

Hundred and First Supplemental Agreement

between

NETWORK RAIL INFRASTRUCTURE LIMITED

as Network Rail

and

TRANSPORT UK EAST ANGLIA LIMITED

as Train Operator

relating to the Track Access Contract
(Passenger Services) dated 10th
December 2004

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BETWEEN:

- (1) **NETWORK RAIL INFRASTRUCTURE LIMITED**, ("Network Rail"), a company registered in England under number 2904587 having its registered office at Waterloo General Office, London, SE1 8SW ("Network Rail"); and
- (2) **TRANSPORT UK EAST ANGLIA LIMITED**, (the "Train Operator"), a company registered in England under number 09860485 having its registered office at 2nd floor St Andrew's House, 18-20 St Andrew Street, London, EC4A 3AG.

WHEREAS:

- (A) The parties entered into a Track Access Contract (Passenger Services) dated 10 December 2004 in a form approved by the Office of Rail and Road 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 and subsequently assigned pursuant to Section 12(2) of the Railways Act (2005) (which track access contract is hereafter referred to as the "Contract").
- (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, 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.

2. EFFECTIVE DATE AND TERM

- 2.1 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 on the Expiry Date or earlier termination of the Contract.
- 2.2 For the purposes of this Supplemental Agreement, "Effective Date" means the later of:
 - (a) 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; and
 - (b) the Subsidiary Change Date 2025.

3. AMENDMENTS TO THE CONTRACT

3.1 AMENDMENTS TO SCHEDULE 5

3.1.1 In Table 2.2 "Additional Passenger Train Slots", the table EB03 "Great Eastern Outer" contained in Annex A to this Supplemental Agreement shall be inserted.

3.1.2 In Table 4.1 "Calling Patterns", the table relating to Service Group EB03 "Great Eastern Outer" the table shall be deleted. The table "EB03 Great Eastern Outer" and footnote contained in Annex B to this Supplemental Agreement shall be inserted.

4. **EFFECT 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 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 whereof 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: Katie Frost

Duly authorised for and on behalf of
NETWORK RAIL INFRASTRUCTURE LIMITED

SIGNED by



Print name: MARTIN BETTS

Duly authorised for and on behalf of
TRANSPORT UK EAST ANGLIA LIMITED

Table 2.2: Additional Passenger Train Slots

1			2							
Service Group EB03 Great Eastern Outer										
Service description			Passenger Train Slots							
From	To	Via	Description	Peak times		Off-Peak times	Weekday ¹	Saturday	Sunday	
				Morning Peak	Evening Peak					
Colchester	Liverpool Street	Direct	Stopping (EB03.5)	n/a	n/a	0	0	2	0	

