
ACCESS DISPUTE RESOLUTION COMMITTEE

MINUTES of MEETING No. 49
held in London on 28 March 2001

Present:

Bryan Driver, Chairman
Mark Causebrook (Thameslink Rail)
Julia Glenn (Railtrack)
Geoff Knight (Railtrack)
Bil McGregor (ScotRail Railways)
Nigel Oatway (English Welsh & Scottish Railway)

Apologies:

David Franks (North Western Trains)
Tony Deighan (Eurostar (U.K.))
Ian Osborne (Freightliner)

In attendance:

Chris Blackman (Secretary)
Martin Shrubsole (Clerk)

49/1 Minutes of meeting No.48

The minutes of meeting no.48 held on 14 March 2001 were approved, subject to a modification. The Chairman signed a copy of the minutes, as amended, as a true record of the proceedings.

49/2 Matters arising from the minutes of the previous meeting

48/7: Review of the Access Dispute Resolution Rules

The Secretariat reported on its recent meeting with the Committee's legal advisors to review the recent developments in the litigation field following implementation of the Woolf Report on litigation processes, in particular the handling of small or medium size claims. The whole emphasis was directed towards ensuring that the parties prepared their cases in accordance with reasonable, laid-down timescales with real penalties for default. There were also other aspects pertinent to recent discussions about the Access Dispute Resolution Rules, including provisions for a Neutral Evaluator to make an initial consideration of the merits of a case.

Members agreed that they would wish to have further discussion on this issue at a future meeting, with a detailed memorandum on the issues and the discussion with Wragge & Co. provided by the Secretariat.

Action: Secretary

49/3 Hearing of Reference no.23 from West Anglia Great Northern and Railtrack

The Committee formally heard a Reference AD23 from West Anglia Great Northern Railway and Railtrack on the issue of Schedule 8 and the Passenger's Charter. The Determination of the Committee is attached.

49/4 Vehicle and Route Acceptance

The Committee noted that the Office of the Rail Regulator had issued a consultation paper on Vehicle and Route Acceptance. Members observed that individual Train Operators and Railtrack would have opportunity to submit formal comment, and, as there appeared to be no issues relating to Dispute Resolution, agreed that the Committee should choose not to comment.

Action: Secretary

49/5 Update on References

Members noted that the submissions in respect of reference AD25 relating to a dispute about payment for infrastructure alterations on Railtrack Southern Zone were expected to be received in mid-April.

The dispute concerning water leaks at Norwich and Ipswich stations had been resolved by the parties and would not require to come to the Committee for resolution.

49/6 Date of next meeting

25 April 2001. [subsequently postponed]