

# Eighth Supplemental Agreement

between

**NETWORK RAIL INFRASTRUCTURE LIMITED**  
as Network Rail

and

**WEST MIDLANDS TRAINS LIMITED**  
as Train Operator

relating to the Track Access Contract (Passenger  
Services) dated 15 May 2019

## CONTENTS

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

**THIS EIGHTH SUPPLEMENTAL AGREEMENT** is dated 16<sup>th</sup> December 2020 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) **WEST MIDLANDS TRAINS LIMITED**, a company registered in England under number 09860466 having its registered office at 2nd Floor St Andrew's House, 18-20 St Andrew Street, London, United Kingdom, EC4A 3AG (the “Train Operator”).

**WHEREAS:**

- (A) The parties entered into a Track Access Contract (Passenger Services) dated 15 May 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 date upon which the ORR issues its approval, pursuant to 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. **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 SCHEDULE 5**

4.1 In Table 5.1 of Schedule 5 (firm rights to operate the following railway vehicles), the words 'Class 196' will be added to the list of Specified Equipment.

4.2 Appendix 7C of Schedule 7 (Default Train Consist Data) shall be deleted and replaced with the version set out as an appendix to this Supplemental Agreement.

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... Dave Penney ..... 10-12-20 .....

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

**SIGNED** by.....

Print name.....

Duly authorised for and on behalf of  
**WEST MIDLANDS TRAINS LIMITED**

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**

A handwritten signature in red ink, appearing to read 'Howard', is written over the signature line of the first signature block.

**SIGNED** by.....

Print name...JULIAN EDWARDS.....

Duly authorised for and on behalf of

**WEST MIDLANDS TRAINS LIMITED**

**Appendix**

Default Train Consist Data

<b>Train Service Code</b>	<b>Type of Train Movement</b>	<b>Default Train Consist Data</b>
12251310	Train movement(s) between Stourbridge Town and Stourbridge Junction (West Midlands PTE sponsored)	1 Class 139 Parry People Mover (1 power car)
22977000	Centro Charter Trains	1 Class 172 Diesel Multiple Unit (2 power cars)
12254320	Train movement(s) between Birmingham Snow Hill and Shirley and Wythall (West Midlands PTE sponsored)	1 Class 172 Diesel Multiple Unit (3 power cars)
12256320	Train movement(s) between Birmingham - Wolverhampton - Stafford	1 Class 323 Electric Multiple Unit (2 motor cars & 1 trailer car)
12257320	Train movement(s) between Birmingham Snow Hill-Dorridge-Leamington Spa-Stratford U Avon	1 Class 172 Diesel Multiple Unit (3 power cars)
12259320	Train movement(s) between Birmingham New Street/Coventry - Rugby - Northampton	1 Class 350 Electric Multiple Unit (2 motor cars & 2 trailer cars)
12263310	Train movement(s) between Birmingham New Street and Walsall or Hednesford (West Midlands PTE sponsored)	1 Class 350 Electric Multiple Unit (2 motor cars & 2 trailer cars)
12263810	Train movement(s) between Hednesford and Rugeley Town (West Midlands PTE sponsored)	1 Class 350 Electric Multiple Unit (2 motor cars & 2 trailer cars)
12271310	Train movement(s) between Walsall and Wolverhampton (West Midlands PTE sponsored)	1 Class 323 Electric Multiple Unit (2 motor cars & 1 trailer car)
12272323	Train movement(s) between Blake Street and Longbridge (West Midlands PTE sponsored)	1 Class 323 Electric Multiple Unit (2 motor cars & 1 trailer car)

<b>Train Service Code</b>	<b>Type of Train Movement</b>	<b>Default Train Consist Data</b>
12272820	Train movement(s) between Longbridge and Bromsgrove/Redditch	1 Class 323 Electric Multiple Unit (2 motor cars & 1 trailer car)
12332320	Train movement(s) between Birmingham SH-Stourbridge Jct-Kidderminster/Bromsgrove-Worcester/Gt Malvern/Hereford	1 Class 172 Diesel Multiple Unit (3 power cars)
22254000	Train movement(s) between Birmingham Snow Hill - Stratford Upon Avon	1 Class 172 Diesel Multiple Unit (3 power cars)
22257000	Train movement(s) between Birmingham Snow Hill - Leamington Spa - Stratford U Avon	1 Class 172 Diesel Multiple Unit (3 power cars)
22259000	Train movement(s) between Birmingham New Street and Northampton	1 Class 350 Electric Multiple Unit (2 motor cars and 2 trailer cars)
22263000	Train movement(s) between Birmingham - Rugeley - Stafford	1 Class 170 Diesel Multiple Unit (2 power cars)
22327000	Train movement(s) between Birmingham New Street and Crewe	1 Class 350 Electric Multiple Unit (2 motor cars and 2 trailer cars)
22266000	Train movement(s) between Birmingham New Street and Shrewsbury	1 Class 170 Diesel Multiple Unit (2 power cars)
22272000	Train movement(s) between Lichfield Trent Valley and Blake Street	1 Class 323 Electric Multiple Unit (2 motor cars & 1 trailer car)
22300000	Train movement(s) between Birmingham New Street and Liverpool and Preston	1 Class 350 Electric Multiple Unit (2 motor cars and 2 trailer cars)
22327000	Train movement(s) between Birmingham New Street and Rugeley Trent Valley	1 Class 350 Electric Multiple Unit (2 motor cars and 2 trailer cars)



<b>Train Service Code</b>	<b>Type of Train Movement</b>	<b>Default Train Consist Data</b>
22328000	Train movement(s) between Nuneaton and Coventry	1 Class 172 Diesel Multiple Unit (2 power cars)
22329000	Train movement(s) between Birmingham New Street and Hereford via Bromsgrove	1 Class 170 Diesel Multiple Unit (2 power cars)
22330000	Train movement(s) between Rugby/Coventry - Nuneaton - Stafford - Crewe/Stoke On Trent	1 Class 350 Electric Multiple Unit (2 motor cars and 2 trailer cars)
22332000	Train movement(s) between Hereford and/or Worcester Shrub Hill and/or Worcester Foregate Street and Stourbridge Junction	1 Class 172 Diesel Multiple Unit (3 power cars)
22977000	West Midlands: Local/Regional ECS Moves	1 Class 172 Diesel Multiple Unit (2 power cars)
22209000	Train movement(s) between London Euston and Northampton via Milton Keynes	1 Class 350 Electric Multiple Unit (2 motor cars and 2 trailers)
22209001	Train movement(s) between London Euston and Northampton via Milton Keynes (ECS)	1 Class 350 Electric Multiple Unit (2 motor cars and 2 trailers)
22212000	Train movement(s) between Bedford and Bletchley	1 Class 230 Diesel Multiple Unit (2 power cars)
22213000	Train movement(s) between Watford Junction and St Albans Abbey	1 Class 319 Electric Multiple Unit (1 motor car and 3 trailers)
22255000	Train movement(s) between Coventry and Leamington Spa	1 Class 172 Diesel Multiple Unit (2 power cars)