

THIRTY THIRD 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 19 MAY 2019

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THIS THIRTY THIRD SUPPLEMENTAL AGREEMENT is dated
and made

30 July 2024

BETWEEN:

- (1) **NETWORK RAIL INFRASTRUCTURE LIMITED**, a company registered in England under number 2904587 having its registered office at Waterloo General Office, London, SE1 8SW (“**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 19 May 2019 in a form approved by the Office of Rail and Road and pursuant to Section 18 of the Railways Act 1993 (“**the act**”) hereafter referred to as the “**Contract**”
- (B) The parties now propose to enter into this Supplemental Agreement pursuant to the Passenger Access (Short Term Timetable and Miscellaneous Changes) General Approval 2009 in order to amend the Contract as described herein.

IT IS HEREBY AGREED as follows:

• **INTERPRETATION**

In this Supplemental Agreement:

- 1.1 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
- 1.2 “Effective Date” means: the date of this General Approval

2. ORR GENERAL APPROVAL

This Supplemental Agreement is entered into pursuant to the Passenger Access (Short Term Timetable and Miscellaneous Changes) General Approval 2023.

3. 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 90 days after the General Approval is signed and submitted.

4. AMENDMENTS TO THE CONTRACT

4.1 Schedule 5 of the Track Access Contract shall be updated as follows:

- Under 'Table 2.2: Additional Passenger Train Slots', the words 'not used' will be deleted and replaced with the Table 2.2 as set out in Annex A to this Supplemental Agreement.

5. GENERAL

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.

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 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**

) Denise Wetton, Route Director
) 29th July 2024

SIGNED by

)

duly authorised for and on behalf of
WEST MIDLANDS TRAINS LIMITED

) Ian McConnell
) Managing Director
) 24th July 2024

Annex A

Table 2.2: Additional Passenger Train Slots^{33rd}

1						2		
7 th Service Group EJ02 Trent Valley								
Service description						Passenger Train Slots		
From	To	Via	Description	TSC	Timing Load	Weekday	Saturday	Sunday
Coventry	Nuneaton	Direct	2.1	22328000	172	18	17	12^{13th} 13 ^{33rd}

OFFICIAL