

FIRST ARBITRATION**IN THE MATTER OF THE ARBITRATION ACT 1996 AND IN THE****MATTER OF AN ARBITRATION****BETWEEN:****RAILTRACK PLC****Claimant****and****GREAT NORTH EASTERN RAIL WAY LIMITED****Respondent****FINAL AWARD****WHEREAS**

(A) On 19 February 2002 I published my First Interim Award in this Arbitration. I set out the status of the parties and my appointment in that First Interim Award.

(B) The place of the Arbitration is London.

(C) A hearing was held at Citypoint, Ropemaker Street, London on 27 March 2002.

Through their counsel the parties made oral submissions and I received faxed letters from the parties' solicitors dated 28 March 2002 and 3 April 2002.

(D) I have considered the arguments and deliberated on the issues which I am required to determine.

(E) I have made my Final Award dated 8 April 2002 after considering the fax letters from Simmons & Simmons, and Richards Butler dated 8 and 9 April 2002.

NOW THEREFORE I, John Manners Jarvis, HEREBY MAKE AND PUBLISH THIS MY FINAL

AWARD:

- (1) For the reasons which are delivered and form part of this Final Award:
- (A) I award and adjudge that the Respondent shall pay to the Claimant the sum of £118,853,111.53 being the principal sum owed by the Respondent to the Claimant in respect of Track Charges.
- (B) I award and adjudge that the Respondent shall pay to the Claimant the sum of £5,057,823.25 representing interest on the principal sum of £118,853,111.53 up to and including 28 March 2002.
- (C) I declare that the Claimant is entitled to be paid by the Respondent contractual interest at the Default Interest Rate (incurred daily and compounded monthly) on unpaid Track Charges from 29 March 2002 until the date of actual payment.
- (D) I award and adjudge that the Respondent shall pay to the Claimant the costs, charges and expenses incurred by the Claimant with reference to this Arbitration, and that the Respondent shall pay my fees and costs and expenses of and incidental to the hearing of this Arbitration, and the drawing, making and publishing of the Award.
- (E) The parties are to have 21 days from today to agree those costs and in the absence of such agreement the quantum of such costs shall be submitted to me for assessment.
- (F) This Final Award is subject only to the provisions of the Arbitration Act. At the request of the parties, I reserve for myself power to make any further award in relation to the assessment of costs.

GIVEN UNDER MY HAND the 10 April 2002



John Jarvis QC