

TTP2318 and TTP2320

Tenth Directions, sent via email on 18 January 2024

Dear all,

The Chair and Panel having reviewed NR's submissions, I have been asked to send the following Direction from the Chair. Please note that as TTP493 etc. is a zipped file on the ADC website I cannot provide a direct link, but it can be found [here](#) by typing 493 in the 'Filter by reference number' box. If anyone has any questions please do not hesitate to contact me. Thank you also to GBRf for confirming yesterday that there will be one, joint, FOC submission.

Tenth Directions

I am grateful to Network Rail (NR) for its submissions.

It may assist the Parties if I say that my preliminary view is that in section 3 NR has accurately summarised our powers as a TTP, subject to the observation that it is worth reading paragraphs 91 - 104 of the [ORR's Determination of the appeal against TTP1331 and TTP1376](#), to understand fully the ORR's conclusions in paragraph 96 quoted by NR.

In summary, we are required to determine the legal entitlements of the original Claimants in these TTPs relating to NR's Decisions in Week 40's STP.

If any Party differs from NR's view, and my preliminary conclusion, they should explain why and offer their own interpretation in their submissions; that would be the first issue to be discussed at the adjourned hearing. If, however, no Party disagrees, then they need not deal with this in their submissions and it can be taken as read at the hearing.

As all Parties will know, while a TTP is bound by any ORR Determination, the Determination of another TTP is only of persuasive authority. It is against this background that I hope it will be helpful to draw the attention of the Parties to TTP493/494/495 before the hearing, as I regard aspects of that Determination as having persuasive authority in respect of the issues in TTP2318 and TTP2320, which are similar.

Please can a representative from each Party acknowledge receipt of this email?

Kind regards,

Secretary
Access Disputes Committee