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## ACCESS DISPUTES COMMITTEE

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### Annual Report for 2024

- 84% of registered disputes in 2024 related to engineering access items, continuing last year's trend, despite a rise in timing disputes. The increase in timing disputes, against 2023, seems mainly to be driven by TPR disputes and D8.5 (Removal of Train Slots) disputes, rather than disputes against the Working Timetable publication.
- A record number of TTP references (41) required a scheduled hearing, of which 34 were later withdrawn without the hearing taking place. Several were cancelled at extremely short notice, including on the day of the hearing, leading to the industry incurring costs for abortive work and time incurred by Chairs. The bulk of these references (21) related to late notice access on Wales Route for resignalling, nine related to HS2 access on the GWML and seven to timing matters.
- Whilst Hearing Chairs remain encouraged by the high settlement rates prior to a hearing, it is extremely undesirable for practical timetabling solutions or compromises, which were always possible, to be proposed, or agreed upon, the day prior or the day of a hearing. Parties are strongly reminded to continue with constructive dialogue during the disputes process.
- A steady year-on-year fall in the number of 'live' Timetable Dispute references continues, despite the overall churn remaining consistent.
- Parties are reminded to check the Committee's Directory of Precedents, on the Committee's website, which contains key points from previous determinations, indexed by Network Code Part and Track Access Contract sections. For any assistance using this helpful tool, please contact the Secretary.
- Improvements to the website have been made during 2024, and a new search function is now available. A quarterly report on disputes matters, including trends, is now available on the main home page of the website. Please contact the Secretary for further details.
- Subject to availability, the Committee's premises near Paddington station may be found to offer cost free alternative to booking meeting rooms and hot desking in Central London
- After careful consideration, and in light of the economic climate and inflationary pressures within the industry, the Committee decided to waive levy charging arrangements for financial years 2023/24 and 2024/25. Industry parties are reminded that levy charging will resume in financial year 2025/26 and letters will be sent out shortly..

## REPORT FOR 2024

Access Dispute Resolution Rule J3(g) requires the Committee to “monitor and report at least annually to the Resolution Service Parties upon the work of the Committee”. The Committee is pleased to issue its report for the calendar year 2024.

### **Communications**

Our report for 2024 follows the format adopted since 2011. In the absence of any adverse feedback regarding the recent reports, we again invite comments regarding the adequacy of the content of this one.

The Committee’s website ([www.accessdisputesrail.org](http://www.accessdisputesrail.org)) provides a ready source of reference material whilst also containing downloadable templates for use in connection with dispute procedures. The website is updated promptly following a change in any item of information.

Comments regarding the website and Committee matters in general will always be welcomed and may be passed to the Committee Secretary, Tamzin Cloke (email: [secretary@accessdisputesrail.org](mailto:secretary@accessdisputesrail.org), tel: 020 8050 3657). Alternatively, a channel of communication is available through the Committee members who have been elected or appointed on behalf of areas of the industry; the current Committee members are listed at the back of this report along with details of the operators in the respective voting Classes/Bands as at December 2024.

The Committee is happy to provide briefing sessions to enhance familiarity of Resolution Service Parties with the ADR Rules and associated processes. Requests should be made to the Committee Secretary.

### **Administration**

There have been no changes to the Committee membership this year. During the year the Committee reviewed and updated its procedures for Industry Advisor recruitment and made provision for the Secretary to have holiday and emergency cover. Disputes-related holiday and emergency cover is now provided on an ad-hoc basis by Nigel Oatway, subject to his own availability. Business-related administration cover will be dealt with separately. Positive feedback has been received on these new arrangements.

The Committee members elect the Committee Chair from amongst their number, and in July Andy Wylie was re-elected to this role.

The Committee met three times in 2024.

Following abolition of the Rail Industry Disputes Resolution Committee and Council effective from 1 November 2015, the Committee became responsible for oversight of the CAHA Registrar and the Committee Secretary is deemed to act also as RIDR Secretary in any circumstances where that may become necessary. The current RIDR Rules can be found on this Committee’s website.

**Dispute references - national network**

Details of dispute references received can be found on the Committee’s website, together with any associated Timetabling Panel or (subject to the confidentiality provisions) Access Dispute Adjudication (“ADA”) determinations and any ORR appeal decisions. In accordance with the ADR Rules, Timetabling Panel determinations are also issued directly to a nominated person in each operating company. **If you believe that you are missing from this distribution list, please contact the Secretary.**

The position regarding dispute references handled in relation to Network Rail’s network during 2024 can be summarised as follows:

For a Timetabling Panel

‘Live’ references on 31 December 2023	95
New references received in 2024	221
References withdrawn in 2024	228
Hearings held in 2024	3
References determined in 2024	7
Determinations appealed in 2024	0
Pending hearing at 31 December 2024	81
Hearings arranged for 2025	1

For an Access Dispute Adjudication (“ADA”)

‘Live’ references on 31 December 2023	1
New references received in 2024	1
References withdrawn in 2024	1
Hearings held in 2024	1
References determined in 2024	1
Appeals submitted in 2024	0
Pending hearing at 31 December 2024	0
Hearings arranged for 2025	0

Three allocation hearings were scheduled this year, however none took place, all issues either being resolved, or the Parties agreeing upon a forum before the hearing.

Regarding the number of Timetabling Dispute references, it is of interest to compare statistics for recent years:

	<u>2024</u>	<u>2023</u>	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>
New disputes registered	221	207	173	175	183	169	242	159	138
Disputes determined	7	9	0	1	5	2	6	9	6

New disputes and determined disputes have started to increase again (year-on-year). 2024 saw a record number of registrations escalated to a hearing, mainly due to late notice engineering work. There remains a considerable number of disputes against HS2-related access on the GWML, and a small but growing number of disputes related to removal of Train Slots from the Working Timetable.

Three Timetabling Panel hearings were held during 2024, and a record 41 Timetabling Dispute references in total were listed to be heard, the majority of which (34) were withdrawn.

Preparing for a hearing concentrates minds and can often lead to a solution being identified without needing to have the case heard. For those disputes where a hearing has been arranged, the Hearing Chairs are committed to combining the application of the ADR Rules with recognised legal practice in order to provide efficient case management; in some cases, directions from the Chair or a request for further information have helped parties to recognise a way forward and settle their differences.

The unusually high number of escalated references and late notice cancellations during 2024 is mostly due to the churn in the engineering access plan. Parties are strongly encouraged to settle issues, through constructive dialogue, as soon as possible in order to avoid the industry incurring abortive costs. In particular, whilst Hearing Chairs remain encouraged by the high settlement rates prior to a hearing, it is extremely undesirable for practical timetabling solutions or compromises, which were always possible, to be proposed, or agreed upon, the day prior or the day of a hearing.

The Committee is keen that lessons learned from previous hearings are enacted and, following guidance from the Hearing Chairs, has compiled a list of points of learning or suggestions from recent determinations that might be of assistance to the industry. This is a live document and the Committee expects that it may lead to, for example, Proposals for Change being submitted for industry consideration.

ADR Rule J3(h) requires the Committee to satisfy itself that the Principles (as set out in Rules A5 – A10) are being observed in the way in which disputes are being managed and determined. Having sought and considered the professional view of the Allocation Chair (Professor Richard Butler) in this regard, together with feedback received by Committee members and their own individual experiences under the Rules, the Committee is suitably satisfied.

### **Dispute references - HS1**

No disputes have been registered under the HS1 Access Dispute Resolution Rules during 2024.

### **Dispute references – Heathrow Airport Ltd (“HAL”)**

No disputes have been registered under the HAL Access Dispute Resolution Rules during 2024.

### **Dispute references – Core Valley Lines (“CVL”)**

Four disputes have been registered under the CVL Access Dispute Resolution Rules during 2024, and four, including the remaining live dispute from 2023, have since been withdrawn.