Table 4.1: Calling Patterns

1					2	3
Service Group: EB03 Great Eastern Outer ¹						
Service description						
Between	And	Via	Description	TSC	Regular Calling Pattern	Additional stations
Liverpool Street	Ipswich	Direct	Semi fast (EB03.1)	Off Peak: 21939001 Peak: 25939001	Stratford, Shenfield, Chelmsford, Beaulieu Park, Hatfield Peverel, Witham, Kelvedon, Marks Tey, Colchester, Manningtree	Romford, Ingatstone
Liverpool Street	Harwich Town	Direct	Semi fast (EB03.2)	Off Peak: 21939001 Peak: 25939001	Stratford, Shenfield, Chelmsford, Witham, Colchester, Manningtree, Mistley, Wrabness, Harwich International, Dovercourt	N/A
Liverpool Street	Walton-on-the-Naze	Direct	Semi fast (EB03.3)	25939001	Stratford, Shenfield, Chelmsford, Witham, Kelvedon, Marks Tey, Colchester, Hythe, Wivenhoe, Thorpe-le-Soken, Kirby Cross, Frinton-on-Sea	Shenfield, Hythe
Liverpool Street	Clacton-on-Sea	Direct	Semi fast (EB03.4)	Off Peak: 21939001 Peak: 25939001	Stratford, Shenfield, Ingatstone, Chelmsford, Witham, Colchester, Hythe, Wivenhoe, Thorpe-le-Soken	Romford, Beaulieu Park, Hatfield Peverel, Kelvedon, Marks Tey, Alresford, Great Bentley, Weeley
Liverpool Street	Colchester	Direct	Semi fast (EB03.5)	Off Peak: 21939001 Peak: 25939001	Stratford, Shenfield, Ingatstone, Chelmsford, Beaulieu Park, Hatfield Peverel, Witham, Kelvedon, Marks Tey	N/A
Liverpool Street	Colchester Town	Direct	Semi fast (EB03.6)	Off Peak: 21939001 Peak: 25939001	Stratford, Shenfield, Chelmsford, Beaulieu Park, Witham, Kelvedon, Marks Tey, Colchester	Romford, Hatfield Peverel
Liverpool Street	Braintree	Direct	Stopping (EB03.7)	Off Peak: 21939001 Peak: 25939001	Stratford, Shenfield, Ingatstone, Chelmsford, Witham, White Notley, Cressing, Braintree Freeport	Beaulieu Park, Hatfield Peverel
Liverpool Street	Witham	Direct	Stopping (EB03.8)	21939001	Stratford, Shenfield, Ingatstone, Chelmsford	Beaulieu Park, Hatfield Peverel
Liverpool Street	Chelmsford	Direct	Stopping (EB03.9)	21939001	Stratford, Romford, Shenfield, Ingatstone	N/A
Shenfield	Braintree	Direct	Semi fast (EB03.10)	21939001	Chelmsford, Witham, White Notley, Cressing, Braintree Freeport	N/A
Ingatstone	Colchester	Direct	Stopping (EB03.11)	21939001	Chelmsford, Hatfield Peverel, Witham, Kelvedon, Marks Tey	N/A
Chelmsford	Braintree	Direct	Semi fast (EB03.12)	21939001	Beaulieu Park, Witham, White Notley, Cressing, Braintree Freeport	N/A
Witham	Braintree	Direct	Stopping (EB03.13)	21939001	White Notley, Cressing, Braintree Freeport	N/A
Marks Tey	Sudbury	Direct	Stopping (EB03.14)	21926001	Chappel & Wakes Colne, Bures	N/A
Colchester	Ipswich	Direct	Stopping (EB03.15)	21939001	Manningtree	N/A
Colchester	Harwich Town	Direct	Stopping (EB03.16)	21939001	Manningtree, Mistley, Wrabness, Harwich International, Dovercourt	N/A
Colchester	Walton-on-the-Naze	Colchester Town	Stopping (EB03.17)	21939001	Colchester Town, Hythe, Wivenhoe, Alresford, Great Bentley, Weeley, Thorpe-le-Soken, Kirby Cross, Frinton-on-Sea	N/A
Colchester	Clacton-on-Sea	Colchester Town	Stopping (EB03.18)	21939001	Hythe, Wivenhoe, Thorpe-le-Soken	Alresford, Great Bentley, Weeley
Colchester	Colchester Town	Direct	Stopping (EB03.19)	21939001	No intermediate stations	N/A
Manningtree	Harwich Town	Direct	Stopping (EB03.20)	21939001	Mistley, Wrabness, Harwich International, Dovercourt	N/A
Sudbury	Colchester	Direct	Stopping (EB03.21)	21926001	Bures, Chappel & Wakes Colne, Marks Tey	N/A
Thorpe-le-Soken	Walton-on-the-Naze	Direct	Stopping (EB03.22)	21939001	Kirby Cross, Frinton-on-Sea	N/A
Walton-on-the-Naze	Clacton-on-Sea	Thorpe-le-Soken	Stopping (EB03.23)	21939001	Frinton-on-Sea, Kirby Cross, Thorpe-le-Soken	N/A

Notes to Table:

¹ Trains to call at Beaulieu Park once the station is operational

