

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 4th March 2016

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THIS 71ST SUPPLEMENTAL AGREEMENT is dated 16th September 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) **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 of the Contract to provide Contingent rights for service changes to be introduced in September 2021.

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:
 - the date upon which the Office of Rail and Road 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 pursuant to this Supplemental Agreement shall have effect from the Effective Date.

3. AMENDMENTS TO THE CONTRACT

- 3.1 In Schedule 5 Table 2.2, the entry set out in Annex 1 for service group EF09 shall be inserted.
- 3.2 In Schedule 5 Table 4.1, the entry for service group EF09 shall be replaced by the entry set out in Annex 2.

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.

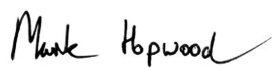
SIGNED by



Print name
Duly authorised for and on behalf of
NETWORK RAIL INFRASTRUCTURE LIMITED

Mike Gallop

SIGNED

by.....

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

Mark Hopwood
name.....

Annex 1

Table 2.2: Additional Passenger Train Slots

1					2		
Service Group EF09							
Service Description NORTH DOWNS					Additional Passenger Train Slots		
From	To	Via	Description	TSC	Weekday	Saturday	Sunday
Redhill	Gatwick Airport		EF09.208	25521007	4 ¹	13 ¹	0
Gatwick Airport	Redhill		EF09.208	25521007	4 ¹	13 ¹	0
Reading	Gatwick Airport	Guildford and Reigate	EF09.201	25521007	5 ²	0	0
Gatwick Airport	Reading	Reigate and Guildford	EF09.201	25521007	5 ²	0	0

Notes to Table:

¹: these apply from 13th September 2021 and are available only when taken up to enable a through Reading - Gatwick service or vice versa to be timetabled in connection with rights in Table 2.1 under Description EF09.108; In addition these are available such that no service is timetabled to arrive or depart Gatwick Airport on Mondays to Fridays before 1030 or after 1630; ²: these apply from 13th September 2021 and are available only such that no service is timetabled to be arrive or depart Gatwick Airport at or before 1930.

Annex 2

Table 4.1: Calling Patterns

1					2	3
Service Group EF09						
Service Description 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	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		EF09.107 and EF09.208	25521007	Non-stop	
Reading	Gatwick Airport	Guildford	EF09.108	25521007	Wokingham, Guildford, Dorking Deepdene, Reigate	Shalford, Chilworth, Gomshall Dorking West, Betchworth
Reading	Gatwick Airport	Guildford	EF09.201	25521007		Wokingham, Guildford, Dorking Deepdene, Reigate. Shalford, Chilworth, Gomshall Dorking West, Betchworth

Notes to Table:

None.