

**8TH SUPPLEMENTAL AGREEMENT**

**between**

**NETWORK RAIL INFRASTRUCTURE LIMITED**

**and**

**FIRST TRANSPENNINE EXPRESS LIMITED**

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**relating to Service Enhancements Between Hull and Manchester Victoria and Hull and  
Leeds from Subsidiary Change Date (SCD) 2017**

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## CONTENTS

1.	INTERPRETATION.....	3
2.	ORR GENERAL APPROVAL.....	3
3.	EFFECTIVE DATE AND TERM.....	3
4.	AMENDMENTS TO THE CONTRACT.....	3
5.	EFFECT OF THIS SUPPLEMENTAL AGREEMENT ON THE CONTRACT.....	4
6.	LAW.....	4
7.	THIRD PARTY RIGHTS.....	4
8.	COUNTERPARTS.....	4

THIS 8<sup>TH</sup> SUPPLEMENTAL AGREEMENT is dated 19<sup>th</sup> MAY 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**

- (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; and
- (B) "Effective Date" means 21<sup>st</sup> May 2017.

**2. ORR GENERAL APPROVAL**

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

**3. EFFECTIVE DATE AND TERM**

- 3.1 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 on 19<sup>th</sup> August 2017.

**4. AMENDMENTS TO THE CONTRACT**

The Contract shall be amended as follows:

- 4.1 Two new rows shall be added to Table 2.2 'Additional Passenger Train Slots' of Schedule 5 under the heading of 'Service Group: North Transpennine (Westbound)' as set out in Annex A.

## **5. 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.

## **6. 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.

## **7. 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.

## **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** 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 M.J. Froese

PRINT NAME M.J. Froese

Duly authorised for and on behalf of

**NETWORK RAIL INFRASTRUCTURE LIMITED**

SIGNED BY [Signature]

PRINT NAME Mr Cousins

Duly authorised for and on behalf of

**FIRST TRANSPENNINE EXPRESS LIMITED**



**2 Passenger Train Slots**

*Table 2.2: Additional 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	Manchester Victoria		Westbound	21733000	185	1	0	0
Hull	Leeds		Westbound	21733000	185	0	0	1