|  |
| --- |
| **NINTH SUPPLEMENTAL AGREEMENT**  **between**  **SEILWAITH AMEY CYMRU / AMEY INFRASTRUCTURE WALES LIMITED**  **and**  **TRANSPORT FOR WALES RAIL LTD** |
|  |
| **relating to the Track Access Contract (Passenger Services) dated 24 December 2019** |

**THIS NINTH**

**Supplemental Agreement**

is dated 2023 and made between:

(1) **SEILWAITH AMEY CYMRU / AMEY INFRASTRUCTURE WALES LIMITED,** a company registered in England under number 11389544, whose registered office is at Transport for Wales CVL Infrastructure Depot, Ty Trafnidiaeth, Treforest Industrial Estate, Gwent Road, Pontypridd, United Kingdom, CF37 5UT (the "**CVL IM**"); and

(2) **TRANSPORT FOR WALES RAIL LTD**, a company registered in England under number 12619906, whose registered office is at 3 Llys Cadwyn, Pontypridd, Wales CF37 4TH (the“**Train Operator**”).

**Whereas:**

A. The parties entered into a Track Access Contract (Passenger Services) dated 24th December 2019 pursuant to Section 18(6) of the Act, as amended by supplemental agreements from time to time, 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 now propose to enter into this Supplemental Agreement in order to make amendments to the Contract on the terms set out below.

**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

### “Effective Date” shall mean the later of:

###### 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

* + - * 1. 02:00 on the Subsidiary Change Date 2024

1. **EFFECTIVE DATE AND DURATION**
   1. The amendments made to the Contract pursuant to this Supplemental Agreement shall have effect from the Effective Date and shall cease to have effect at the Expiry Date.

1. **AMENDMENTS TO THE CONTRACT**
   1. In Schedule 5 of the Contract:
2. Table 2.1 of Schedule 5 shall be deleted in its entirety and replaced with the version set out in Annex 1 to this Supplemental Agreement,
3. Table 4.1 of Schedule 5 shall be deleted in its entirety and replaced with the version set out in Annex 2 to this Supplemental Agreement

**4. 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.

**5. LAW**

This Supplemental Agreement shall be governed by, construed and given effect to in all respects in accordance with the law in England and Wales.

**6. 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.

**7. 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.

**IN WITNESS WHEREOF** the CVL IM and the Train Operator have, by their duly authorised representatives, respectively entered into this Supplemental Agreement on the date first above written.

SIGNED BY )

)

for and on behalf of )

)

**AMEY INFRASTRUCTURE WALES /** )

**SEILWAITH AMEY CYMRU LIMITED** )

SIGNED BY )

)

for and on behalf of )

)

