

FIRST ARBITRATION**IN THE MATTER OF THE ARBITRATION ACT 1996 AND IN THE****MATTER OF AN ARBITRATION BETWEEN:****RAIL TRACK PLC****Claimant****and****GREAT NORTH EASTERN RAILWAY LIMITED****Respondent****ADDITIONAL AWARD OF COSTS**

WHEREAS

- (A) On 10 April 2002 I published my Final Award in this Arbitration.
- (B) The place of the Arbitration is London.
- (C) In my Final Award I awarded and adjudged that the Respondent should pay to the Claimant the costs, charges and expenses incurred by the Claimant with reference to their Arbitration, and that the Respondent should pay my fees and costs and expenses of and incidental to the hearing of the Arbitration, and the drawing, working and publishing of the Award.
- (D) The parties exchanged written submissions in relation to costs and requested me to determine and assess the costs on the basis of the written documents alone.
- (E) I have considered the arguments and deliberated on the issues which I am required to

determine.

NOW THEREFORE I, John Manners Jarvis, HEREBY MAKE AND PUBLISH THIS MY
ADDITIONAL AWARD:

(1) For the reasons which are delivered and form part of this Additional Award:

(A) I award and adjudge that the Respondent shall pay to the Claimant the sum of

£140,731.85 being the costs charges and expenses incurred by the Claimant with
reference to this Arbitration together with the fees, costs and expenses of and incidental to
the hearing of this Arbitration and the drawing making and publishing of the Award.

(B) I award and adjudge that the Respondent shall pay the further sum of £2000 being my
costs of this additional Award.

(C) This additional Award is subject only to the provisions of the Arbitration Act.

GIVEN UNDER MY HAND the **11**th day of June 2002



John Jarvis QC