

Twenty Ninth Supplemental Agreement

between

NETWORK RAIL INFRASTRUCTURE LIMITED

as Network Rail

and

FIRST TRENITALIA WEST COAST RAIL LIMITED

as Train Operator

relating to the Track Access Contract (Passenger Services) dated 8 December 2019

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THIS TWENTY NINTH SUPPLEMENTAL AGREEMENT is dated 04/01/2021 and made

BETWEEN:

- (1) **NETWORK RAIL INFRASTRUCTURE LIMITED**, a company registered in England under number 2904587 having its registered office at Network Rail, 1 Eversholt Street, London NW1 2DN ("Network Rail"); and
- (2) **FIRST TRENITALIA WEST COAST RAIL LIMITED**, a company registered in England under number 10349442 having its registered office at 4th Floor Capital House, 25 Chapel Street, London, United Kingdom, NW1 5DH (the "Train Operator").

WHEREAS:

- (A) The parties entered into a Track Access Contract (Passenger Services) dated 8 December 2019 in a form approved by the Office of Rail and Road pursuant to Section 18 of the Act.
- (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**

In this Supplemental Agreement, unless the context otherwise requires:

- (A) words and phrases defined in, and rules of interpretation set out in, the Contract shall have the same meaning and effect when used in this Supplemental Agreement; and
- (B) "Effective Date" means the later of 02:00 on 16th May 2021 and the date upon which the ORR issues its approval, pursuant to the Section 22 of the Act, of the terms of this Supplemental Agreement.

2. **EFFECTIVE DATE AND TERM**

The amendments 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.

3. **AMENDMENTS TO SCHEDULE 5**

- 3.1 Table 2.1 (Passenger Train Slots) of Schedule 5 of the Contract, the entry for Service Group HF01 shall be deleted and replaced with the versions set out as Appendix A to this Supplemental Agreement.
- 3.2 Table 4.1 (Calling Patterns) of Schedule 5 of the Contract, the entry for

Service Group HF01 shall be deleted and replaced with the versions set out as Appendix B to this Supplemental Agreement.

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.


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...James Dean Route Director West Coast South.....
Duly authorised for and on behalf of
NETWORK RAIL INFRASTRUCTURE LIMITED


SIGNED by.....

Print name: Phil Whittingham, Managing Director
Duly authorised for and on behalf of
FIRST TRENITALIA WEST COAST RAIL LIMITED

Appendix A

2 Passenger Train Slots

Table 2.1: Passenger Train Slots^{15th}

1						2					
Service Group 1: London Euston to Birmingham New Street, Wolverhampton and Shrewsbury											
Service description						Passenger Train Slots					
From	To	Via	Description	TSC	Timing Load	Peak times ¹		Off-Peak times ²	Weekday	Saturday	Sunday
						Morning Peak	Evening Peak				
London Euston	Birmingham New Street	WCML	HF01.1	22100001	Class 390-125T	N/A	2	10	12	11	4
			HF01.2	22100001	Class 390-125T	N/A	2	10	12	11	6
London Euston	Wolverhampton	WCML	HF01.3	22100001	Class 390-125T	N/A	2	8	10	9	16
Birmingham New Street	London Euston	WCML	HF01.4	22100001	Class 390-125T	N/A	N/A	12	12	13	8
			HF01.5	22100001	Class 390-125T	N/A	N/A	10	10	11	8
Wolverhampton	London Euston	WCML	HF01.6	22100001	Class 390-125T	10	N/A	3	13	6	9
Birmingham International	London Euston	WCML	HF01.7	22100001	Class 390-125T	1	N/A	N/A	1	N/A	N/A
Rugby	London Euston	WCML, Northampton	HF01.8	22100001	Class 390-125T	1	N/A	N/A	1	N/A	N/A
Birmingham New Street	Shrewsbury	Madeley Jct (Shropshire)	HF01.9	22100001	Class 221-125T	N/A	N/A	1	1	1	N/A
Wolverhampton	Shrewsbury	Madeley Jct (Shropshire)	HF01.10	22100001	Class 221-125T	N/A	1	N/A	1	1	1
Shrewsbury	Birmingham New Street	Madeley Jct (Shropshire)	HF01.11	22100001	Class 221-125T	1	N/A	N/A	1	1	1
Shrewsbury	Wolverhampton	Madeley Jct (Shropshire)	HF01.12	22100001	Class 221-125T	N/A	N/A	1	1	1	N/A

Notes to Table:

1 Peak times – arriving London Euston between 07.00 and 10.00, departing London Euston between 16.00 and 19.00

2 Off-Peak times - arriving at and departing from a relevant station outside Peak times

Appendix B

Table 4.1: Calling Patterns^{9th}

1					2	3
Service Group 1: London Euston to Birmingham New Street, Wolverhampton and Shrewsbury						
Service description						
From	To	Via	Description	TSC	Regular Calling Pattern	Additional stations
London Euston	Birmingham New Street	WCML	HF01.1	22100001	Rugby, Coventry and Birmingham International,	Watford Junction, Milton Keynes Central
		WCML	HF01.2	22100001	Watford Junction, Coventry and Birmingham International	Milton Keynes Central, Rugby
London Euston	Wolverhampton	WCML	HF01.3	22100001	Milton Keynes Central, Rugby, Coventry, Birmingham International, Birmingham New Street and Sandwell & Dudley	Watford Junction, Northampton
Birmingham New Street	London Euston	WCML	HF01.4	22100001	Birmingham International, Coventry and Rugby,	Milton Keynes Central, Watford Junction
			HF01.5	22100001	Birmingham International, Coventry and Watford Junction	Rugby, Milton Keynes Central
Wolverhampton	London Euston	WCML	HF01.6	22100001	Sandwell & Dudley, Birmingham New Street, Birmingham International, Coventry, Rugby and, Milton Keynes Central	Northampton Watford Junction
Birmingham International	London Euston	WCML	HF01.7	22100001	Coventry	Rugby, Milton Keynes Central, Watford Junction
Rugby	London Euston	WCML, Northampton	HF01.8	22100001	Northampton	Milton Keynes Central, Watford Junction
Birmingham New Street	Shrewsbury	Madeley Jn (Shropshire)	HF01.9	22100001	Sandwell & Dudley, Wolverhampton, Telford Central, Wellington Telford West	
Wolverhampton	Shrewsbury	Madeley Jn (Shropshire)	HF01.10	22100001	Telford Central, Wellington Telford West	
Shrewsbury	Birmingham New Street	Madeley Jn (Shropshire)	HF01.11	22100001	Wellington Telford West, Telford Central, Wolverhampton, Sandwell & Dudley	

1					2	3
Service Group 1: London Euston to Birmingham New Street, Wolverhampton and Shrewsbury						
Service description						
From	To	Via	Description	TSC	Regular Calling Pattern	Additional stations
Shrewsbury	Wolverhampton	Madeley Jn (Shropshire)	HF01.12	22100001	Wellington Telford West, Telford Central	

Notes to Table: