

THIRTIETH SUPPLEMENTAL AGREEMENT

between

NETWORK RAIL INFRASTRUCTURE LIMITED

as Network Rail

and

MTR Corporation (Crossrail) Limited

as Train Operator

Relating to the Track Access Contract dated 21st November 2018

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THIS THIRTIETH SUPPLEMENTAL AGREEMENT is dated **28th March** 2024 and made

BETWEEN:

- (1) **Network Rail Infrastructure Limited**, a company registered in England under company number 2904587 having its registered office Waterloo General Office, London, United Kingdom, SE1 8SW (“Network Rail”); and
- (2) **MTR Corporation (Crossrail) Limited**, a company registered in England under number 08754715 having its registered office at Providence House, Providence Place, London N1 0NT (the “Train Operator”).

WHEREAS:

- (A) The parties entered into a First Crossrail Track Access Contract dated 21st November 2018 in a form approved by the Office of Rail and Road (“ORR”) pursuant to Section 18(7) of the Act; (which 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:

- (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 ORR issues its approval pursuant to section 22 of the Act of the terms of this Supplemental Agreement.

2. EFFECTIVE TERM AND DATE

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 at an earlier date where specified, or earlier termination of the Contract.

3. RETROSPECTIVE EFFECT

Notwithstanding the Effective Date, the amendments to the contract shall be applied retrospectively from 02:00 on 10th December 2023.

4. AMENDMENTS TO SCHEDULE 8

In Schedule 8, **Appendix 1** shall be deleted and replaced with the version as shown in Annex 1 to this Supplemental Agreement.

5. EFFECT OF THIS SUPPLEMENTAL AGREEMENT ON THE CONTRACT

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”, “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)

Marcus Jones

SIGNED by)
)
duly authorised for and on behalf of)
MTR Corporation (Crossrail) Limited)

Nick Arthurton, Concession Director

ANNEX 1

Appendix 1 to Schedule 8 7th, 12th, 14th, 21st, 27th, 29th

Applies until 27th May 2023

A	B		C	D		E	F	G	H		I	J	K
Service Group	Network Rail		Payment Rate	TOC		Payment Rate	Cancellation Minutes	Cap	Service code		Direction	Monitoring Point	Weighting
	Performance Point			Performance Point									
EX01 Crossrail East Off-Peak	2019-20	Redacted	£8,891.74	2019-20	Redacted	Redacted	9	90	381	Crossrail East	Forward	Stratford	Redacted
	2020-21	Redacted		2020-21	Redacted				381	Crossrail East	Forward	Romford	Redacted
	2021-22	Redacted		2021-22	Redacted				381	Crossrail East	Reverse	Gidea Park	Redacted
	2022-23	Redacted		2022-23	Redacted				381	Crossrail East	Reverse	Ilford	Redacted
	2023-24	Redacted		2023-24	Redacted				381	Crossrail East	Reverse	Shenfield	Redacted
EX01 Crossrail East Peak	2019-20	Redacted	£Redacted	2019-20	Redacted	Redacted	8	90	381	Crossrail East	Forward	London Liverpool Street High Street Level	Redacted
	2020-21	Redacted		2020-21	Redacted				381	Crossrail East	Forward	Stratford	Redacted
	2021-22	Redacted		2021-22	Redacted				381	Crossrail East	Forward	Romford	Redacted
	2022-23	Redacted		2022-23	Redacted				381	Crossrail East	Reverse	Gidea Park	Redacted
	2023-24	Redacted		2023-24	Redacted				381	Crossrail East	Reverse	Ilford	Redacted
									381	Crossrail East	Reverse	Shenfield	Redacted
EX02 Heathrow Local Service Off-Peak	2019-20	Redacted	Redacted	Redacted	Redacted	20	120	384	Crossrail West	Forward	Hayes & Harlington	Redacted	
	2020-21	Redacted						384	Crossrail West	Forward	Maidenhead	Redacted	
	2021-22	Redacted						384	Crossrail West	Forward	Reading	Redacted	
	2022-23	Redacted						384	Crossrail West	Reverse	Slough	Redacted	
	2023-24	Redacted						384	Crossrail West	Reverse	London Paddington	Redacted	

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EX02 Heathrow Local Service Peak	2019-20	Redacted	Redacted	Redacted	Redacted	15	120	384	Crossrail West	Forward	Hayes & Harlington	Redacted
	2020-21	Redacted						384	Crossrail West	Forward	Maidenhead	Redacted
	2021-22	Redacted						384	Crossrail West	Forward	Reading	Redacted
	2022-23	Redacted						384	Crossrail West	Reverse	Slough	Redacted
	2023-24	Redacted						384	Crossrail West	Reverse	London Paddington	Redacted

