# SEVENTY SEVENTH SG SUPPLEMENTAL AGREEMENT

between

## NETWORK RAIL INFRASTRUCTURE LIMITED

and

ARRIVA TRAINS WALES/ TRENAU ARRIVA CYMRU LIMITED

relating to Schedule 5

### THIS SEVENTY SEVENTH SG SUPPLEMENTAL AGREEMENT

is dated

5th Danwary 2017 and made between:

- NETWORK RAIL INFRASTRUCTURE LIMITED ("Network Rail"), a private company limited (1) by shares registered in England under company number 02904587, having its registered office at 1 Eversholt Street, London, NW1 2DN; and
- ARRIVA TRAINS WALES/TRENAU ARRIVA CYMRU LIMITED (the "Train Operator"), a (2)private company limited by shares registered in England and Wales under company number 04337645, having its registered office at St. Mary's House, 47 Penarth Road, Cardiff CF10

### Whereas:

- The parties entered into a Track Access Contract (Passenger Services) dated 5 February 2004 A. pursuant to Section 18 (7) of the Act as amended by various supplemental agreements in a form approved pursuant to Section 22 of the Act (which track access contract as subsequently amended is hereafter referred to as the "Contract");
- B. The parties now propose to enter into this Supplemental Agreement in order to vary the Contract to enable the Train Operator to operate additional Services, being an amendment to the Contract of the kind specified in paragraph 14 of the Passenger Access (Short Term Timetable and Miscellaneous Changes) General Approval 2009;

### IT IS HEREBY 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; and

"Effective Date" shall mean the later of:

- a) The date of this agreement; or
- b) 0200 hours on 8th January 2017.

#### OFFICE OF RAIL REGULATION - GENERAL APPROVAL 2.

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

#### 3. **EFFECTIVE DATE AND DURATION**

- 3.1 The amendments made to the Contract shall have effect from the Effective Date.
- 3.2 Those amendments made pursuant to Clause 4.1 of this Supplemental Agreement shall cease to have effect after 90 days.

#### AMENDMENTS TO SCHEDULE 5 of THE CONTRACT 4.

4.1 Table 2.2: Additional Passenger Train Slots shall be replaced by that table shown in Appendix 1 to this Supplemental Agreement.

### 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 Effective Date 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 in England and Wales.

### 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 but one and the same instrument.

### 8. 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.

**IN WITNESS WHEREOF** 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

for and on behalf of

NETWORK RAIL
INFRASTRUCTURE LIMITED

SIGNED BY

for and on behalf of

ARRIVA TRAINS WALES/ TRENAU ARRIVA CYMRU LIMITED

# Appendix 1

1					2		
Service Group: HL05					Additional Passenger Train Slots		
Service Description: Valley Lines and Cardiff Local Services					Total		
From	То	Via	Description	TSC	Weekday	Saturday	Sunday
Cardiff Central	Pontypridd	Danescourt	9.1.1	25447000	6	6	0
Pontypridd	Cardiff Central	Danescourt	9.1.2	25447000	5	5	0
Cardiff Central	Penarth	Grangetown	5.5.1	25443000	0	0	1
Penarth	Cardiff Central	Grangetown	5.5.2	25443000	0	0	1
Cardiff Central	Rhymney	Heath High Level	5.9.5	25448000	0	0	1
Cardiff Central	Ystrad Mynach	Heath High Level	5.9.6	25448000	0	0	4
Rhymney	Cardiff Central	Heath High Level	5.9.7	25448000	0	0	1
Ystrd Mynach	Cardiff Central	Heath High Level	5.9.8	25448000	0	0	4
Taffs Well	Cardiff Central	Llandaf	5.8.4	25447000	1	1	0
1					2		
Service Group: HL07					Additional Passenger Train Slots		
Service Description: North Wales Branches							
From	То	Via	Description	TSC	Total Weekday	Saturday	Sunday
Bidston	Wrexham Central	Penyfford	9.2.1	12342800	0	0	1
Wrexham Central	Bidston	Penyfford	9.2.2	12342800	0	0	1