**TRANSPORT FOR WALES RAIL LTD )**

**Annex 1**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Service group: HL05** | | | | | | | | | | | | | | |
| **Service Description: Valley Lines and Cardiff Local Services** | | | | | | **Total Weekday** | **Peak Times** | | **Off-peak times** | **Total Saturday** | **Saturday** | | **Sunday** |
|  |  |  |  |  |  |  | **Morning Peak** | **Evening Peak** |  |  | **Peak** | **Off-peak** |  |
| **From** | **To** | **Via** | **Description** | **TSC** | **Timing Load** |
| East Boundary | Coryton | Heath Low Level | 5.1.1 | 25445000 | 150 | 34 | 4 | 5 | 24 | 34 | 16 | 18 | 0 |
| Coryton | East Boundary | Heath Low Level | 5.1.2 | 25445000 | 150 | 34 | 4 | 5 | 24 | 34 | 16 | 18 | 0 |
| East Boundary | Bargoed | Heath High Level | 5.2.1 | 25448000 | 150 | 27 | 0 | 0 | 17 | 27 | 16 | 11 | 0 |
| Rhymney | East Boundary | Heath High Level | 5.2.2 | 25448000 | 150 | 29 | 0 | 0 | 19 | 31 | 16 | 15 | 12 |
| Bargoed | East Boundary | Heath High Level | 5.2.3 | 25448000 | 150 | 28 | 6 | 8 | 19 | 26 | 16 | 10 | 0 |
| Caerphilly | East Boundary | Heath High Level | 5.2.4 | 25448000 | 150 | 27 | 3 | 2 | 17 | 27 | 16 | 11 | 13 |
| East Boundary | Caerphilly | Heath High Level | 5.2.5 | 25448000 | 150 | 27 | 2 | 2 | 18 | 27 | 16 | 11 | 12 |
| East Boundary | Rhymney | Heath High Level | 5.2.6 | 25448000 | 150 | 29 | 7 | 8 | 20 | 33 | 16 | 17 | 12 |
| East Boundary | Ystrad Mynach | Heath High Level | 5.2.7 | 25448000 | 150 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 |
| Pontypridd | East Boundary | Llandaf | 5.3.1 | 25447000 | 150 | 3 | 5 | 5 | 3 | 3 | 0 | 3 | 0 |
| Treherbert | East Boundary | Llandaf | 5.3.2 | 25447000 | 150 | 32 | 0 | 0 | 27 | 32 | 16 | 16 | 14 |
| East Boundary | Pontypridd | Llandaf | 5.3.3 | 25447000 | 150 | 2 | 0 | 0 | 2 | 2 | 0 | 2 | 1 |
| East Boundary | Treherbert | Llandaf | 5.3.4 | 25447000 | 150 | 32 | 5 | 5 | 27 | 32 | 16 | 16 | 14 |
| East Boundary | Cardiff Queen Street |  | 5.3.5 | 25447000 | 150 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 12 |
| Cardiff Queen Street | East Boundary |  | 5.3.6 | 25447000 | 150 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 |
| Merthyr Tydfil | East Boundary | Llandaf | 5.4.1 | 25446000 | 150 | 34 | 4 | 5 | 25 | 33 | 16 | 17 | 13 |
| East Boundary | Merthyr Tydfil | Llandaf | 5.4.2 | 25446000 | 150 | 33 | 5 | 5 | 23 | 33 | 16 | 17 | 14 |
| Pontypridd | West Boundary | Ninian Park | 5.5.1 | 25441000 / 25440000 | 150 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Pontypridd | Aberdare |  | 5.5.2 | 25441000 | 150 | 1 | 0 | 0 | 1 | 1 | 0 | 1 | 0 |
| West Boundary | Aberdare | Ninian Park | 5.5.3 | 25440000 / 25441000 | 150 | 33 | 0 | 0 | 24 | 32 | 16 | 16 | 13 |
| Aberdare | West Boundary | Ninian Park | 5.5.4 | 25440000 / 25441000 | 150 | 34 | 0 | 0 | 24 | 34 | 16 | 18 | 12 |
| Cardiff Queen Street | Cardiff Bay |  | 5.6.1 | 25430000 | 150 | 36 | 5 | 0 | 31 | 36 | 16 | 20 | 38 |
| Cardiff Bay | East Boundary | Cardiff Queen Street | 5.6.2 | 25430000 / 25447000 | 150 | 1 | 0 | 0 | 1 | 1 | 0 | 1 | 0 |
| Cardiff Bay | Cardiff Queen Street |  | 5.6.3 | 25430000 | 150 | 35 | 0 | 5 | 30 | 35 | 16 | 19 | 39 |
| East Boundary | Cardiff Bay | Cardiff Queen Street | 5.6.4 | 25447000 / 25430000 | 150 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Pontypridd | Cardiff Bay | Llandaf | 5.6.5 | 25430000 / 25447000 | 150 | 34 | 5 | 0 | 29 | 34 | 16 | 18 | 13 |
| Cardiff Bay | Pontypridd | Llandaf | 5.6.6 | 25430000 / 25447000 | 150 | 34 | 0 | 5 | 29 | 34 | 16 | 18 | 13 |

