

59th 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

CONTENTS

1.	INTERPRETATION	1
2.	EFFECTIVE DATE AND TERM.....	1
3.	ORR - GENERAL APPROVAL	1
4.	AMENDMENTS TO THE CONTRACT	2
5.	GENERAL	2
6.	THIRD PARTY RIGHTS	2
7.	LAW	2
8.	COUNTERPARTS.....	2
9.	ANNEX 1.....	3

THIS 59TH SUPPLEMENTAL AGREEMENT is dated 21st July 2020 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 amend Appendix 1 of Schedule 8 within the Track Access Contract.

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 26th July 2020.

2. EFFECTIVE DATE AND TERM

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 at 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 The entries for service groups EF09 and EF13 in Appendix 1 of Schedule 8 shall be deleted in their entirety and replaced with the entries set out in Annex1.

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.....Mike Gallop.....

Duly authorised for and on behalf of
**NETWORK RAIL INFRASTRUCTURE
LIMITED**



SIGNED by.....

Print name.....Matthew Golton.....

Duly authorised for and on behalf of
FIRST GREATER WESTERN LIMITED

ANNEX 1

APPENDIX 1 OF SCHEDULE 8

A	B	C	D	E	F	G	H		I	J	K
Service Group	Network Rail		TOC		Cancellation Minutes	Cap	Service code		Direction	Monitoring Point	Weighting
	Performance Point	Payment Rate	Performance Point	Payment Rate							
EF09 North Downs All Trains	2019-20				42	270	521	Reading - Gatwick Airport	Forward	Redhill	
	2020-21						521	Reading - Gatwick Airport	Forward	Guildford	
	2021-22						521	Reading - Gatwick Airport	Forward	Reading	
	2022-23						521	Reading - Gatwick Airport	Reverse	Gatwick Airport	
	2023-24						521	Reading - Gatwick Airport	Reverse	Guildford	
							522	Reading - Guildford/Redhill	Forward	Guildford	
							522	Reading - Guildford/Redhill	Forward	Reading	
							522	Reading - Guildford/Redhill	Reverse	Guildford	
							522	Reading - Guildford/Redhill	Reverse	Redhill	

A	B	C	D	E	F	G	H		I	J	K
Service Group	Network Rail		TOC		Cancellation Minutes	Cap	Service code		Direction	Monitoring Point	Weighting
	Performance Point	Payment Rate	Performance Point	Payment Rate							
EF13	2019-20 2020-21				80	270	470	Cardiff - Southampton/Portsmouth/Brighton	Forward	Bristol Temple Meads	

South Wales – South Coast All Trains	2021-22						470	Cardiff - Southampton/Portsmouth/Brighton	Forward	Salisbury	
	2022-23						470	Cardiff - Southampton/Portsmouth/Brighton	Forward	Southampton Central	
	2023-24						470	Cardiff - Southampton/Portsmouth/Brighton	Forward	Portsmouth Harbour	
							470	Cardiff - Southampton/Portsmouth/Brighton	Forward	Brighton	
							470	Cardiff - Southampton/Portsmouth/Brighton	Reverse	Salisbury	
							470	Cardiff - Southampton/Portsmouth/Brighton	Reverse	Westbury	
							470	Cardiff - Southampton/Portsmouth/Brighton	Reverse	Bristol Temple Meads	
							470	Cardiff - Southampton/Portsmouth/Brighton	Reverse	Bath Spa	
							470	Cardiff - Southampton/Portsmouth/Brighton	Reverse	Cardiff Central	

							471	Cardiff/Bristol - Weymouth	Forward	Westbury	
							471	Cardiff/Bristol - Weymouth	Forward	Weymouth	
							471	Cardiff/Bristol - Weymouth	Reverse	Bath Spa	
							471	Cardiff/Bristol - Weymouth	Reverse	Bristol Temple Meads	
							485	Swindon - Westbury/Frome	Forward	Westbury	
							485	Swindon - Westbury/Frome	Reverse	Swindon	