

16th Supplemental Agreement

between

NETWORK RAIL INFRASTRUCTURE LIMITED

as Network Rail

and

MERSEYRAIL ELECTRICS 2002 LIMITED

as Train Operator

relating to the Track Access Contract (Passenger Services) dated 1st April 2019

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THIS SIXTEENTH SUPPLEMENTAL AGREEMENT is dated 10 April 2024 and made

BETWEEN:

- (1) **NETWORK RAIL INFRASTRUCTURE LIMITED**, a company registered in England under number 2904587 having its registered office at Network Rail, Waterloo General Office, London, SE1 8SW (“Network Rail”); and
- (2) **MERSEYRAIL ELECTRICS 2002 LIMITED**, a company registered in England under number 04356933 having its registered office at Rail House, Lord Nelson Street, Liverpool, Merseyside L1 1JF (the “Train Operator”).

WHEREAS:

- (A) The parties entered into a Track Access Contract (Passenger Services) dated 1 April 2019 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 (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, 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; and
- (B) “Effective Date” means on the date of this Supplemental Agreement.

2. **EFFECTIVE DATE AND TERM**

The amendments 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.

3. **AMENDMENTS TO THE CONTRACT**

In Schedule 7 of the Contract, Appendix 7C – Default Train Consist Data, shall be deleted entirely and replaced with Appendix 7C as set out in Annex 1.

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..... Phil James, Route Director, NWR.....

Duly authorised for and on behalf of
NETWORK RAIL INFRASTRUCTURE LIMITED

SIGNED by.....

Print name..... Christopher Maher.....

Duly authorised for and on behalf of
MERSEYRAIL ELECTRICS 2002 LIMITED

Annex 1

Appendix 7C^{16th}

Default Train Consist Data

Train Service Code	Type of Train Movement	Default Train Consist Data
12301012	Train movement(s) between Hunts Cross and Liverpool Central (Passenger Transport Executive sponsored)	1 x Class 777 Electric Multiple Unit (2 motor units and 2 trailer units) 1 x Class 777/1 Independently Powered Electric Multiple Unit (2 motor units and 2 trailer units)
12302012	Train movement(s) between Liverpool Central and Southport (Passenger Transport Executive sponsored)	1 x Class 777 Electric Multiple Unit (2 motor units and 2 trailer units) 1 x Class 777/1 Independently Powered Electric Multiple Unit (2 motor units and 2 trailer units)
12303012	Train movement(s) between Liverpool Central and Headbolt Lane (Passenger Transport Executive sponsored)	1 x Class 777 Electric Multiple Unit (2 motor units and 2 trailer units) 1 x Class 777/1 Independently Powered Electric Multiple Unit (2 motor units and 2 trailer units)
22304003	Train movement(s) between Liverpool Central and Ormskirk	1 x Class 777 Electric Multiple Unit (2 motor units and 2 trailer units) 1 x Class 777/1 Independently Powered Electric Multiple Unit (2 motor units and 2 trailer units)
12304212	Train movement(s) between Liverpool Central and Ormskirk (Passenger Transport Executive	1 x Class 777 Electric Multiple Unit

Train Service Code	Type of Train Movement	Default Train Consist Data
	sponsored)	(2 motor units and 2 trailer units) 1 x Class 777/1 Independently Powered Electric Multiple Unit (2 motor units and 2 trailer units)
12305012	Train movement(s) between Liverpool Loop and New Brighton/West Kirby (Passenger Transport Executive sponsored)	1 x Class 777 Electric Multiple Unit (2 motor units and 2 trailer units) 1 x Class 777/1 Independently Powered Electric Multiple Unit (2 motor units and 2 trailer units)
22306003	Train movement(s) between Liverpool Loop and Chester/Ellesmere Port	1 x Class 777 Electric Multiple Unit (2 motor units and 2 trailer units) 1 x Class 777/1 Independently Powered Electric Multiple Unit (2 motor units and 2 trailer units)
12306212	Train movement(s) between Liverpool Loop and Chester/Ellesmere Port (Passenger Transport Executive sponsored)	1 x Class 777 Electric Multiple Unit (2 motor units and 2 trailer units) 1 x Class 777/1 Independently Powered Electric Multiple Unit (2 motor units and 2 trailer units)

