock	Northbound	21730001	185	1	1	0
Manchester Piccadilly	Glasgow Central	Shap, Carlisle and Beattock	Northbound	21730001	185	1	0	0
Manchester Airport	Preston	Golborne Jr.	Northbound	21730001	185	0	1	0
Edinburgh Waverley	Manchester Airport	Kirknewton, Carlisle, Shap and Golborne Jr.	Southbound	21730001	350	7	6	6

1						2		
Service Group: Anglo-Scottish								
Service description						Passenger Train Slots		
From	To	Via	Description	TSC	Timing Load	Weekday	Saturday	Sunday
Edinburgh Waverley	Manchester Airport	Kirknewton, Carlisle and Shap	Southbound	21730001	185	1	1	0
Glasgow Central	Manchester Airport	Beattock, Carlisle, Shap and Golborne Jn.	Southbound	21730001	350	8	5	5
Glasgow Central	Manchester Airport	Beattock, Carlisle and Shap	Southbound	21730001	185	0	1	0
Preston	Manchester Airport	Golborne Jn	Southbound	21730001	185	1	1	0
Lancaster	Manchester Airport	Golborne Jn	Southbound	21730001	185	0	1	0

4 Calling Patterns

Annex B

Table 4.1: Calling Patterns

1					2	3
Service Group: North Transpennine						
Service description						
From	To	Via	Description	TSC	Regular Calling Pattern	Additional stations
Manchester Airport	Middlesbrough		Eastbound	21734000	Manchester Piccadilly, Huddersfield, Leeds, York, Thirsk, Northallerton, Yarm, Thomaby	Cross Gates, Garforth, Darlington
Manchester Piccadilly	Hull		Eastbound	21733000	Stalybridge, Huddersfield, Dewsbury, Leeds, Selby, Brough	Howden, South Milford
Liverpool Lime Street	Newcastle	Manchester Victoria	Eastbound	21731000	Manchester Victoria, Huddersfield, Leeds, York, Northallerton, Darlington, Durham, Chester-le-Street	Stalybridge, Thirsk,
Liverpool Lime Street	Scarborough	Manchester Piccadilly	Eastbound	21732000 21734000	Liverpool South Parkway, Warrington Central, Birchwood, Manchester Piccadilly, Stalybridge, Huddersfield, Dewsbury, Leeds, Garforth, York, Malton, Seamer	Widnes, Irlam
Manchester Airport	York		Eastbound	21734000	Manchester Piccadilly, Huddersfield, Leeds	Stalybridge, Dewsbury, Garforth, Cross Gates

1					2	3
<b>Service Group: North Transpennine</b>						
<b>Service description</b>						
From	To	Via	Description	TSC	Regular Calling Pattern	Additional stations
Newcastle	Liverpool Lime Street	Manchester Victoria	Westbound	21731000	Chester-le-Street, Durham, Darlington, Northallerton, York, Leeds, Huddersfield, Manchester Victoria	Thirsk
Scarborough	Liverpool Lime Street	Manchester Piccadilly	Westbound	21732000	Seamer, Malton, York, Leeds, Dewsbury, Huddersfield, Stalybridge, Manchester Piccadilly, Birchwood, Warrington, Liverpool South Parkway	
Middlesbrough	Manchester Airport		Westbound	21734000	Thomaby, Yarm, Northallerton, Thirsk, York, Leeds, Huddersfield, Manchester Piccadilly	Garforth, Dewsbury, Stalybridge, Darlington
York	Manchester Airport		Westbound	21734000	Garforth, Leeds, Huddersfield, Manchester Piccadilly	Dewsbury
Hull	Manchester Piccadilly		Westbound	21733000	Brough, Selby, Leeds, Dewsbury, Huddersfield, Stalybridge	Howden, South Milford
Hull	Manchester Victoria		Westbound	21733000	Brough, Selby, Leeds, Dewsbury	

