

18th Supplemental Agreement (General Approval)

between

NETWORK RAIL INFRASTRUCTURE LIMITED
as Network Rail

and

MERSEYRAIL ELECTRICS 2002 LIMITED
as Train Operator

relating to the Track Access Contract (Passenger
Services) dated 1st April 2019

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THIS EIGHTEENTH SUPPLEMENTAL AGREEMENT is dated 23 May 2024 and made

BETWEEN:

- (1) **NETWORK RAIL INFRASTRUCTURE LIMITED**, a company registered in England under number 2904587 having its registered office at Network Rail, Waterloo General Office, London, SE1 8SW (“Network Rail”); and
- (2) **MERSEYRAIL ELECTRICS 2002 LIMITED**, a company registered in England under number 04356933 having its registered office at Rail House, Lord Nelson Street, Liverpool, Merseyside L1 1JF (the “Train Operator”).

WHEREAS:

- (A) The parties entered into a Track Access Contract (Passenger Services) dated 1 April 2019 in a form approved by the Office of Rail and Road (ORR) pursuant to section 18(7) of the Act, as amended by various supplemental agreements each in a form approved by ORR pursuant to section 22 of the Act (the “Contract”).
- (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, unless the context otherwise requires:

- (A) words and phrases defined in, and rules of interpretation set out in, the Contract shall have the same meaning and effect when used in this Supplemental Agreement; and
- (B) “Effective Date” means on the date of this General Approval.

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. **ORR GENERAL APPROVAL**

This Supplemental Agreement is entered into pursuant to the Passenger Access (Short Term Timetable and Miscellaneous Changes) General Approval 2023.

4. **AMENDMENTS TO THE CONTRACT**

In Table 2.1 Passenger Train Slots of Schedule 5 of the contract, specific line entries and footnotes relating to service group HE02, service descriptions Liverpool Central to Moorfields, Moorfields to Liverpool Central, and Liverpool Central to Liverpool Central, shall be deleted in their entirety as shown in Annex 1.

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.

Phil James Route Director, NWR

Print name.....

Duly authorised for and on behalf of

NETWORK RAIL INFRASTRUCTURE LIMITED

SIGNED by.

Print name.....

Duly authorised for and on behalf of

MERSEYRAIL ELECTRICS 2002 LIMITED

Annex 1

1						2					
Service Group: HE02 Wirral Line											
Service description											
Sub Group 4,5,6&7											
From	To	Via	Description	TSC ^{1,2}	Timing Load	Peak times		Off-Peak times	Weekday	Saturday	Sunday
						Morning Peak	Evening Peak				
Liverpool Central	Moorfields		Stopping		EMUDC-75	57		160	217	213	129
Moorfields	Liverpool Central		Stopping		EMUDC-75	61		160	221	214	129
Liverpool Central	Liverpool Central		Stopping		EMUDC-75	60		160	220	214	129

¹-Train Service Code 12306212 applies between Liverpool Loop/Chester and Ellesmere Port when Service is sponsored by Merseyside Passenger Transport Executive, otherwise Train Service Code 22306003 applies

²-Train Service Code 12305012 applies between Liverpool Loop and New Brighton/West Kirby