

35th Supplemental Agreement

between

NETWORK RAIL INFRASTRUCTURE LIMITED

as Network Rail

and

FIRST GREATER WESTERN LIMITED

as Train Operator

relating to the Track Access Contract (Passenger Services) dated 4th March 2016

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THIS 35TH SUPPLEMENTAL AGREEMENT is dated 10th May 2019 and made

BETWEEN:

- (1) **NETWORK RAIL INFRASTRUCTURE LIMITED**, a company registered in England under number 2904587 having its registered office at 1 Eversholt Street, London NW1 2DN ("Network Rail"); and"
- (2) **FIRST GREATER WESTERN LIMITED**, (the "Train Operator"), a company registered in England under number 05113733 having its registered office at Milford House, 1 Milford Street, Swindon SN1 1HL.

WHEREAS:

- (A) The parties entered into a Track Access Contract (Passenger Services) dated 4th March 2016 on terms approved, and pursuant to directions issued, by ORR under section 17 of the Act which has been amended by various Supplemental Agreements, each in a form approved by ORR pursuant to section 22 of the Act (the "Contract").
- (B) The parties propose to enter into this Supplemental Agreement in order to :

provide 90-day period rights for timetable changes introduced to Service Groups EF03, EF05, EF06, EF07 and EF10 on 19th May 2019.

IT IS HEREBY AGREED as follows:

1 INTERPRETATION

In this Supplemental Agreement:

- (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;
- (B) "Effective Date" means 0200hrs on 19th May 2019.

2 EFFECTIVE DATE AND TERM

The amendments to the Contract pursuant to this Supplemental Agreement shall have effect from the Effective Date and shall expire ninety days later.

3 ORR – GENERAL APPROVAL

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

4 AMENDMENTS TO THE CONTRACT

4.1 In Schedule 5 Table 2.1, the entries for the following rows shall be deleted and replaced with the entries set out in Annex 1

4.1.1 London Paddington to Reading in service group EF06

4.1.2 Reading to Newbury in service group EF07

4.1.3 Reading to Bedwyn in service group EF07

4.1.4 Bedwyn to Reading in service group EF07

4.1.5 Swindon to Cheltenham Spa in service group EF10

4.1.6 Cheltenham Spa to Swindon in service group EF10

4.2 The following row entries set out in Annex 2 shall be added to Schedule 5 Table 2.2:

4.2.1 London Paddington to Cheltenham Spa in service group EF03

4.2.2 Cheltenham Spa to London Paddington in service group EF03

4.2.3 London Paddington to Newbury in service group EF05

4.2.4 Bedwyn to London Paddington in service group EF05

4.2.5 Didcot Parkway to London Paddington in service group EF05

4.2.6 London Paddington to Oxford in service code 25507005 in service group EF05

4.2.7 Reading to London Paddington in service code 25507005 in service group EF05

4.2.8 Reading to Newbury in service group EF07

4.2.9 Newbury to Reading in service group EF07

4.2.10 Newbury to Bedwyn in service group EF07

4.2.11 Bedwyn to Newbury in service group EF07

5 GENERAL

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 during the period in which the amendments made by this Supplemental Agreement are to have effect, all references in the Contract to "the contract" or, as the case may be, the "Agreement", "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 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.

7 LAW

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

8 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 of which 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.....
MATTHEW GOLDON

Duly authorised for and on behalf of
FIRST GREATER WESTERN LIMITED

5 GENERAL

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 during the period in which the amendments made by this Supplemental Agreement are to have effect, all references in the Contract to "the contract" or, as the case may be, the "Agreement", "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.

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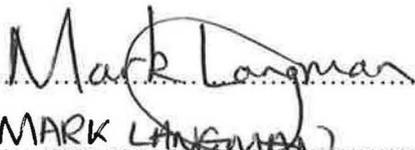
7 LAW

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8 COUNTERPARTS

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IN WITNESS of which 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 MARK LANGMAN

Duly authorised for and on behalf of
NETWORK RAIL INFRASTRUCTURE LIMITED

SIGNED by

Print name

Duly authorised for and on behalf of
FIRST GREATER WESTERN LIMITED

ANNEX 1

EF 06						Table 2.1: Passenger Train Slots					
INNER LONDON						Passenger Train Slots					
From	To	Via	Description	TSC	Timing Load	Peak times¹		Off-Peak times²	Weekday³	Saturday	Sunday
						Morning Peak	Evening Peak				
London Paddington	Reading		EF06.102	25516005	165 - 1	0	6	3	9	0	0

EF 07 <i>Table 2.1: Passenger Train Slots</i>								
READING AND OXFORD SUBURBAN						Passenger Train Slots		
From	To	Via	Description	TSC	Timing Load	Weekday	Saturday	Sunday
Reading	Newbury		EF07.111	25519007	165 - 1	15	15	9 WP 4 SP
Reading	Bedwyn		EF07.113	25519007	165 - 1	4	9	8 WP 2 SP
Bedwyn	Reading		EF07.114	25519007	165 - 1	3	5 WP 4 SP	8 WP 2 SP

EF 10 Table 2.1: Passenger Train Slots								
BRISTOL SUBURBAN						Passenger Train Slots		
From	To	Via	Description	TSC	Timing Load	Weekday	Saturday	Sunday
Swindon	Cheltenham Spa	Gloucester	EF10.116	25486001	150	9	7	4
Cheltenham Spa	Swindon	Gloucester	EF10.117	25486001	150	7	8	5

ANNEX 2

EF03 Table 2.2 Additional Passenger Train Slots							
LONDON - THE COTSWOLDS¹⁰					Additional Passenger Train Slots		
From	To	Via	Description	TSC	Weekday	Saturday	Sunday
London Paddington	Cheltenham Spa	Gloucester	EF03.204	25390003	1	0	0
Cheltenham Spa	London Paddington	Gloucester	EF03.205	25390003	1	0	0

EF05 Table 2.2 Additional Passenger Train Slots					Additional Passenger Train Slots		
OUTER LONDON					Weekday	Saturday	Sunday
From	To	Via	Description	TSC			
London Paddington	Newbury		EF05.207	25517005	1	0	0
Bedwyn	London Paddington		EF05.208	25517005	1	1	0
Didcot Parkway	London Paddington		EF05.209	25506005 (Stopping)	0	0	1
London Paddington	Oxford		EF05.210(Fast)	25507005	0	0	1
Reading	London Paddington		EF05.211(Fast)	25507005	0	0	1

EF07 Table 2.2 Additional Passenger Train Slots							
READING AND OXFORD SUBURBAN ¹⁰					Additional Passenger Train Slots		
From	To	Via	Description	TSC	Weekday	Saturday	Sunday
Reading	Newbury		EF07.205	25519007	2	0	0
Newbury	Reading		EF07.206	25519007	3	0	0
Newbury	Bedwyn		EF07.207	25519007	3	0	0
Bedwyn	Newbury		EF07.208	25519007	3	0	0