

DATED

20[ ]

(1) [ ]

and

(2) NETWORK RAIL INFRASTRUCTURE LIMITED

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**DEED OF COVENANT**

Supplemental to

**DEMARCATON AGREEMENT**

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Location: Hertford East

Route: Broxbourne – Hertford East (BHE)

Plan No. (under Scheme): LNE-BHE-4-2

shoosmiths

Shoosmiths  
1st Floor  
Witan Gate House  
500-600 Witan Gate West  
Milton Keynes  
MK9 1SH  
Tel: 03700 868300  
Fax: 03700 868301  
Ref. LBW.195154.28

THIS DEED OF COVENANT is made on

20[ ]

**BETWEEN**

1. [ ], [of][a company incorporated in England and Wales (company number [ ]) whose registered office is at] [ ] (the “**Covenantor**”); and
2. **NETWORK RAIL INFRASTRUCTURE LIMITED**, (formerly known as Rairack plc) a company incorporated in England and Wales (company number 02904587) whose registered office is at Kings Place, 90 York Way, London, N1 9AG (the “**Network Rail**”).

**1 DEFINITIONS**

- 1.1 In this deed, unless required otherwise, the following definitions apply:

“ <b>Demarcation Agreement</b> ”	the Demarcation Agreement dated 15 June 1996 made between (1) British Railways Board and (2) Railtrack plc;
“ <b>Network Rail’s Land</b> ”	as defined in the Demarcation Agreement as “Railtrack’s Land”;
“ <b>Obligations</b> ”	the obligations of the Seller contained in clause 9 of and Part B of the Schedule to the Demarcation Agreement;
“ <b>Seller</b> ”	BRB (Residuary) Limited (successor to British Railways Board) a company incorporated in England and Wales (company number 4146505);
“ <b>Seller’s Land</b> ”	the property at Hertford East defined as “The Board’s Land” in the Demarcation Agreement;

**2 COVENANTS**

- 2.1 The Covenantor who by a transfer of even date herewith acquired the Seller’s Land now covenants with Network Rail for the benefit and protection of such part of Network Rail’s Land as is capable of being benefited or protected and with intent to bind so far as legally may be the Covenantor and the Covenantor’s successors in title, owners for the time being of the Seller’s Land or any part of it in whosoever hands it may come to observe and perform the Obligations.
- 2.2 If the Covenantor is more than one person or company their covenant can be enforced against all of them jointly and against each of them individually.

**3 CONTRACTS (RIGHTS OF THIRD PARTIES) ACT 1999**

A person who is not a party to this deed shall not have any right under the contract (Rights of Third Parties) Act 1999 to enforce any term of this deed.

