

Email from ADC Secretary to the Dispute Parties, 11 March 2024

Dear all,

Whilst ~~strongly reminding both Parties~~ to continue working together to resolve this dispute to avoid a hearing tomorrow, the Hearing Chair has asked me to send out the following statement of legal issues to be determined, under ADR Rule H18(c):

1. What are the legal consequences if NR are found to not have consulted GBRf in respect of the proposed possession?
2. Is a Network Code D3.3 bid, which must comply with D2.5, legally valid if it doesn't include a Statement of Compatibility?
3. What are the legal consequences if GBRf is found to have made a bid for Train Slots that was technically incomplete?
4. What are the legal consequences if GBRf is found to have made a bid for Trains Slots that was identified as being for week 52 but the dates supplied related to week 51 (noting Condition D2.5.1(a))?
5. Is NR legally bound to grant access if the TOC bid is deficient in, for example, not submitting a valid Summary of Compatibility?
6. Is NR legally bound to reject a bid from a TOC which fails to include a valid Statement of Compatibility?

Please can one representative from each Party acknowledge receipt of this email? Please let me know if you have any questions.

Kind regards

ADC Secretary