

# 66<sup>th</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 4<sup>th</sup> March 2016

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**THIS 66<sup>TH</sup> SUPPLEMENTAL AGREEMENT** is dated 27th November 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 18 of the Act.
- (B) The parties enter into this Supplemental Agreement in order to make amendments to Schedule 5 Tables 2.1 and 4.1 of the Contract to provide Firm rights for service changes to be introduced on the December 2020 Principal Change date.

**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 02.01hrs on 13<sup>th</sup> December 2020.

## **2. EFFECTIVE DATE AND TERM**

The amendments to the Contract pursuant to this Supplemental Agreement shall have effect from the Effective Date or Approval by the Office of Rail and Road whichever is later .

### **3. AMENDMENTS TO THE CONTRACT**

- 3.1 In Schedule 5 Table 2.1 the entry for service group EF09 NORTH DOWNS as set out in Annex 1 shall replace the existing Table 2.1 as it applies for EF09 NORTH DOWNS; and
- 3.2 In Schedule 5 Table 4.1 the entry for service group EF09 NORTH DOWNS as set out in Annex 2 shall replace the existing Table 4.1 as it applies for EF09 NORTH DOWNS.

### **4. 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.

### **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.

## 5. 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  
Duly authorised for and on behalf of  
**NETWORK RAIL INFRASTRUCTURE LIMITED**

name...Mike Gallop.....

**SIGNED**

by.....

Print  
Duly authorised for and on behalf of  
**FIRST GREATER WESTERN LIMITED**

name.....

## 7. 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.

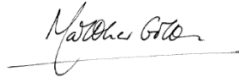
IN WITNESS of which the duly authorised representatives of Network Rail and the Train Operator have executed this Supplemental Agreement on the date first above written.

**SIGNED** by.....

Print name.....

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

Table 2.1 Passenger Train Slots <sup>14th, 38th, 48th</sup>

1						2		
<b>Service Group</b> EF09								
<b>Service Description</b> NORTH DOWNS						<b>Passenger Train Slots</b>		
<b>From</b>	<b>To</b>	<b>Via</b>	<b>Description</b>	<b>TSC</b>	<b>Timing Load</b>	<b>Weekday</b>	<b>Saturday</b>	<b>Sunday</b>
Reading	Gatwick Airport	Guildford and Reigate	EF09.101	25521007	165 - 1	21	20	18
Reading	Redhill	Guildford and Reigate	EF09.108	25521007	165 - 1	4	13	0
Gatwick Airport	Reading	Reigate and Guildford	EF09.102	25521007	165 - 1	19	20	18
Redhill	Reading	Reigate and Guildford	EF09.108	25521007	165 - 1	4	13	0
Reading	Redhill	Guildford and Reigate	EF09.103	25522007	165 - 1	14	15	12
Redhill	Reading	Reigate and Guildford	EF09.104	25522007	165 - 1	15	16	12
Reading	Shalford	Guildford and Reigate	EF09.105	25522007	165 - 1	4	0	0
Shalford	Reading	Reigate and Guildford	EF09.106	25522007	165 - 1	4	0	0
Redhill	Gatwick Airport		EF09.107	25521007	165 - 1	1	0	0

**Notes to Table:**

None.

## Annex 2

Table 4.1: Calling Patterns <sup>30th, 38th, 48th</sup>

1					2	3
<b>Service Group</b> EF09						
<b>Service Description</b> NORTH DOWNS						
Between	And	Via	Description	TSC	Regular Calling Pattern	Additional stations
Reading	Gatwick Airport	Guildford	EF09.101 and EF09.102	25521007	Wokingham, Blackwater, North Camp, Guildford, Dorking Deepdene, Reigate, Redhill	Winnersh, Crowthorne, Sandhurst, Farnborough North, Ash, Wanborough, Shalford, Chilworth, Gomshall, Dorking West, Betchworth
Reading	Gatwick Airport	Guildford	EF09.105	25521007	Wokingham, Guildford, Dorking Deepdene, Reigate, Redhill	Blackwater Winnersh, North Camp Crowthorne, Sandhurst, Farnborough North, Ash, Wanborough, Shalford, Chilworth, Gomshall, Dorking West, Betchworth
Reading	Redhill	Guildford	EF09.103 and EF09.104	25522007	Wokingham, Crowthorne, Sandhurst, Blackwater, Farnborough North, North Camp, Ash, Guildford, Shalford, Chilworth, Gomshall, Dorking West, Dorking Deepdene, Betchworth, Reigate	Wanborough
Reading	Shalford	Guildford	EF09.105 and EF09.106	25522007	Wokingham, Crowthorne, Sandhurst, Blackwater, Farnborough North, North Camp, Ash, Guildford	Wanborough
Redhill	Gatwick Airport	Guildford	EF09.107	25521007	Non-stop	
Reading	Redhill	Guildford	EF09.108	25521007	Wokingham, Guildford, Dorking Deepdene, Reigate,	Shalford, Chilworth Gomshall Dorking West, Betchworth,