

22nd Supplemental Agreement

between

NETWORK RAIL INFRASTRUCTURE LIMITED
as Network Rail

and

ABELLIO SCOTRAIL LIMITED
as Train Operator

relating to amendments to the Track Access Contract
dated 03 March 2016
General Approval for changes to Default Train Consist Data

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THIS 22ND SUPPLEMENTAL AGREEMENT is dated 15 June 2020 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; and
- (2) Abellio ScotRail Limited, (the "Train Operator"), a company registered in Scotland under number SC450732 having its registered office at 5th Floor, Culzean Building 36 Renfield Street, Glasgow, G2 1LU, United Kingdom.

Background:

- (A) The Train Operator and Network Rail entered into a Track Access Contract (Passenger Services)(which is hereafter referred to as the "Contract") dated 03 March 2016 in a form approved by the Office of Rail and Road pursuant to section 18(7) of the Act.
- (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

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;
- 1.2 "**Effective Date**" means the date of signature of this Supplemental Agreement.
- 1.3 "Appendix" shall mean the appendices and their relevant parts and attached hereto.

2. EFFECTIVE DATE AND DURATION

The amendments made to the Contract pursuant to this Supplemental Agreement shall have effect from the Effective Date and shall cease to have effect at 2359 hours on the Expiry Date or earlier termination of the Contract.

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 7 of the Contract, Appendix 7C - Default Train Consist Data, shall be deleted and replaced with the entry shown in Appendix A to this Supplemental Agreement.

5. 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.

6. LAW

This Supplemental Agreement shall be governed by, construed and given effect to in all respects in accordance with the laws of Scotland.

7. THIRD PARTY RIGHTS

No rights shall be conferred under or arising out of this Supplemental Agreement on any person other than the Parties to this Supplemental Agreement and there shall not be created in any circumstances a jus quaesitum tertio in favour of any person.

8. COUNTERPARTS

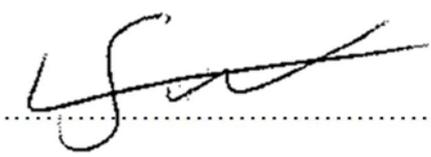
This Supplemental Agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute an original, but all the counterparts shall together constitute one and the same instrument.

IN WITNESS WHEREOF this Supplemental Agreement comprising this and the foregoing 3 pages and Appendix A are executed as follows:-

SIGNED on behalf of NETWORK RAIL INFRASTRUCTURE LIMITED by Liam
Sumpter at Glasgow on
15/6/2020 in the presence of:-

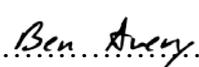
Witness: 

Full Name: ...Nicholas Prag.....

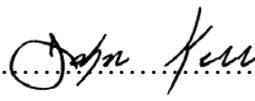


Address:Hamilton.....
.....

SIGNED on behalf of ABELLIO SCOTRAIL LIMITED by John Kerr at
of:- on 15/6/2020 in the presence

Witness: 

