

# FORTY NINETH Supplemental Agreement

between

**NETWORK RAIL INFRASTRUCTURE LIMITED**  
as Network Rail

and

**EAST COAST MAIN LINE COMPANY LIMITED**  
as Train Operator

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**relating to amendments to a Track Access  
Contract (Passenger Services) dated 04 February 2005**

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**THIS SUPPLEMENTAL AGREEMENT is dated**  
**between:**

**2015 and made**

- (1) **NETWORK RAIL INFRASTRUCTURE LIMITED**, a company registered in England under company number 02904587, having its registered office at 1 Eversholt Street, London, NW1 2DN ("**Network Rail**"); and
- (2) **EAST COAST MAIN LINE COMPANY LIMITED**, a company registered in England under number 4659708 having its registered office at 4<sup>th</sup> Floor, 5 Chancery Lane, London, EC4A 1BL (the "**Train Operator**").

**Background:**

- (A) The parties entered into a Track Access Contract (Passenger Services) dated 04 February 2005 as amended by various supplemental agreements (which track access contract as subsequently amended is hereafter referred to as 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**

- 1.1 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 Effective Date means the later of 02:00 on the Principal Change Date 2015 and the date on which the parties enter into this Supplemental Agreement pursuant to directions issued by the Office of Rail Regulation under Section 22A of the Act.

**3. AMENDMENTS TO THE CONTRACT**

The Contract shall be amended as follows:

- 3.1 That part of Table 2.2 in Schedule 5 of the Contract relating to Service Group 2 London – North East and Scotland shall be amended, by adding two new rows as set out in Appendix 1 of this Supplemental Agreement.

**4. EFFECT OF THIS SUPPLEMENTAL AGREEMENT ON THE CONTRACT**

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 with effect from and including the date hereof 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. LAW**

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

**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. 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** of which Network Rail and the Train Operator have, by their duly authorised representatives, respectively entered into this Supplemental Agreement on the date first above written.

SIGNED BY )

for and on behalf of )

**NETWORK RAIL** )

**INFRASTRUCTURE LIMITED** )

SIGNED BY )

for and on behalf of )

**EAST COAST MAIN LINE** )

**COMPANY LIMITED** )



APPENDIX 1 Schedule 5 Table 2.2: Additional Passenger Train Slots

Table 2.2: Additional Passenger Train Slots <sup>48th</sup>

1					2					
Service Group 2 London – North East and Scotland										
Service description					Additional Passenger Train Slots					
From	To	Via	Description	TSC	Total Weekday	Peak times <sup>1</sup>		Off-Peak times <sup>2</sup>	Saturday	Sunday
						morning Peak	evening Peak			
Sunderland	Newcastle	Pelaw Jn	Northbound	21700001	1					
Newcastle	Sunderland	Pelaw Jn	Southbound	21700001	1					