**AMENDING AGREEMENT**

**AMENDMENTS WITHIN THE SCOPE OF THE GENERAL APPROVAL FOR DEPOTS 2017 [AMENDMENTS FOR ORR SPECIFIC APPROVAL]**

 **THE RAILWAYS ACT 1993**

 **SECTION 22**

**THIS AGREEMENT** is made the day of 20[ ]

**BETWEEN:-**

1. [ ] (company registered number [ ])

whose registered office is at [ ]

**AND**

2. **THE COMPANIES** referred to in the First Schedule **SUPPLEMENTAL TO** each Depot Access Agreement.

**WHEREAS:**

(A) The Depot Facility Owner is the facility owner of the Depot and is the present grantor of the permission to use the Depot for or in connection with the operation of trains contained in each Depot Access Agreement.

(B) Each Beneficiary is the present grantee of a permission to use the Depot for or in connection with the operation of trains contained in a Depot Access Agreement.

(C) The Depot Facility Owner and each Beneficiary wish to make the Amendments to the Depot Access Agreements to which they are both parties.

(D) By the Approval the Office of Rail and Road has given approval under section 22(2) **[or 22(3)]** of the Act to the making of the amendments to each Depot Access Agreement.

**IT IS AGREED** as follows:

**1. INTERPRETATION**

1.1 In this Agreement, except where the context otherwise requires, the following words and expressions have the following meanings:

**"the Act"** means, the Railways Act 1993;

**"the Amendments"** means, the amendments set out in the Third Schedule;

**"the Approval"** means, the General Approval for depots 2017 **[Specific Approval]**;

**"Beneficiary"** means, a company referred to in the First Schedule;

**"the Depot"** means, [ ] depot;

**"Depot Access Agreement"** means, an agreement referred to in the Second

Schedule;

**"Depot Facility Owner"** means the first named party to this Agreement; and

**“Schedule”** means, the schedule to this Agreement

1.2 In this Agreement, unless otherwise specified:-

(A) a reference to any statute or statutory provision shall be construed as a reference to it as it may have been or may in the future be amended, modified or re-enacted and to any statutory instrument, order or other provision that may have been made or may in the future be made under it;

(B) headings to clauses and titles of sub-clauses are for convenience only and do not affect the interpretation of this Agreement; and

(C) words and expressions to which meanings are ascribed in the Act have the same meanings in this Agreement.

**2. AMENDMENTS**

The Depot Facility Owner and each Beneficiary agree that with effect from the dating and signing by, or on behalf of, the parties to this Agreement, the Amendments are made to the Depot Access Agreement to which they are both parties.

**3. DECLARATION**

3.1 Save as specifically provided in this Agreement, each Depot Access Agreement shall remain in full force and effect and the parties to it agree to observe and perform their respective obligations under it, subject to the Amendments.

3.2 Nothing in this Agreement constitutes a waiver of any outstanding breach of a Depot Access Agreement.

**4. REGISTRATION**

The Depot Facility Owner agrees with each Beneficiary to send a copy of this Agreement to the Office of Rail and Road within 14 days of it being dated and signed.

**5. CERTIFICATE**

It is certified that the agreements referred to in the Second Schedule between them comprise all the access contracts under which any person obtains a permission to use the Depot for or in connection with the operation of trains.

**AS WITNESS** this Agreement has been signed by the duly authorised representatives of the parties the day and year first before written.

**THE FIRST SCHEDULE**

**The Beneficiaries**

**Name Company Number Registered Office**

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**THE SECOND SCHEDULE**

**The Depot Access Agreements**

**Date Parties ORR Reference**

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**THE THIRD SCHEDULE**

**The Amendments**

(set out the amendments that will amend the contracts listed in Schedule 2

i.e.: delete X and replace with Y in paragraph Z of Schedule 1 of the access agreement)

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**SIGNED** on behalf of [Company name]

**Signed:**

**Name:**

**Title:**

**Date of signature:**

[Repeat this format for all signatories]