

43rd TG Supplemental Agreement

between

NETWORK RAIL INFRASTRUCTURE LIMITED
as Network Rail

and

**STAGECOACH SOUTH WESTERN TRAINS
LIMITED**
as Train Operator

relating to

the Track Access Contract (Passenger Services) dated
20th May 2004

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THIS 43RD TG SUPPLEMENTAL AGREEMENT is dated 8th October 2012 and made between:

- (1) **NETWORK RAIL INFRASTRUCTURE LIMITED** a company registered in England under number 2904587 having its registered office at Kings Place, 90 York Way, London N1 9AG (“Network Rail”); and
- (2) **STAGECOACH SOUTH WESTERN TRAINS LIMITED**, a company registered in England under number 599788 having its registered office at Friars Bridges Court, 41-45 Blackfriars Road, London, SE1 8NZ (the “Train Operator”).

WHEREAS:

- (A) Network Rail and the Train Operator entered into a Track Access Contract (Passenger Services) dated 20th May 2004 in a form approved by ORR pursuant to section 18(7) of the Act, (which track access contract is hereafter referred to as the “Contract”).
- (B) The parties now propose to enter into this Supplemental Agreement to vary the Contract in the manner and on the terms set out below.

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; and
- (B) “Effective Date” means the later of:
 - (1) the date of signature of this Supplemental Agreement; and
 - (2) 14 October 2012.

2. **EFFECTIVE DATE AND TERM**

The amendments 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.

3. **OFFICE OF RAIL REGULATION GENERAL APPROVAL**

This Supplemental Agreement is entered into pursuant to paragraphs 11 and 12 of the Passenger Access (Short Term Timetable and Miscellaneous Changes) General Approval 2009.

4. **AMENDMENTS TO THE CONTRACT**

- 4.1 Appendix 7C of Schedule 7 (Default Train Consist Data) shall be amended by the deletion of the row relating to Train Service Code 24676004 and its replacement as follows:

Train Service Code	Type of Train Movement	Default Train Consist Data
24676004	Train movements of empty coaching stock along the routes	2 Class 450 Electric Multiple Unit (2 x motor coaches and 2 x trailers each)

4.2 Appendix 1 to Schedule 8 shall be amended as follows:

- (A) By the deletion of that part of the table relating to Service Group HY01 Main Suburban Off Peak and its replacement as set out in Annex A to this Supplemental Agreement;
- (B) By the deletion of that part of the table relating to Service Group HY01 Main Suburban Peak and its replacement as set out in Annex B to this Supplemental Agreement; and
- (C) By the deletion of that part of the table relating to Service Group HY06 Windsor Outers Off Peak and its replacement as set out in Annex C 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. **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.

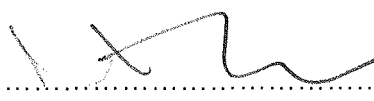
IN WITNESS whereof the duly authorised representatives of Network Rail and the Train Operator have executed this Supplemental Agreement on the date first above written.

SIGNED by..... 

Print name..... J. MORGAN

Duly authorised for and on behalf of
NETWORK RAIL INFRASTRUCTURE LIMITED

11/10/12

SIGNED by..... 

Print name..... MARTIN TURNER

Duly authorised for and on behalf of
STAGECOACH SOUTH WESTERN TRAINS LIMITED

8/10/12

ANNEX A

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 (Minutes)	Payment Rate			Performance Point (Minutes)	Payment Rate											
		MRE	Not Used	Total		Train Operator Rate	Passenger Charter Rate	Total									
HY01 Main Suburban Off Peak	2009-10	∞	∞		∞	∞	∞	∞	∞	27	108	673	Main Suburban	Forward	Clapham Junction	∞	
												673	Main Suburban	Forward	London Waterloo	∞	
	2010-11	∞										673	Main Suburban	Forward	Wimbledon	∞	
	2011-12	∞										673	Main Suburban	Reverse	Chessington South	∞	
	2012-13	∞										673	Main Suburban	Reverse	Hampton Court	∞	
	2013-14	∞										673	Main Suburban	Reverse	Shepperton	∞	
												673	Main Suburban	Reverse	Guildford	∞	
												673	Main Suburban	Reverse	Woking	∞	
												673	Main Suburban	Reverse	Wimbledon	∞	
												673	Main Suburban	Reverse	Surbiton	∞	
											673	Main Suburban	Reverse	Dorking	∞		
											673	Main Suburban	Reverse	Epsom	∞		

Peak: All trains arriving at Waterloo (London) between 0700 and 0959 (inclusive) Monday to Friday, or departing from Waterloo (London) between 1600 and 1859 (inclusive), Monday to Friday.

ANNEX B

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 (Minutes)	Payment Rate			Performance Point (Minutes)	Payment Rate										
		MRE	Not Used	Total		Train Operator Rate	Passenger Charter Rate	Total								
HY01 Main Suburban Peak	2009-10	∞	∞	∞	∞	∞	∞	∞	20	90	673	Main Suburban	Forward	Clapham Junction	∞	
	2010-11	∞									673	Main Suburban	Forward	London Waterloo	∞	
	2011-12	∞									673	Main Suburban	Forward	Wimbledon	∞	
	2012-13	∞									673	Main Suburban	Reverse	Chessington South	∞	
	2013-14	∞									673	Main Suburban	Reverse	Hampton Court	∞	
												673	Main Suburban	Reverse	Shepperton	∞
												673	Main Suburban	Reverse	Guildford	∞
												673	Main Suburban	Reverse	Woking	∞
												673	Main Suburban	Reverse	Wimbledon	∞
												673	Main Suburban	Reverse	Surbiton	∞
									673	Main Suburban	Reverse	Dorking	∞			
									673	Main Suburban	Reverse	Epsom	∞			

Peak: All trains arriving at Waterloo (London) between 0700 and 0959 (inclusive) Monday to Friday, or departing from Waterloo (London) between 1600 and 1859 (inclusive), Monday to Friday

ANNEX C

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 (Minutes)	Payment Rate			Performance Point (Minutes)	Payment Rate																																				
		MRE	Not Used	Total		Train Operator Rate	Passenger Charter Rate	Total																																		
HY06 Windsor Outers Off Peak	2009-10	∞	∞	∞	∞	∞	∞	∞	47	186	672	Windsor Outers	Forward	Clapham Junction	∞																											
	2010-11	∞	∞	∞	∞	∞	∞	∞			∞	672	Windsor Outers	Forward	London Waterloo	∞																										
													2011-12	∞	∞	∞	∞	∞	∞	672	Windsor Outers	Forward	Wokingham	∞																		
																					2012-13	∞	∞	∞	∞	∞	672	Windsor Outers	Forward	Ascot	∞											
																												2013-14	∞	∞	∞	∞	∞	672	Windsor Outers	Forward	Aldershot	∞				
																																			672	Windsor Outers	Reverse	Wokingham	∞			
																																				672	Windsor Outers	Reverse	Guildford	∞		
																																					672	Windsor Outers	Reverse	Staines	∞	
																																						672	Windsor Outers	Reverse	Reading	∞
																																							672	Windsor Outers	Reverse	Ascot