

SIXTH SG SUPPLEMENTAL AGREEMENT

between

NETWORK RAIL INFRASTRUCTURE LIMITED

as Network Rail

and

HULL TRAINS COMPANY LIMITED

as Train Operator

relating to the Track Access Agreement dated 12
February 2010

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THIS SIXTH SG SUPPLEMENTAL AGREEMENT is dated 19th January 2012 and made

BETWEEN:

- (1) **NETWORK RAIL INFRASTRUCTURE LIMITED**, ("Network Rail"), a company registered in England under number 2904587, having its registered office at Kings Place, 90 York Way, London, N1 9AG; and
- (2) **HULL TRAINS COMPANY LIMITED**, (the "Train Operator"), a private company limited by shares registered in England under company number 3715410, having its registered office at 4th Floor, Europa House, 184 Ferensway, Hull HU1 3UT.

WHEREAS:

- (A) The parties entered into a Track Access Agreement (Passenger Services) dated 12 February 2010 in a form approved pursuant to Section 17 of the Act.
- (B) The parties wish to amend the Agreement in the terms described below.

IT IS HEREBY AGREED as follows:

1. **INTERPRETATION**

In this Supplemental Agreement, words and expressions defined in and rules of interpretation set out in the Agreement 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 Agreement 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 Agreement.
- 2.2 "Effective Date" means the date upon which the Office of Rail Regulation issues its approval, pursuant to Section 22 of the Act, of the terms of this Supplemental Agreement.

3. **AMENDMENTS TO THE CONTRACT**

- 3.1 Part of Schedule 2, Paragraph 5 Maintenance Depot Routes shall be amended with the addition of the line set out below:

"Doncaster to Loughborough via Sheffield, for access to Brush Traction"
- 3.2 Schedule 5 shall be amended by the deletion of Table 4.1 "*Calling Patterns*" and its replacement with the table in Part A of this Supplemental Agreement.

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

The parties agree that the Agreement, 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 Agreement to "the Agreement", "herein", "hereof", "hereunder" and other similar expressions shall, unless the context requires otherwise, be read and construed as a reference to the Agreement as amended by this Supplemental Agreement.

5. **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.

6. **LAW**

This Supplemental Agreement shall be governed by, construed and given effect to in all respects in accordance with English law.

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 but one and the same instrument.

IN WITNESS WHEREOF Network Rail and the Train Operator have, by their duly authorised representatives, entered into this Supplemental Agreement on the date first above written.

SIGNED by )
)
duly authorised for and on behalf of)
NETWORK RAIL)
INFRASTRUCTURE LIMITED)

SIGNED by)
)
duly authorised for and on behalf of)
HULL TRAINS COMPANY LIMITED)



4 Calling Patterns

Table 4.1: Calling Patterns

1					2	3
Service Group PF01						
Service description Kings Cross - Hull						
Between	And	Via	Description	TSC	Regular Calling Pattern	Additional stations
Kings Cross	Hull	Retford	N/A	21750001	Grantham, Retford, Doncaster, Selby, Howden, Brough	Liverpool Street ¹ , Hitchin ⁴ , Cambridge ⁴ , Ely ⁴ , Peterborough, Newark Northgate, Gainsborough Lea Road ² , Stevenage ³

Notes to Table:

- ¹ The Train Operator may only call at Liverpool Street where it is unable to operate services to and from Kings Cross and where its services are subject to diversion.
- ² The Train Operator may only call at Gainsborough Lea Road where it is unable to operate services via Retford and where its services are subject to diversion.
- ³ The Train Operator may call at Stevenage on Sundays only and with such Passenger Train Slots limited to the pick up of passengers in the northbound direction and the set down of passengers in the Southbound direction.
- ⁴ Train Operator may only call at Hitchin, Cambridge and Ely when its services are subject to diversion.