Full Name: Ben Avery



Address: Glasgow

Appendix A

APPENDIX 7C – DEFAULT TRAIN CONSIST DATA

Train Service Code	Type of Train Movement	Default Train Consist Data
13560015	Glasgow Suburban Electrics – North, including Airdrie – Bathgate – Edinburgh.	2 x Class 334 Electric Multiple Unit (2 motor units & 1 trailer)
13561015	Glasgow Queen Street – Cumbernauld	1 x Class 385 Electric Multiple Unit (2 motor units & 1 trailer)
13562015	Glasgow Suburban Electrics – South	1 x Class 380 Electric Multiple Unit (2 motor units & 2 trailers)
13564825	Glasgow Central – Shotts	1 x Class 385 Electric Multiple Unit (2 motor units & 1 trailer)
13565015	Glasgow Central – Paisley Canal	1 x Class 380 Electric Multiple Unit (2 motor units & 1 trailer)
13567015	Glasgow Central – East Kilbride	1 x Class 156 Diesel Multiple Unit (2 power cars)
13568015	Glasgow Central – Barrhead – Kilmarnock	1 x Class 156 Diesel Multiple Unit (2 power cars)
13569815	Glasgow Central – Gourock / Wemyss Bay	1 x Class 380 Electric Multiple Unit (2 motor units & 1 trailer)
13571015	Glasgow Central – Ardrossan / Largs	1 x Class 380 Electric Multiple Unit (2 motor units & 1 trailer)
13573015	Glasgow Central – Ayr	1 x Class 380 Electric Multiple Unit (2 motor units & 1 trailer)
13574515	Glasgow Queen Street – Maryhill / Garelochhead	1 x Class 158 Diesel Multiple Unit (2 power cars)
13575825	Glasgow Queen Street – Croy / Alloa / Dunblane	1 x Class 385 Electric Multiple Unit (2 motor units & 1 trailer)

13577015	Kilmarnock - Ayr – Girvan	1 x Class 156 – Diesel Multiple Unit (2 power cars)
23536003	Glasgow / Edinburgh to Dundee / Arbroath	1 x Class 170 Diesel Multiple unit (3 power cars)
23537003	Montrose – Aberdeen	1 x Class 158 Diesel Multiple Unit (2 power cars)
23540003	Glasgow Queen Street – Aberdeen	2 x Class 43 + 4 Mk 3s
23541003	Edinburgh Waverley – Aberdeen	2 x Class 43 + 4 Mk 3s
23542003	Inverness – Thurso – Wick	1 x Class 158 Diesel Multiple Unit (2 power cars)
23543003	Inverness – Kyle of Lochalsh	1 x Class 158 Diesel Multiple Unit (2 power cars)
23545003	Glasgow Queen Street – Oban / Fort William / Mallaig	2 x Class 156 Diesel Multiple Unit (4 power cars)
23547003	Aberdeen – Inverness train	1 x Class 158 Diesel Multiple Unit (2 power cars)
23548003	Edinburgh Waverley – Falkirk – Glasgow Queen Street	2 x Class 385 Electric Multiple Unit (2 motor units & 2 trailers)
23549003	Glasgow Queen Street / Edinburgh Waverley – Perth – Inverness	1 x Class 170 Diesel Multiple Unit (3 power cars)
23563015	Argyle Line	1 x Class 318 Electric Multiple Unit (2 motor units & 1 trailer)
23576003	Edinburgh Waverley – Dunblane / Perth	1 x Class 385 Electric Multiple Unit (2 motor units & 2 trailers)
23579003	Glasgow Central/Carlisle/Ayr – Stranraer in conjunction with ScotRail South West Services	1 x Class 156 Diesel Multiple Unit (2 power cars)
23584003	North Berwick -Edinburgh – Carstairs	2 x Class 385 Electric Multiple (2 motor units & 1 trailer)
23586003	Edinburgh - Tweedbank	1 x Class 170 Diesel Multiple Unit (3 power cars)

23587003	Fife Outer Circle	1 x Class 170 Diesel Multiple Unit (3 power cars)
23587103	Fife Inner Circle	1 x Class 170 Diesel Multiple Unit (3 power cars)
23971103	ScotRail EMU Maintenance/Tests (within the limits of Network Rail Scotland Zone)	1 x Class 318 Electric Multiple Unit (2 motor units & 1 trailer)
23971203	ScotRail DMU Maintenance/Tests (within the limits of Network Rail Scotland Zone)	1 x Class 156 Diesel Multiple Unit (2 power cars)
23971403	ScotRail Driver Training	1 x Class 156 Diesel Multiple Unit (2 power cars)
23971503	ScotRail Special Events – (Non Open Access)	2 x Class 156 Diesel Multiple Unit (4 power cars)
23971603	ScotRail Passenger Route Maintenance	1 x Class 158 Diesel Multiple Unit (2 power cars)