

Seventy-Eighth Supplemental Agreement

between

NETWORK RAIL INFRASTRUCTURE LIMITED

as Network Rail

and

ARRIVA RAIL LONDON LIMITED

as Train Operator

relating to the Track Access Contract (Passenger Services) dated 9 November 2007

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THIS SEVENTY-EIGHTH SUPPLEMENTAL AGREEMENT is dated 4th August 2021 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) **ARRIVA RAIL LONDON LIMITED**, a company registered in England under number 04165861, having its registered office at 1 Admiral Way, Doxford International Business Park, Sunderland, Tyne & Wear, SR3 3XP (the "**Train Operator**").

WHEREAS:

- (A) The parties entered into a Track Access Contract (Passenger Services) dated 9th November 2007 in a form approved by the Office of Rail and Road ("ORR") pursuant to Section 18(7) of the Act, as amended by various supplemental agreements each in a form approved by ORR pursuant to Section 22 of the Act (which track access contract as subsequently amended is hereafter referred to as the "Contract").
- (B) The parties wish to amend Schedule 5 of the Contract in the terms described below

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; and
- (B) "Effective Date" means: 00:00hrs, 15th May 2022 (SCD 2022)

2. **EFFECTIVE DATE AND TERM**

The amendments made to the Contract as set out in this Supplemental Agreement shall have effect from the Effective Date and shall cease to have effect at the Expiry Date or earlier termination of the Contract.

3. **AMENDMENTS TO THE CONTRACT**

- 3.1 In Table 2.1 of Schedule 5 of the Contract, the section relating to Service Group EK01 shall be deleted in its entirety and replaced with the section relating to Service Group EK01 as set out in Annex A to this Supplemental Agreement. Should there be a delay in the commissioning of the Barking Riverside extension, Annex B shall apply until the line is commissioned.
- 3.2 In table 4.1 of Schedule 5 of the Contract, the section relating to Service Group EK01 shall be deleted in its entirety and replaced with the section relating to Service Group EK01 as set out in Annex C to this Supplemental Agreement. Should there be a delay in the commissioning of the Barking Riverside extension, Annex D shall apply until the line is commissioned.

4. **EFFECTS OF THIS SUPPLEMENTAL AGREEMENT ON THE CONTRACT**

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”, “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 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

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)
)
)

Shaun King
Route Director, Sussex
Dated: 4 August 21



SIGNED by

duly authorised for and on behalf of
ARRIVA RAIL LONDON LIMITED

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PAUL HUTCHINGS
MD

4 Aug 2021

8 **APPENDIX A**

2 **Passenger Train Slots**

Table 2.1: Passenger Train Slots

						2					
Service Group: EK01											
Service description: Orbitals						Passenger Train Slots					
From	To	Via	Description	TSC	Timing Load	Peak times		Off-Peak times	Weekday¹	Saturday	Sunday
						Morning Peak	Evening Peak				
Richmond	Stratford	Gospel Oak	All Stations	22214000	710	N/A	N/A	N/A	78	70	57
Richmond	Willesden Junction High Level	Acton Central	All Stations	22214000	710	N/A	N/A	N/A	2	2	0
Willesden Junction High Level <u>or</u> Willesden Junction Low Level	Stratford	Gospel Oak	All Stations	22214000	710	N/A	N/A	N/A	2	2	0
Stratford	Richmond	Gospel Oak	All Stations	22214000	710	N/A	N/A	N/A	80	71	55
Willesden Junction High Level	Richmond	Acton Central	All Stations	22214000	710	N/A	N/A	N/A	2	1	3
Stratford	Willesden Junction High Level <u>or</u> Willesden Junction Low Level	Gospel Oak	All Stations	22214000	710	N/A	N/A	N/A	4	3	2
Camden Road	Stratford	Canonbury	All Stations	22214000	710	N/A	N/A	N/A	1	0	0
Stratford	Camden Road	Canonbury	All Stations	22214000	710	N/A	N/A	N/A	1	0	1

1						2					
Service Group: EK01											
Service description: Orbitals						Passenger Train Slots					
From	To	Via	Description	TSC	Timing Load	Peak times		Off-Peak times	Weekday ¹	Saturday	Sunday
Clapham Junction	Stratford	Gospel Oak	All Stations	22214000	378	N/A	N/A	N/A	77	67	49
Stratford	Clapham Junction	Gospel Oak	All Stations	22214000	378	N/A	N/A	N/A	77	68	51
Clapham Junction	Willesden Junction High Level	Kensington Olympia	All Stations	22204000	378	N/A	N/A	N/A	4	6	13
Willesden Junction High Level	Clapham Junction	Kensington Olympia	All Stations	22204000	378	N/A	N/A	N/A	7	4	12
Clapham Junction	Shepherds Bush	Kensington Olympia	All Stations	22204000	710	N/A	N/A	N/A	16	9	13
Shepherds Bush	Clapham Junction	Kensington Olympia	All Stations	22204000	710	N/A	N/A	N/A	17	9	13
Gospel Oak	Barking Riverside	South Tottenham	All Stations	21921000	172	N/A	N/A	N/A	69	69	57
Barking Riverside	Gospel Oak	South Tottenham	All Stations	21921000	172	N/A	N/A	N/A	72	70	58
Woodgrange Park	Willesden Low Level	South Tottenham	All Stations	21921000	172	N/A	N/A	N/A	1	0	0
Barking	South Tottenham	Blackhorse Road	All Stations	21921000	172	N/A	N/A	N/A	1	0	0
South Tottenham	Gospel Oak	Upper Holloway	All Stations	21921000	172	N/A	N/A	N/A	1	0	0
Barking	Upper Holloway	South Tottenham	All Stations	21921000	172	N/A	N/A	N/A	1	0	0

