ACCESS DISPUTES COMMITTEE

MINUTES of MEETING No. 73
held in London on 11 December 2025

Present:

Andy Wylie (Committee Chair)
Jonathan James
Ian Kapur
Chris Matthews
Kate Oldroyd
Raj Patel

Apologies:

Matt Allen

In attendance:

Tamzin Cloke (Secretary)
Richard Butler (Allocation Chair)

It was noted that the meeting was quorate.

73/1 Approval of the minutes of the 72nd Meeting, held on 17 July 2025

These were approved and a signed copy will shortly be available on the Committee's website.

73/2 Matters arising from the minutes of the 72nd meeting

All matters arising were to be covered under other agenda items.

73/3 Matters determined in correspondence

No matters were determined in correspondence.

73/4 Position on references

The Committee noted a report from the Secretary setting out the current position regarding dispute references, and the Secretary provided an update on recent disputes data analysis, which can also be found in the quarterly report hosted on the Committee's main website page. TTP hearing activity remained busy, but lower than at the start of the year. The average age of a dispute, prior to it being resolved (either by determination or withdrawal) remained below historical averages.

73/5 Recommendations following dispute hearings

One action, about a possible amendment to the Access Dispute Resolution Rules, remained open and awaiting an update from Network Rail. Chris Matthews advised he would be progressing a proposed amendment to Network Code Part D, to suggest an explicit link between Parts D and G, following TTP2525 *('Industry to review whether it wants an explicit link between Parts D and G, given the number of TTP determinations / issues on the topic in recent years')*.

A new action, arising from the 2025 Hearing Chairs' gathering, about 'emergency cover' arrangements in the event of a Chair falling ill midway through a TTP, was discussed. It was agreed that the best course of action in those circumstances would be to appoint a new Chair and re-hear the dispute if the hearing had already taken place. The Secretary agreed to write a brief process document to cover this eventuality, for the process library (**Action 73-01**).

73/6 Update on website

The Secretary provided an update on the website, which is up to date.

73/7 Financial matters

a) Current financial position

The Committee noted a report from the Secretary on this topic. It was noted that twenty 2025/26 ADC levy payments remained outstanding, almost all from companies holding Connection Agreements with NR. Chris Matthews agreed to provide the Secretary with the contact details for Network Rail Route Freight Managers, who might be able to assist (**Action 73-02**).

b) Review of levy charging and Resolution Service Parties

The Committee noted a report from the Secretary on this topic, and approved the levy charging structure for 2026/27.

c) Outturn for 2025/26 and preliminary budget for 2026/27

The Committee noted a report from the Secretary providing an outturn projection against the current year budget, together with the draft budget proposal for 2026/27. It was anticipated that 2025/26 income would result in using a larger amount of financial reserves than planned by Year End, primarily due to the conclusion of the HMRC voluntary disclosure process, but also due to higher-than-expected hearing activity, and therefore higher Hearing Chair and Secretariat costs.

The preliminary expenditure budget proposal for 2026/27 was approved.

d) Financial check

A financial check took place on 05 December 2025, undertaken by Jonathan James who provided a report. No financial or numerical discrepancies were uncovered.

Volunteer for next financial check - Matt Allen (**Action 73-03**).

73/8 Employment matters

a) HMRC update

HMRC and the Committee's accountants had agreed a conclusion to the voluntary disclosure, with a settlement offer. Due to the prompt, and open, disclosure, as well as the excessive length of time it had taken HMRC to review the matter, there would be no fines due, and interest would not be paid beyond the point of disclosure (October 2021). The Committee approved both the settlement and a final sum due to the Committee's accountants.

b) Industry Advisors update

Since the last meeting, Industry Advisor Ian Mylroi had resigned. The Committee expressed their appreciation for the time he has spent on ADC matters.

73/9 Allocation Chair Report 2025 - ADR Rule J3(h)

ADR Rule J3(h) requires the Committee to satisfy itself that the Principles (as set out in Rules A5 to A10) are being observed in the way in which disputes are being managed and determined.
The Allocation Chair, Prof. Butler, provided a report based on personal observation during the past year together with feedback canvassed from the Hearing Chairs and advised the Committee that he was content from a professional perspective that the Principles were being observed in the management and determination of disputes. The Committee noted this advice, as well as positive feedback received from Resolution Service Parties during the course of the year.

The following topics were suggested for the 2026 Hearing Chairs' gathering, and the Secretary was asked to put them on the agenda: Chairs' powers under Network Code Condition D5.3.1(a), following TTP2591 appeal; use of Network Code Condition D5.3.2; best practice for delivering oral determinations; level of evidence and standard of proof for a finding of 'bad faith'. (**Action 73-04**).

73/10 Industry reform and ADC

An update was provided on industry consultations and engagement to date, including a recent meeting with ORR. It had been confirmed that the Access Disputes Committee should continue, in broadly the same format, as an independent appeals body post-restructure. The Committee agreed that it would submit a formal response to ORR's appeals process consultation (**Action 73-05**). Andy Wylie confirmed he would bring draft PfCs to the March meeting to restructure the Committee in readiness for the new industry structure. Andy Wylie and the Secretary took an action to speak with ORR about Clause 67(2) (**Action 73-06**).

73/11 Draft Annual Report for 2025

The Committee considered the preliminary draft for the 2025 Annual Report and noted that small adjustments would be necessary to reflect factual changes arising in the remainder of the month. Additional comments were requested by end-January 2025 to enable the report to be issued after the Secretary's return from leave in January (**Action 73-07**).

73/12 Membership of the Committee and the Timetabling Pool

The Committee noted the results of recent elections which would take effect from 1 April 2026. The Committee noted that there was still a Network Rail vacancy, and that an election would need to take place during 2026, due to Raj Patel's change of job role at GTR.

73/13 Meetings in 2026

The Committee agreed dates for routine meetings in 2026.

Approved at ADC Meet #74 on 19 March 2026