
ACCESS DISPUTE RESOLUTION COMMITTEE

MINUTES OF MEETING No. 12 HELD ON 21st and 24th February 1996

Present:

Terry Worrall (Chairman)
Keith Hasted (Railtrack)
Glen Kennedy (Centrail Trains)
Philip O'Donnell (Railtrack)
Lloyd Rodgers (Gatwick Express)
Bob Urie (Regional Railways North East)
Jos Veraart (Railfreight Distribution)
Michael Woods (European Passenger Services) (*present on 21st February only*)
Julian Worth (Transrail Freight) (*present on 21st February only*)

In attendance:

Chris Blackman (Secretary)
Martin Shrubsole (Alternate Secretary)

12/1 Minutes of Meeting No. 11

Members approved the minutes of the meeting held on 9th January 1996; The Chairman signed a copy as being a true record for retention on file.

The Committee also approved, subject to some minor modifications, the Record of the second part of the hearing of reference AD3 held on 9th January 1996, and the Determination No. [AD]3. The Chairman signed a copy of each document incorporating the modifications.

12/2 Matters arising

11/8.2 Determining which committee should hear a reference

The Secretary reported that he had received a response from the Regulator advising that the Access Conditions do not permit the Committee to hear a dispute which is referred under Conditions D5, F5, G6, or H11.9(a) to a sub-Committee, and the Committee does not have the right to give leave of appeal to the Regulator. In the case of a hybrid reference the Committee does have the power to determine which Committee(s) should hear it, or discrete elements of it. Care must be taken to ensure that any rights of appeal in accordance with D5, F5, G6, H11.9(a) are not denied.

Members would be provided with a copy of the exchange of letters, and the topic will be placed on the agenda of a future meeting. **Action:** Secretary

12/3 Hearing of Reference No. AD4

The Committee heard Reference No.AD4 which had been jointly submitted by ScotRail Railways Ltd and Railtrack Scotland Zone. The record is attached.

The Committee at the conclusion of the hearing agreed that they wish to give further consideration as to how to formally record the discussion and procedures when the Chairman makes a ruling under clause A5.11.2. The secretariat was asked to prepare a paper on the subject, after holding appropriate consultations, for consideration at the next meeting

Action: Secretary

12/4 Committee Budget: Bank Account

Members noted the papers which had been supplied and the options for the Budget for 1996/97.

It was agreed that individual members would pick up their own travel costs incurred in connection with ADRC meetings or business.

Furthermore the Committee wished to be prudent in setting its budget and minimise the risk of becoming overdrawn during the financial year. The Secretary was instructed to prepare a final draft of the budget on this basis. This final draft was reviewed and approved at £230,000 for the year 1996/97 when the meeting reconvened on 24th February.

The Committee was pleased to note that a Bank Account had now been opened, but expressed annoyance at the delay in receiving definitive advice from external experts on the position with regard to VAT. This was hindering the process of raising the levy on the industry parties.

Action: Secretary

12/5 Register of Arbitrators, Mediators and Experts

The Secretary reported that he had received an application to be placed on the register of Arbitrators, Mediators and Experts from a person holding a qualification as an Arbitrator, but who was employed by an Industry Party. The Committee agreed that there was a potential conflict of interests and the application should be declined.

Action: Secretary

12/6 Date of future meetings

Wednesday 24th April 1996 commencing at 10.00 in Room 401, Euston House;
Wednesday 19th June 1996 commencing at 10.00 in Room 401, Euston House.