
ACCESS DISPUTE RESOLUTION COMMITTEE

MINUTES of MEETING No. 73
held in London on 15 February 2005

Present:

Tony Holland, Chairman
John Boon (Network Rail)
Tony Deighan (Eurostar (U.K.))
Julia Glenn (Network Rail)
Bil McGregor (ScotRail Railways)
Nigel Oatway (English Welsh & Scottish Railway)
Alan Wilson (Wessex Trains)
Niel Wilson (Northern Trains)

In attendance:

Chris Blackman (Secretary)
Martin Shrubsole (Clerk)

Apologies:

Ian Osborne (Freightliner)

73/1 Minutes of meeting no.72

The minutes of meeting no.72 held on 10 January 2005 were approved subject to minor modification. The Chairman signed a copy of the minutes, as modified, as a true record of the proceedings.

73/2 Matters arising from the minutes of the previous meeting

There were no matters arising.

73/3 Hearing of reference AD40 from Silverlink Train Services

The Committee concluded its hearing of reference AD40 from Silverlink Train Services pursuant to Part L of the Network Code.

The Determination of the Committee is attached.

73/4 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;

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;

AD43 from Thameslink Rail on an issue arising from Schedule 4 of its contract with Network Rail.

73/5 Decision of the Office of Rail Regulation on an Appeal against the Network and Vehicle Change Committee's Determination NV58

Members formally noted the decision of the Office of Rail Regulation, but had no comments to make.

73/6 The Proposals for Change to the Access Dispute Resolution Rules

Members noted that the proposed changes to the Access Dispute Resolution Rules, formulated in the report of the Working Party in the autumn of 2004, had now completed the formal consultation process in accordance with the Network Code Conditions C5 and C6. The Office of Rail Regulation has been asked to approve the changes.

Members agreed that it would be timely to prepare a new guide to the procedures of the Committee, reflecting the changes prescribed in the Network Code. Members also requested a presentation on the changes at the next meeting of the Committee. **Action:** Secretariat

73/7 Any other business

The Secretary advised members that a formal notice of termination of the lease of the premises at East Side Offices had been received from Network Rail, and the Committee now needs to find alternative premises from the end of the current year. A short lease for the year 2005 is in the process of negotiation with Network Rail.

73/8 Date of next meeting

Wednesday 9 March (Quarterly meeting); thereafter Thursday 24 March to hear reference AD43.