
ACCESS DISPUTE RESOLUTION COMMITTEE

MINUTES of MEETING No. 47
held in London on 14 February 2001

Present:

Bryan Driver, Chairman
Karen Bonner (Freightliner)
David Franks (North Western Trains)
Tony Deighan (Eurostar (U.K.))
Julia Glenn (Railtrack)
Tim Robinson (Railtrack)
Bil McGregor (ScotRail Railways)
Nigel Oatway (English Welsh & Scottish Railway)

Apologies:

Tim Clarke (Anglia Railways)

In attendance:

Chris Blackman (Secretary)
Martin Shrubsole (Clerk)

47/1 Minutes of meeting No.46

The minutes of meeting no.46 held on 13 December 2000 were approved, subject to one modification. The Chairman signed a modified copy of the minutes as a true record of the proceedings.

47/2 Record of Hearing of reference AD21

The Record of Hearing of reference AD21 held on 4 & 18 October 2000 was approved. The Chairman signed a copy of the Record as a true record of the proceedings.

It was noted that circulation of the Record is to Committee Members and to those Parties involved at the hearing.

47/3 Matters arising from the minutes of the previous meeting

46/7: Prospective Changes to the Access Conditions

The Committee noted that a formal set of Proposals for Change to Part D of the Track Access Conditions was currently in the process of consultation in accordance with Condition C5 and would be reviewed by the Class Representative Committee in March 2001.

There were no other matters arising other than items already listed on the agenda.

47/4 Hearing of Reference no.24 from South West Trains

The Committee heard presentations from the parties, South West Trains (SWT) and Thameslink Rail (TRL), and noted that both parties had failed to follow the provisions of the Station Access Conditions correctly; at the same time both parties were claiming the benefit of some protection against the other's shortcomings, again citing the Station Access Conditions. In such circumstances, in order to decide both its jurisdiction, and the possible scope of any determination, the Committee sought to form a view of the overall effect of the actions of the parties.

The Committee also had to take account of its previous determination AD21, which in part, related to some of the issues raised in AD24. Some of the arguments advanced by the parties did not appear to take appropriate cognisance of the guidance and rulings given in that earlier determination, even to the extent that it was not clear to the Committee the precise sum that was at issue between them.

The Committee decided that, although there was scope to determine the matter under the powers within the Station Access Conditions, it would defer issuing any such determination. Instead it asked the Chairman to appraise the parties of the Committee's view of the flaws in their respective positions, and to invite them to resume direct negotiations taking into account the Committee's comments.

The parties were instructed that, if they were unable to resolve their differences by Friday 23 February 2001, then the dispute Hearing would be reconvened for the purpose of issuing a Determination.

Post meeting note:

The parties held further discussion between themselves and advised the Committee Secretary on Friday 23 February that they had reached an amicable settlement and no longer needed the Committee to resolve differences between them. SWT formally withdrew the reference.

47/5 Update on References

The Secretary advised that the papers for joint reference AD23 from WAGN, originally scheduled for a hearing on Monday 19 February, had not yet been received and the hearing had therefore been postponed.

There is also a reference pending from MerseyRail Electrics and Railtrack regarding delay attribution at St James Street station.

47/6 Any Other Business

Members expressed concern about the difficulty in arranging to be present at a hearing when only some two weeks' notice was normally given. It was agreed, in order to permit more effective diary planning, that, at the end of each year, a date should be earmarked for each month of the following year to be available to use for dispute hearings. In the event of there being no disputes to be heard, the date could be cancelled with, if possible, two weeks notice.

Action: Secretary

47/7 Date of next meeting

19 February 2001, subsequently postponed to 8 March, to hear reference AD23.