

**SEVENTY SECOND SG SUPPLEMENTAL AGREEMENT**

between

**NETWORK RAIL INFRASTRUCTURE LIMITED**

and

**ARRIVA TRAINS WALES/ TRENAU ARRIVA CYMRU LIMITED**

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**relating to Schedule 8**

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## THIS SEVENTY SECOND SG SUPPLEMENTAL AGREEMENT

is dated 11<sup>th</sup> October 2017 and made between:

- (1) **NETWORK RAIL INFRASTRUCTURE LIMITED** ("**Network Rail**"), a company registered in England under company number 02904587, having its registered office at 1 Eversholt Street, London, NW1 2DN; and
- (2) **ARRIVA TRAINS WALES/TRENAU ARRIVA CYMRU LIMITED** (the "**Train Operator**"), a 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 5DJ.

### Whereas:

- A. The parties entered into a Track Access Contract (Passenger Services) dated 5 February 2004 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 amend Schedule 8 of the Contract in order to redistribute weightings for contractual monitoring points.

**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; and

### 2. EFFECTIVE DATE AND DURATION

'Effective Date' means the first day of the next full Period that commences following the date upon which the Office of Rail and Road issues its approval pursuant to section 22 of the Act of the terms of this Supplemental Agreement (for the purposes of this Supplemental Agreement, "Period" shall have the meaning ascribed to it in Schedule 8 to the Contract).

### 3. AMENDMENTS TO SCHEDULE 8 OF THE CONTRACT

- 3.1 In Appendix 1 to Schedule 8, the entry for Service Group 'HL04 Birmingham to Shrewsbury and beyond' shall be deleted and replaced with the entry as shown in Appendix 1 in this Supplemental Agreement.

### 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 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.

### 5. 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.



APPENDIX 1

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Service Group	Network Rail				Train Operator				Cancellation Minutes	Cap	Train Service Code	Direction	Monitoring Point	Weighting
	Performance Point	Payment Rate			Performance Point	Payment Rate								
		Not used	Not used	Total		Not used	Not used	Total						
HL04	2014-15								105	270	261	Birmingham - Wrexham - Chester	Forward	Wellington
Birmingham to Shrewsbury and beyond	2015-16										261	Birmingham - Wrexham - Chester	Forward	Shrewsbury
	2016-17										261	Birmingham - Wrexham - Chester	Forward	Chester
	2017-18										261	Birmingham - Wrexham - Chester	Reverse	Birmingham International
	2018-19										261	Birmingham - Wrexham - Chester	Reverse	Birmingham New Street
All trains											261	Birmingham - Wrexham - Chester	Reverse	Wolverhampton
											261	Birmingham - Wrexham - Chester	Reverse	Shrewsbury
											261	Birmingham - Wrexham - Chester	Reverse	Wrexham General
											334	Aberystwyth - Shrewsbury	Forward	Aberystwyth
											334	Aberystwyth - Shrewsbury	Reverse	Shrewsbury
											334	Aberystwyth - Shrewsbury	Reverse	Machynlleth
											335	Machynlleth - Pwllheli	Forward	Barmouth
											335	Machynlleth - Pwllheli	Forward	Pwllheli
											335	Machynlleth - Pwllheli	Reverse	Machynlleth