Appendix 1 to Schedule 8 7th, 12th, 14th, 21st, 27th, 29th, 30th

Applies from 28th May 2023

A	B	C	D	E	F	G	H		I	J	K
Service Group	Network Rail		TOC		Cancellation Minutes	Cap	Service code		Direction	Monitoring Point	Weighting
	Performance Point	Payment Rate	Performance Point	Payment Rate							
EX01 Off-Peak	2019-20 [Redacted]	[Redacted]	2019-20 [Redacted]	[Redacted]	12.7	100	381	Crossrail	Forward	Stratford	[Redacted]
	2020-21 [Redacted]		2020-21 [Redacted]				381	Crossrail	Forward	Romford	Redacted
	2021-22 [Redacted]		2021-22 [Redacted]				381	Crossrail	Forward	Ealing Broadway	[Redacted]
	2022-23 [Redacted]		2022-23 [Redacted]				381	Crossrail	Forward	Hayes & Harlington	Redacted
	2023-24 [Redacted]		2023-24 [Redacted]				381	Crossrail	Forward	Maidenhead	[Redacted]
							381	Crossrail	Forward	Reading	Redacted
							381	Crossrail	Reverse	Gidea Park	[Redacted]
							381	Crossrail	Reverse	Ilford	Redacted
							381	Crossrail	Reverse	Shenfield	[Redacted]
							381	Crossrail	Reverse	Slough	Redacted
				381	Crossrail	Reverse	London Paddington	Redacted			
EX01 Peak	2019-20 [Redacted]	£10,060.36	2019-20 [Redacted]	£Redacted	10.4	100	381	Crossrail	Forward	London Liverpool Street High Street Level	Redacted
	2020-21 [Redacted]		2020-21 [Redacted]				381	Crossrail	Forward	Stratford	Redacted
	2021-22 [Redacted]		2021-22 [Redacted]				381	Crossrail	Forward	Romford	Redacted
	2022-23 [Redacted]		2022-23 [Redacted]				381	Crossrail	Forward	Ealing Broadway	Redacted
	2023-24 [Redacted]		2023-24 [Redacted]				381	Crossrail	Forward	Hayes & Harlington	Redacted
							381	Crossrail	Forward	Maidenhead	Redacted
							381	Crossrail	Forward	Reading	Redacted
				381	Crossrail	Reverse	Gidea Park	Redacted			

							381	Crossrail	Reverse	Ilford	Redacted
							381	Crossrail	Reverse	Shenfield	Redacted
							381	Crossrail	Reverse	Slough	Redacted
							381	Crossrail	Reverse	London Paddington	Redacted

Notes to Table ^{29th}.

¹ Please note that due to the Performance Monitoring System being unable to apply Peak and Off Peak for the same Service in the same Service Code, the setup of the reference data in the Performance Monitoring Systems has been altered to allow a Peak or Off Peak Service to the east of London to differ from a Peak or Off Peak Service to the west of London for that same Service. Services in Train Service Code 25381001 will be mapped to a proxy 384 Service Code, rather than the 381 Service Code. The set up of 384 Service Code in the Performance Monitoring System is the same as 381 except for the peak rule, this has no impact on the Peak Definition in this Contract.

Appendix 1 to Schedule 8 7th, 12th, 14th, 21st, 27th, 29th, 30th

Applies from 10th December 2023

A	B	C	D	E	F	G	H		I	J	K
Service Group	Network Rail		TOC		Cancellation Minutes	Cap	Service code		Direction	Monitoring Point	Weighting
	Performance Point	Payment Rate	Performance Point	Payment Rate							
EX01 Off-Peak	2019-20	Redacted	2019-20	Redacted	12.7	100	381	Crossrail	Forward	Stratford	Redacted
	2020-21	Redacted	2020-21	Redacted			381	Crossrail	Forward	Romford	Redacted
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	2022-23	Redacted					381	Crossrail	Forward	Hayes & Harlington	Redacted
	2023-24	Redacted	2023-24	Redacted			381	Crossrail	Forward	Maidenhead	Redacted
							381	Crossrail	Forward	Reading	Redacted
							381	Crossrail	Reverse	Gidea Park	Redacted
							381	Crossrail	Reverse	Ilford	Redacted
							381	Crossrail	Reverse	Shenfield	Redacted
							381	Crossrail	Reverse	Slough	Redacted
				381	Crossrail	Reverse	London Paddington	Redacted			
EX01 Peak	2019-20	Redacted	2019-20	Redacted	10.4	100	381	Crossrail	Forward	London Liverpool Street High Street Level	Redacted
	2020-21	Redacted	2020-21	Redacted			381	Crossrail	Forward	Stratford	Redacted
	2021-22	Redacted	2021-22	Redacted			381	Crossrail	Forward	Romford	Redacted
	2022-23	Redacted	2022-23	Redacted			381	Crossrail	Forward	Ealing Broadway	Redacted
	2023-24	Redacted	2023-24	Redacted			381	Crossrail	Forward	Hayes & Harlington	Redacted
							381	Crossrail	Forward	Maidenhead	Redacted
				381	Crossrail	Forward	Reading	Redacted			

						381	Crossrail	Reverse	Gidea Park	Redacted
						381	Crossrail	Reverse	Ilford	Redacted
						381	Crossrail	Reverse	Shenfield	Redacted
						381	Crossrail	Reverse	Slough	Redacted
						381	Crossrail	Reverse	London Paddington	Redacted

Notes to Table ^{29th}:

¹ Please note that due to the Performance Monitoring System being unable to apply Peak and Off Peak for the same Service in the same Service Code, the setup of the reference data in the Performance Monitoring Systems has been altered to allow a Peak or Off Peak Service to the east of London to differ from a Peak or Off Peak Service to the west of London for that same Service. Services in Train Service Code 25381001 will be mapped to a proxy 384 Service Code, rather than the 381 Service Code. The set up of 384 Service Code in the Performance Monitoring System is the same as 381 except for the peak rule, this has no impact on the Peak Definition in this Contract.

