

28th SUPPLEMENTAL AGREEMENT

Between

NETWORK RAIL INFRASTRUCTURE LIMITED

-and-

First MTR South Western Trains Limited

**Relating to amendments to the
Track Access Contract (Passenger Services)
dated 9th April 2019**

THIS 28th SUPPLEMENTAL AGREEMENT is dated 12th February 2024 and made;

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) **First MTR South Western Trains Limited** a company registered in England and Wales under number 07900320, having its registered office at 8th Floor The Point, 37 North Wharf Road, London W2 1AF (the “**Train Operator**”).

WHEREAS

- (A) The parties entered into a Track Access Contract dated 9th April 2019, in a form approved by the Office Of Rail and Road (ORR) pursuant to directions under section 18 (7) of the Railways Act 1993 (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 the Contract in the terms described below.

IT IS 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.
- b) “**Effective Date**” means the date of this General Approval.

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 01:59 hours on 12th May 2024, at which time such amendments shall be reversed, such that 2.2 of Schedule 5 shall revert back to those in force immediately prior to the Effective Date.

3. OFFICE OF RAIL AND ROAD GENERAL APPROVAL

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

4. AMENDMENTS TO SCHEDULE 5

Service Group HY05 will be added to Table 2.2 of Schedule 5 of the Contract which is contained in Appendix 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 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

Matt Pocock - Route Director, Wessex

Duly authorised for and on behalf of

NETWORK RAIL INFRASTRUCTURE LIMITED

Signed by

Claire Mann – Managing Director

Duly authorised for and on behalf of

FIRST MTR SOUTH WESTERN TRAINS LIMITED

Appendix A: Table 2.2 Service Group HY05 to be added to Table 2.2

Table 2.2: Additional Passenger Train Slots

1					2		
Service Group HY05							
Service description: Windsor Lines (Outer)					Additional Passenger Train Slots		
From	To	Via	Description	TSC	Weekday	Saturday	Sunday
Waterloo	Windsor & Eton Riverside	Twickenham	Stopping	24671105	2a	0	0
Windsor & Eton Riverside	Waterloo	Twickenham	Stopping	24671105	2a	0	0

Notes to Table

a Rights expire on expiry of the 28th Supplemental Agreement (01:59 12th May 2024)