### **Dispute references – Crossrail Central Operating Section (“CCOS”)**

No disputes have been registered under the CCOS Access Dispute Resolution Rules during 2024.

### **Dispute references – Nexus Metro network (“Metro”)**

No disputes have been registered under the Metro Access Dispute Resolution Rules during 2024.

## **Accommodation**

The Committee is happy to make its meeting facilities available for the benefit of the industry and readers are reminded that its offices conveniently situated between Paddington and Edgware Road stations may be found to offer a cost-free alternative to booking meeting rooms in Central London. The Committee also offers free hot desking facilities on a limited basis to rail industry employees on Tuesdays to Thursdays – please contact the Committee Secretary regarding facilities and availability.

## **Finance**

Prior to release of provisions, net audited expenditure in the Financial Year to 31 March 2024 was £558,253, which was met from reserve funds, accumulated due to lower spend against budget in the past few years. Reserves were used for making 2024/25 pre-payments, to meet cashflow requirements for the new 2024/25 Financial Year and to facilitate a nil call upon Resolution Service Parties for funding in 2024/25.

Whilst the Committee will restart levy charging for the 2025/26 Financial Year, it expects this to be on a similar level to previous years.

On behalf of the Committee

[SIGNATURE REDACTED]

Andy Wylie  
Committee Chair

23 January 2025

**Committee members (as at 31 December 2024)**

<u>Class/Band</u>	<u>Member</u>	<u>Company</u>	<u>Telephone</u>
Franchised Passenger Class, Band 1	Raj Patel	Govia Thameslink Railway	07975 603552
Franchised Passenger Class, Band 2	Kate Oldroyd	Northern Trains	07342 066142
Franchised Passenger Class, Band 3	Jonathan James	MTR (Crossrail)	07901 115202
Non-Franchised Passenger Class	Andy Wylie	Hull Trains	07881 510021
Non-Passenger Class, Band 1	Ian Kapur	GB Railfreight	07818 421220
Non-Passenger Class, Band 2	Chris Matthews	Freightliner	07866 152753
Network Rail	Chris Meadows	Network Rail	07740 225280
Network Rail	Matt Allen	Network Rail	07734 282514

## **Operators by Class and Band (as at December 2024)**

Franchised Passenger Class, Band 1: ScotRail Trains; First Trenitalia West Coast Rail Limited; First MTR South Western Trains; Govia Thameslink Railway.

Franchised Passenger Class, Band 2: First Greater Western Ltd.; London North Eastern Railway; Northern Trains; Transport UK East Anglia; West Midlands Trains; SE Trains Ltd.

Franchised Passenger Class, Band 3: Transport for Wales; XC Trains; Transport UK East Midlands; Arriva Rail London; Trenitalia c2c; Chiltern Railway Company; Merseyrail Electrics 2002; Transpennine Trains; MTR Corporation (Crossrail); Caledonian Sleeper.

Non-Franchised Passenger Class: Chinnor & Princes Risborough Railway; Nexus (Tyne and Wear PTE); East Coast Trains; Eurostar International; Ffestiniog Railway; Grand Central Railway Co; Grand Union Trains; Grand Union Trains No.2; Heathrow Express Operating Co; Hull Trains Co; Locomotive Services (TOC) Ltd.; North Yorkshire Moors Railway; Peak Rail; Rail Express Systems; South Yorkshire Future Trams; Vintage Trains Ltd.; West Coast Railway Co.

Non-Passenger Class, Band 1: DB Cargo (UK); GB Railfreight; Freightliner.

Non-Passenger Class, Band 2: Colas Rail; Devon & Cornwall Railways; Direct Rail Services; Europhoenix; Freightliner Heavy Haul; Harsco Rail; Hanson and Hall Rail Service Solutions; Loram UK Ltd; Varamis Ltd; Victa Railfreight; Rail Operations Group; RailAdventure Ltd.