

Requesting a TTP hearing - checklist

Nothing in this document constitutes legal advice to Dispute Parties. Where guidance is offered on the operation of the Access Dispute Resolution Rules, it is given in good faith in the interests of efficient dispute management and to promote the ADRR Principles.

General points

- Published determinations of TTPs are ‘persuasive authority’;
- Published determinations of the ORR are ‘binding authority’;
- NR can only make decisions based on information available (or which should reasonably have been available) at the time of making the decision;
- Consequently, a Panel can only consider (i) the information available to NR and (ii) information which should reasonably have been available to NR, and whether NR’s decision was a) compliant with Part D, and b) reasonable in the circumstances;
- Previous examples of the above: TTP2243 et al.; TTP2517/TTP2521.

Requesting a TTP hearing

Have I followed all the steps mandated in the Network Code or Track Access Contract?	
Have there been genuine, timely and regular, discussions between the Parties in attempts to resolve the issue(s) during its life-cycle, with meaningful responses given by your company (see TTP2725, paragraphs 68, 71, 82 & 83)?	
Does the remedy I’m seeking reflect my legal entitlements; it is practical and capable of implementation? (Network Code D5.3)	
Requesting a hearing in good time, where possible, so that my proposed remedy doesn’t breach ADR Rule H16(d), “... <i>disputes referred to a Timetabling Panel shall be administered in a way which is proportionate to ... the need to ensure that the production processes for the railway operational timetable are not disrupted to the potential detriment of third parties</i> ”?	
Been clear with the ADC Secretary, as soon as possible, about the latest date for a timetable hearing to have a practical impact (i.e. when is the timetable start date)?	
Checked the Directory of Precedents, or asked the Secretary, re: previous relevant cases or binding precedents?	
Read Chapters A, B and H of the ADRR?	
Attended a hearing day for professional development, or read a transcript, or asked the Secretary what to expect re: conduct and behaviour?	

Submitting a Sole Reference Document

Used the SRD template on ADC website?	
Read, and have followed, guidance in template submission?	
Made sure that the section labelled 'Decision sought from the Chair' is in plain English, reflects my legal entitlements, is practical and clear to both the other company, and to the Panel?	
Made it clear whether exceptional circumstances apply (see ORR determination TTP1706/TTP1708)?	
Included a timeline in an appendix, to make progress clear to the Panel?	
Appendices in the mandated format for the website (i.e. legible email files as screenshots or PDFs)?	
Submissions are GDPR compliant (i.e. redacted all personal email addresses)?	
Made it clear whether there are any confidentiality issues, and if so, supplied a redacted copy for the website (and ensured that an unredacted copy marked "confidential" is provided to the Secretary for the use of the panel)?	
Everything relevant to resolution of the dispute should be disclosed (ADR Rule A10), and Hearing Chairs may draw inferences from a failure to disclose (ADR Rules A16 and A17). If in doubt as to whether a document is relevant, the Hearing Chair (via the Secretariat) is able to assist.	