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2 **Passenger Train Slots**

Table 2.1: Passenger Train Slots

						2					
Service Group: EK01											
Service description: Orbitals						Passenger Train Slots					
From	To	Via	Description	TSC	Timing Load	Peak times		Off-Peak times	Weekday¹	Saturday	Sunday
						Morning Peak	Evening Peak				
Richmond	Stratford	Gospel Oak	All Stations	22214000	710	N/A	N/A	N/A	78	70	57
Richmond	Willesden Junction High Level	Acton Central	All Stations	22214000	710	N/A	N/A	N/A	2	2	0
Willesden Junction High Level <u>or</u> Willesden Junction Low Level	Stratford	Gospel Oak	All Stations	22214000	710	N/A	N/A	N/A	2	2	0
Stratford	Richmond	Gospel Oak	All Stations	22214000	710	N/A	N/A	N/A	80	71	55
Willesden Junction High Level	Richmond	Acton Central	All Stations	22214000	710	N/A	N/A	N/A	2	1	3
Stratford	Willesden Junction High Level <u>or</u> Willesden Junction Low Level	Gospel Oak	All Stations	22214000	710	N/A	N/A	N/A	4	3	2
Camden Road	Stratford	Canonbury	All Stations	22214000	710	N/A	N/A	N/A	1	0	0
Stratford	Camden Road	Canonbury	All Stations	22214000	710	N/A	N/A	N/A	1	0	1

1						2					
Service Group: EK01											
Service description: Orbitals						Passenger Train Slots					
From	To	Via	Description	TSC	Timing Load	Peak times		Off-Peak times	Weekday ¹	Saturday	Sunday
Clapham Junction	Stratford	Gospel Oak	All Stations	22214000	378	N/A	N/A	N/A	77	67	49
Stratford	Clapham Junction	Gospel Oak	All Stations	22214000	378	N/A	N/A	N/A	77	68	51
Clapham Junction	Willesden Junction High Level	Kensington Olympia	All Stations	22204000	378	N/A	N/A	N/A	4	6	13
Willesden Junction High Level	Clapham Junction	Kensington Olympia	All Stations	22204000	378	N/A	N/A	N/A	7	4	12
Clapham Junction	Shepherds Bush	Kensington Olympia	All Stations	22204000	710	N/A	N/A	N/A	16	9	13
Shepherds Bush	Clapham Junction	Kensington Olympia	All Stations	22204000	710	N/A	N/A	N/A	17	9	13
Gospel Oak	Barking	South Tottenham	All Stations	21921000	172	N/A	N/A	N/A	69	69	57
Barking	Gospel Oak	South Tottenham	All Stations	21921000	172	N/A	N/A	N/A	72	70	58
Woodgrange Park	Willesden Low Level	South Tottenham	All Stations	21921000	172	N/A	N/A	N/A	1	0	0
Barking	South Tottenham	Blackhorse Road	All Stations	21921000	172	N/A	N/A	N/A	1	0	0
South Tottenham	Gospel Oak	Upper Holloway	All Stations	21921000	172	N/A	N/A	N/A	1	0	0
Barking	Upper Holloway	South Tottenham	All Stations	21921000	172	N/A	N/A	N/A	1	0	0

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Table 4.1: Calling Patterns ^{42nd 46th & 48th}

1					2	3
Service description						
Between	And	Via	Description	TSC	Regular Calling Pattern	Additional stations
Service Group: EK01						
Richmond	Stratford	Gospel Oak	All Stations	22214000	All stations	N/A
Clapham Junction	Stratford	Gospel Oak	All Stations	22214000	All stations	N/A
Gospel Oak	Barking Riverside	South Tottenham	All Stations	21921000	All stations	N/A
Willesden Junction High Level	Clapham Junction	Kensington Olympia	All Stations	22204000	All stations	N/A

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Table 4.1: Calling Patterns ^{42nd 46th & 48th}

1					2	3
Service description						
Between	And	Via	Description	TSC	Regular Calling Pattern	Additional stations
Service Group: EK01						
Richmond	Stratford	Gospel Oak	All Stations	22214000	All stations	N/A
Clapham Junction	Stratford	Gospel Oak	All Stations	22214000	All stations	N/A
Gospel Oak	Barking	South Tottenham	All Stations	21921000	All stations	N/A
Willesden Junction High Level	Clapham Junction	Kensington Olympia	All Stations	22204000	All stations	N/A