

# 3<sup>rd</sup> Supplemental Agreement

between

**NETWORK RAIL INFRASTRUCTURE LIMITED**  
as Network Rail

and

**SERCO CALEDONIAN SLEEPERS LIMITED**  
as Train Operator

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relating to the Track Access Contract dated 2 March 2018

General Approval for amendments to Schedule 7 – Appendix 7C

Default Train Consist Data

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**THIS 3<sup>rd</sup> SUPPLEMENTAL AGREEMENT** is dated 30 April 2020 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) **Serco Caledonian Sleepers Limited**, a company registered in Scotland under company number SC477821, having its registered office at Basement and Ground Floor Premises, 1-5 Union Street, Inverness, Scotland, IV1 1PP (the "**Train Operator**").

Background:

- (A) The Train Operator and Network Rail entered into a Track Access Contract (Passenger Services)(which is hereafter referred to as the "Contract") dated 2 March 2018 in a form approved by the Office of Rail and Road pursuant to section 18(7) of the Act.
- (B) The parties now propose to enter into this Supplemental Agreement in order to amend the Contract as described herein.

**IT IS 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 the date of this Supplemental Agreement; and
- 1.3 "Appendix" shall mean the appendices and their relevant parts and attached hereto.

**2. EFFECTIVE DATE AND DURATION**

The amendments made to the Contract pursuant to this Supplemental Agreement shall have effect from the Effective Date and shall cease to have effect at 2359 hours on the Expiry Date or earlier termination of the Contract.

**3. ORR GENERAL APPROVAL**

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

**4. AMENDMENTS TO THE AGREEMENT**

- 4.1 In Schedule 7 of the Contract, Appendix 7C Default Train Consist Data shall be deleted and replaced with table as shown in Appendix A to this Supplemental Agreement.

**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. LAW**

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

**7. THIRD PARTY RIGHTS**

No rights shall be conferred under or arising out of this Supplemental Agreement on any person other than the Parties to this Supplemental Agreement and there shall not be created in any circumstances a jus quaesitum tertio in favour of any person.

**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 one and the same instrument.

**IN WITNESS WHEREOF** this Supplemental Agreement comprising this and the foregoing 3 pages and Appendix A are executed as follows:-

SIGNED on behalf of **NETWORK RAIL INFRASTRUCTURE LIMITED** by  
*Andy Saunders* at on 30  
*April 2020* in the presence of:-

Witness: *Nick Prag*

Full Name: ...Nicholas Prag..... *Andy Saunders*

Address: ..8 Allanshaw Gardens...  
.....Hamilton.....

SIGNED on behalf of **SERCO CALEDONIAN SLEEPERS LIMITED** by Ryan Flaherty at  
on 7 May 2020 in the presence of:-

Witness: *Flaherty*

Full Name: *FLAHERTY HOOP* *Ryan Flaherty*

Address: *58 BOGHEAD ROAD*  
*GENEVE*

## APPENDIX A

### APPENDIX 7C – DEFAULT TRAIN CONSIST DATA

<b>Train Service Code</b>	<b>Type of Train Movement</b>	<b>Default Train Consist Data</b>
23556003	Glasgow Central to London Euston Sleeper	1 Class 92 Electric Locomotive + 16 Mark 5 Coaches
23557003 23557004	Edinburgh to Carstairs Sleeper Portion	1 x Class 92 Electric Locomotive + 8 Mark 5 Coaches
23558003	Inverness to London Euston Sleeper	1 x Class 92 Electric Locomotive + 16 Mark 5 Coaches
23559003 23559004	Aberdeen to Edinburgh Sleeper Portion	1 x Class 73/9 Diesel Locomotive + 6 Mark 5 Coaches
23570003 23570004	Fort William to Edinburgh Sleeper Portion	1 x Class 73/9 Diesel Locomotive + 4 Mark 5 Coaches