



OFFICE OF RAIL REGULATION

DIRECTIONS TO GIVE EFFECT TO THE OFFICE OF RAIL REGULATION'S ("ORR'S") DETERMINATION DATED 12 MAY 2010 OF THE CONSOLIDATED APPEALS BY NETWORK RAIL ("NR") AGAINST THE DETERMINATION OF THE ACCESS DISPUTES PANEL IN ADP40 AND BY FIRST SCOT RAIL ("FSR") AGAINST THE DETERMINATION OF THE TIMETABLING PANEL IN TTP317.

ORR DIRECTS THAT:

1. Network Rail ("NR") shall issue a Part G Notice in respect of the Network Change referred to in the Determination in accordance with the provisions of Part G of the Network Code ("the Code") currently in force. However, purely for the purposes of calculating compensation payable in respect of possessions governed by the Rules of the Route for 2010, the Notice shall be treated as having been issued on 14 November 2008 under the version of the Code then in force. The Notice is to be issued as soon as possible and in any event by 26 July 2010.
2. For the avoidance of doubt, NR shall pay any compensation due to FSR in respect of the implementation of the Network Change during 2010 in accordance with the provisions of Part G of the Code in force on 14 November 2008. Any compensation due for any subsequent further proposed periods of implementation shall be payable in accordance with the provisions of Part G of the Network Code currently in force.

3. As agreed by the parties, no change to the current Rules of the Route shall be made in the current Timetable Period ending at 01.59 on Sunday 12 December 2010.
4. The timetable development process for the Timetable Period commencing at 02.00 on Sunday 12 December 2010 shall be finalised once the Part G process is complete and shall reflect the outcome of that process.
5. Each party shall bear its own costs of these appeals.
6. Either party may refer any issue or dispute arising out of the interpretation or implementation of these directions to ORR.



Juliet Lazarus
Director of Legal Services
Duly Authorised by the Office of Rail Regulation
15 July 2010