
ACCESS DISPUTE RESOLUTION COMMITTEE

MINUTES of MEETING No. 63 held in London on 15 October 2003

Present:

Sir Anthony Holland, Chairman
Jon Bunyan (Freightliner)
Bill Davidson (Network Rail)
Julia Glenn (Network Rail)
Bil McGregor (ScotRail Railways)
Nigel Oatway (English Welsh & Scottish Railway)
Niel Wilson (North Western Trains)

In attendance:

Chris Blackman (Secretary)
Martin Shrubsole (Clerk)

Apologies:

Tim Clarke (Anglia Railways)
Tony Deighan (Eurostar (U.K.))

63/1 Membership changes

It was noted that Network Rail had appointed Derek Pearson as alternate to Bill Davidson in place of Adrian Thear.

63/2 Minutes of meeting no.62

The minutes of meeting no.62 held on 17 September 2003 were approved subject to one modification. The Chairman signed a copy of the minutes, duly modified, as a true record of the proceedings.

63/3 Record of the Hearing of joint reference AD28

The Record of the Hearing of joint reference AD28 from Thameslink Rail and South Central was approved subject to a minor modification. The Chairman signed a copy of the Record, duly modified, as a true record of the proceedings. Circulation of the Record is to Committee Members and to those parties involved at the hearing.

63/4 Matters arising from the minutes of the previous meeting

62/3 [61/5]: Accounts for 2002/03

Noted that the data to be supplied by the Rail Regulator's office was still awaited.

62/6: Review of Internal procedures

Noted that approval by the Rail Regulator of the changes to the Access Dispute Resolution Rules was still awaited.

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

63/5 Issue of Jurisdiction

The Timetabling Sub-Committee, having received and taken into account the full detail of the submissions of the parties (Thames Trains and Network Rail) in respect of ttc189, had a doubt about its jurisdiction in this case, and therefore sought adjudication from the ADRC pursuant to Access Dispute Resolution Rule A4.7.

Having considered the matter, ADRC resolved that Timetabling Sub-Committee may hear the case as presented, but should be careful to confine its determination to the proposed Rules of the Route for the 2004 Timetable only.

63/6 Update on References

The parties to reference AD31, Great Eastern Railway, Anglia Railways and Network Rail, are seeking guidance from the Delay Attribution Board.

63/7 Any Other Business

The Chairman advised the Committee that he had attended, with the Chairman of the RIDR, a meeting at which the Rail Regulator had described his intentions to consult shortly on some changes to the processes for dispute resolution.

Members commented that the Rail Regulator had previously announced his intention to carry out a review of the processes. They noted that the Regulator's perception that the procedures were not working satisfactorily was at variance with the feedback received from Industry Parties in response to the Committee's own review, which revealed that the Industry was generally content with the processes prescribed in Part A of the Dispute Resolution Rules.

63/8 Date of next meeting

Wednesday 12 November 2003 ('earmarked' for possible hearing)