
ACCESS DISPUTE RESOLUTION COMMITTEE

MINUTES of MEETING No. 71 held in London on 23 December 2004

Present:

Tony Holland, Chairman
Bill Davidson (Network Rail)
Tony Deighan (Eurostar (U.K.))
Julia Glenn (Network Rail)
Mike Price (ScotRail Railways)
Nigel Oatway (English Welsh & Scottish Railway)
Alan Wilson (Wessex Trains)

In attendance:

Chris Blackman (Secretary)
Martin Shrubsole (Clerk)

Apologies:

Ian Osborne (Freightliner)
Niel Wilson (North Western Trains)

71/1 Minutes of meeting no.70

The minutes of meeting no.70 held on 8 December 2004 were approved subject to a minor modification. The Chairman signed a copy of the minutes, as modified, as a true record of the proceedings.

71/2 Matters arising from the minutes of the previous meeting

70/4 The Budget outturn for 2004/05 and preliminary budget for 2005/06

The Committee authorised the Secretary to obtain professional expertise and advice on current London rental rates to assist in the negotiations for the extension of the Committee's lease on the premises at Kings Cross.

71/3 The Dispute Resolution Regime: update on progress by the CRC working party

Tony Deighan reported that, as the CRC working party was finalising its proposals, it was realised that the liability of the Committee Members was not properly protected.

Accordingly there had been further discussions and legal advice had been sought as to suitable modification to the drafting of the Rules that would properly protect

Members, and at the same time properly protect Officers without denying the latter the opportunity to make a reasonable claim in respect of a contract held with the Committee. An extra clause had therefore been prepared, but had been omitted from the formal consultation documents. It is nevertheless seen as desirable that such a clause should be adopted to protect Members fully.

Members noted that, if the desirability of adopting such a clause were registered as part of the consultation process, the Class Representative Committee had the power to recommend to the Office of Rail Regulation that it be adopted and included in the package of changes to the Network Code.

71/4 Handling of references pursuant to Part L of the Network Code

Representatives from Network Rail and certain Train Operators were admitted to the meeting. The Committee received a factual presentation from Network Rail on the processes for Local Output Commitments prescribed in the new Part L of the Network Code.

After these representatives from Network Rail and Train Operators had withdrawn from the meeting, the Chairman explained that, having seen a copy of the submissions received for references AD40, AD41 and AD42, he was sufficiently concerned, as to the appropriateness of the specified manner of handling such an appeal, that he was seeking an urgent meeting with the Office of Rail Regulation.

71/5 Update on References

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

AD35 The parties, Great Eastern Railway and Network Rail, have been remitted to take the issue to mediation; the matter is temporarily stayed pending the outcome of the mediation of reference AD36.

AD36 Mediation between Thames Trains and Network Rail is still in progress.

AD37 The parties, Thames Trains and Network Rail, will prepare a joint submission informed by the outcome of the mediation on reference AD36.

AD38 from Arriva Trains Wales and Network Rail re allocation of delays; this has been referred back to the Delay Attribution Board for further advice.

AD40 from Silverlink Train Services on the issue of Local Output Commitments; scheduled for hearing on Monday 10 January 2005.

AD41 from Central Trains on the issue of Local Output Commitments; hearing to be arranged.

AD42 from Wessex Trains on the issue of Local Output Commitments; hearing to be arranged.

71/6 Date of next meeting

Monday 10 January 2005 to hear reference AD40.