

TTP2244 TTP2245

First Directions – 20 July 2023 (sent via email)

To: Network Rail; HEOC

Cc: MTR and First Greater Western

The Hearing Chair has undertaken a preliminary view of the issues raised by HEOC in its Notices of Dispute. He has also considered the determination and directions given with regard to TTP2207 which concerned both HEOC and Network Rail.

For avoidance of any doubt the Hearing Chair has directed that by **close of business by Monday 24 July 2023**, each of HEOC and Network Rail shall confirm that it accepts:

1. The HEX TAA dated 16 August 1993 entered into by Heathrow Airport Limited, now vested in HEOC (as varied from time to time), and the HS2 Supplemental Agreement dated 21 December 2017 provide that the Network Code provisions and ADRR apply for the purposes of this dispute;
2. That the provisions of the Network Code have priority over the terms of the HS2 Supplemental Agreement;
3. The dispute is raised by HEOC is a Timetable Participant within the meaning of Network Code Part D and pursuant to paragraph 5.1 thereof; and
4. The Timetabling Panel has jurisdiction to hear the dispute and the Hearing Chair has jurisdiction to issue a determination of the dispute in accordance with the provisions of the said Network Code and ADRR;
5. If either party is not willing to give such confirmation it shall, by the time and date specified above, set out its reasons explaining its position.

Response from HEOC (via email) to First Directions

As per the first directions requested by the chair, HEOC accepts the statements below.

Response from NR (via email) to First Directions

Network Rail also accepts the statements below.