

# 92<sup>nd</sup> 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 8<sup>th</sup> December 2006

## 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.....	3
9.	Appendix A.....	4

**THIS 92<sup>ND</sup> SUPPLEMENTAL AGREEMENT** is dated *6th December* 2013 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) **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 8<sup>th</sup> December 2006 on terms approved, and pursuant to directions issued, by ORR under section 18 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 :

provide 90 day right for timetable changes introduced during the currency of the 8th December 2013 timetable; and

correct a small number of Schedule 5 quantum right errors;

**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 8th December 2013.

## **2 EFFECTIVE DATE AND TERM**

The amendments to the Contract pursuant to this Supplemental Agreement shall have effect from the Effective Date.

The amendments shall cease to have effect on 2nd March 2013 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**

- 4.3 The deletion of Schedule 5 Table 2.2 Additional Passenger Train Slots for the Service Group EF06 .
- 4.4 The insertion of a new Schedule 5 Table 2.2 Additional Passenger Train Slots as in the Annex for the Service Groups EF01, EF06, EF07, EF10 and EF12.

## 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.....PATRICK HALLGATE

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

Table 2.2: Additional Passenger Train Slots

1					2					
EF01										
LONDON - BRISTOL					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			
Bristol Temple Meads	London Paddington			25370002	0	0	0	0	0	1 <sup>3</sup>

Notes to Table:

<sup>1</sup> Peak times – arriving London Paddington between 07.00 and 09.59, departing London Paddington between 16.00 and 18.59

<sup>2</sup> Off-Peak times - arriving at and departing from a relevant station outside Peak times

<sup>3</sup> Quantum only available on 8th, 15th and 22nd December 2013

*Table 2.2: Additional Passenger Train Slots*

<b>1</b>					<b>2</b>					
<b>EF06</b>										
<b>INNER LONDON</b>					<b>Additional Passenger Train Slots</b>					
<b>From</b>	<b>To</b>	<b>Via</b>	<b>Description</b>	<b>TSC</b>	<b>Total Weekday</b>	<b>Peak times<sup>1</sup></b>		<b>Off-Peak times<sup>2</sup></b>	<b>Saturday</b>	<b>Sunday</b>
						<b>morning Peak</b>	<b>evening Peak</b>			
Paddington	Reading			25516005	1	0	0	1	2	0
Paddington	Maidenhead			25516005	1	0	0	1	0	0

Notes to Table:

<sup>1</sup> Peak times – arriving London Paddington between 07.00 and 09.59, departing London Paddington between 16.00 and 18.59

<sup>2</sup> Off-Peak times - arriving at and departing from a relevant station outside Peak times

*Table 2.2: Additional Passenger Train Slots*

<b>1</b>					<b>2</b>					
<b>EF07</b>										
<b>READING AND OXFORD SUBURBAN</b>					<b>Additional Passenger Train Slots</b>					
<b>From</b>	<b>To</b>	<b>Via</b>	<b>Description</b>	<b>TSC</b>	<b>Total Weekday</b>	<b>Peak times<sup>1</sup></b>		<b>Off-Peak times<sup>2</sup></b>	<b>Saturday</b>	<b>Sunday</b>
						<b>morning Peak</b>	<b>evening Peak</b>			
Oxford	Banbury			25514005	1	0	0	1	0	0

Notes to Table:

<sup>1</sup> Peak times – arriving London Paddington between 07.00 and 09.59, departing London Paddington between 16.00 and 18.59

<sup>2</sup> Off-Peak times - arriving at and departing from a relevant station outside Peak times



*Table 2.2: Additional Passenger Train Slots*

<b>1</b>					<b>2</b>					
<b>EF10</b>										
<b>BRISTOL SUBURBAN</b>					<b>Additional Passenger Train Slots</b>					
<b>From</b>	<b>To</b>	<b>Via</b>	<b>Description</b>	<b>TSC</b>	<b>Total Weekday</b>	<b>Peak times<sup>1</sup></b>		<b>Off-Peak times<sup>2</sup></b>	<b>Saturday</b>	<b>Sunday</b>
						<b>morning Peak</b>	<b>evening Peak</b>			
Bristol Temple Meads	Bristol Parkway			25488001	0	0	0	0	1	0

Notes to Table:

<sup>1</sup> Peak times – arriving London Paddington between 07.00 and 09.59, departing London Paddington between 16.00 and 18.59

<sup>2</sup> Off-Peak times - arriving at and departing from a relevant station outside Peak times

*Table 2.2: Additional Passenger Train Slots*

<b>1</b>					<b>2</b>					
<b>EF12</b>										
<b>DEVON AND CORNWALL</b>					<b>Additional Passenger Train Slots</b>					
<b>From</b>	<b>To</b>	<b>Via</b>	<b>Description</b>	<b>TSC</b>	<b>Total Weekday</b>	<b>Peak times<sup>1</sup></b>		<b>Off-Peak times<sup>2</sup></b>	<b>Saturday</b>	<b>Sunday</b>
						<b>morning Peak</b>	<b>evening Peak</b>			
Truro	Falmouth Docks			25477001	0	0	0	0	0	1 <sup>3</sup>
Falmouth Docks	Truro			25477001	0	0	0	0	0	1 <sup>3</sup>

Notes to Table:

<sup>1</sup> Peak times – arriving London Paddington between 07.00 and 09.59, departing London Paddington between 16.00 and 18.59

<sup>2</sup> Off-Peak times - arriving at and departing from a relevant station outside Peak times

<sup>3</sup> Quantum is available five out of every six Sundays.