**Annex 2**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| 1 | | | | | 2 | |
| Service Group: HL05 | | | | | Calling patterns | |
| Service Description: Valley Lines and Cardiff Local Services | | | | |
| From | To | Via | Description | TSC | Regular calling patterns | Additional stations |
| East Boundary | Coryton | Heath Low Level | 5.1.1 | 25445000 | All Stations | N/A |
| Coryton | East Boundary | Heath Low Level | 5.1.2 | 25445000 | All Stations | N/A |
| East Boundary | Bargoed | Heath High Level | 5.2.1 | 25448000 | All Stations except Additional stations | Energlyn & Churchill Park |
| Rhymney | East Boundary | Heath High Level | 5.2.2 | 25448000 | All Stations except Additional stations | Pontlottyn, Tir-Phil, Brithdir, Gilfach Fargoed, Energlyn & Churchill Park |
| Bargoed | East Boundary | Heath High Level | 5.2.3 | 25448000 | All Stations except Additional stations | Energlyn & Churchill Park |
| Caerphilly | East Boundary | Heath High Level | 5.2.4 | 25448000 | All Stations | N/A |
| East Boundary | Caerphilly | Heath High Level | 5.2.5 | 25448000 | All Stations | N/A |
| East Boundary | Rhymney | Heath High Level | 5.2.6 | 25448000 | All Stations except Additional stations | Energlyn & Churchill Park, Gilfach Fargoed, Brithdir, Tir-Phil, Pontlottyn |
| East Boundary | Ystrad Mynach | Heath High Level | 5.2.7 | 25448000 | All Stations except Additional stations | Energlyn & Churchill Park |
| Pontypridd | East Boundary | Llandaf | 5.3.1 | 25447000 | All Stations except Additional stations | Treforest Estate |
| Treherbert | East Boundary | Llandaf | 5.3.2 | 25447000 | All Stations except Additional stations | Treforest Estate |
| East Boundary | Pontypridd | Llandaf | 5.3.3 | 25447000 | All Stations except Additional stations | Treforest Estate |
| East Boundary | Treherbert | Llandaf | 5.3.4 | 25447000 | All Stations except Additional stations | Treforest Estate |
| East Boundary | Cardiff Queen Street | - | 5.3.5 | 25447000 | All Stations | N/A |
| Cardiff Queen Street | East Boundary | - | 5.3.6 | 25447000 | All Stations | N/A |
| Merthyr Tydfil | East Boundary | Llandaf | 5.4.1 | 25446000 | All Stations except Additional stations | Treforest Estate |
| East Boundary | Merthyr Tydfil | Llandaf | 5.4.2 | 25446000 | All Stations except Additional stations | Treforest Estate |
| Pontypridd | West Boundary | Danescourt | 5.5.1 | 25441000 / 25440000 | All Stations | N/A |
| Pontypridd | Aberdare | Penrhiwceiber | 5.5.2 | 25441000 | All Stations | N/A |
| West Boundary | Aberdare | Danescourt | 5.5.3 | 25440000 / 25441000 | All Stations | N/A |
| Aberdare | West Boundary | Danescourt | 5.5.4 | 25440000 / 25441000 | All Stations | N/A |
| Cardiff Queen Street | Cardiff Bay | - | 5.6.1 | 25430000 | All Stations | N/A |
| Cardiff Bay | East Boundary | Cardiff Queen Street | 5.6.2 | 25430000 / 25447000 | All Stations | N/A |
| Cardiff Bay | Cardiff Queen Street | - | 5.6.3 | 25430000 | All Stations | N/A |
| East Boundary | Cardiff Bay | Cardiff Queen Street | 5.6.4 | 25447000 / 25430000 | All Stations | N/A |
| Pontypridd | Cardiff Bay | Llandaf | 5.6.5 | 25430000 / 25447000 | All Stations | N/A |
| Cardiff Bay | Pontypridd | Llandaf | 5.6.6 | 25430000 / 25447000 | All Stations | N/A |