Tenth Supplemental Agreement

between

NETWORK RAIL INFRASTRUCTURE LIMITED
as Network Rail

and

EAST MIDLANDS TRAINS LIMITED
as Train Operator

relating to the Track Access Contract (Passenger Services) dated 2nd March 2016
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ANNEX

ANNEX A 6-12
THIS TENTH SUPPLEMENTAL AGREEMENT is dated 3rd April 2018 and made

BETWEEN:

(1) NETWORK RAIL INFRASTRUCTURE LIMITED, ("Network Rail"), a company registered in England under number 2904587 having its registered office at 1 Eversholt Street, London, NW1 2DN ("Network Rail"); and

(2) EAST MIDLANDS TRAINS LIMITED, (the "Train Operator"), a company registered in England under number 05340682 having its registered office at Prospect House, No 1 Prospect Place, Millennium Way, Pride Park, Derby, DE24 8HG.

WHEREAS:

(A) The parties entered into a Track Access Contract (Passenger Services) dated 2 March 2016 in a form approved by the Office of Rail and Road pursuant to section 18(7) of the Act (this track access contract is hereafter referred to as the "Contract").

(B) The parties propose to enter into this Supplemental Agreement in order to amend Schedule 5.

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.

2. EFFECTIVE DATE AND TERM

2.1 The amendments made to the Contract as set out in this Supplemental Agreement shall have effect from the Effective Date and shall cease to have effect on the Expiry Date or earlier termination of the Contract.

2.2 For the purposes of this Supplemental Agreement, "Effective Date" means the later of:

(A) 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; and

(B) 0200 Hours Sunday 20 May 2018.

3. AMENDMENTS TO THE CONTRACT

3.1 In the preamble to the Contract, the Train Operator's registered address shall be deleted and replaced with the following:

"(2) East Midlands Train Limited, a company registered in England under number 05340682 having its registered office at Prospect House, No 1 Prospect Place, Millennium Way, Pride Park, Derby, DE24 8HG (the "Train Operator")."
3.2 In Schedule 5 Table 2.1 of the Contract, Service Group EM05 East Midlands Inter Urban shall be deleted and replaced with the table set out in Annex A to this Supplemental Agreement.

4. **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.

5. **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.

6. **LAW**

   This Supplemental Agreement shall be governed by, construed and given effect to in all respects in accordance with English Law.

7. **COUNTERPARTS**

   This Supplemental Agreement may be executed in two counterparts which, taken together, shall constitute one and the same document. Either party may enter into this Supplemental Agreement by signing either of such counterparts.
IN WITNESS whereof the duly authorised representatives of Network Rail and the Train Operator have executed this Supplemental Agreement on the date first above written.

SIGNED by ..........................................................

Print name ......................................................

Duly authorised for and on behalf of
NETWORK RAIL INFRASTRUCTURE LIMITED

SIGNED by ..........................................................

Print name ......................................................

Duly authorised for and on behalf of
EAST MIDLANDS TRAINS LIMITED
EMT 10\textsuperscript{th} Supplemental

Annex A

Schedule 5

Table 2.1 EM05
### Service Group: EM05 East Midlands Inter Urban

### Service description:
- 22152000: London St Pancras International – Derby – Sheffield (Semi-Fast)
- 22154000: London St Pancras International – Nottingham (Semi-Fast)
- 22156000: London St Pancras International – Kettering (Semi-Fast)

### Passenger Train Slots

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<th>Timing Load</th>
<th>Weekday ♻ Peak times ♻ Off-Peak times ❌ Saturday ❌ Sunday</th>
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Service Group: EM05 East Midlands Inter Urban

Service description:
22152000: London St Pancras International – Derby – Sheffield (Semi-Fast)
22154000: London St Pancras International – Nottingham (Semi-Fast)
22156000: London St Pancras International – Kettering (Semi-Fast)

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Passenger Train Slots
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