
ACCESS DISPUTES COMMITTEE

Freightliner Ltd

Freightliner Heavy Haul Ltd

Network Rail Infrastructure Ltd ("Network Rail")

From: Hearing Chair
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Ref: ADC/TTP371/513/514/570/571
Date: 20 March 2013

Dear Sirs

Directions relating to Timetabling Disputes TTP371, TTP513, TTP514, TTP570 and TTP571

Preparatory to the Timetabling Panel hearing of these disputes, I wish to hold a directions hearing at 10 00 on Wednesday 17 April 2013 at this Committee's offices, commencing at 10 00. I note from the Committee Secretary that your companies have been given preliminary notice of this directions hearing and have arranged to be suitably represented.

The purposes of the directions hearing is to enable me (as the duly appointed Hearing Chair) to decide, after hearing representations from you as the dispute parties, any issues relating to the procedures to be adopted for hearing the disputes, including:

- (a) the procedures most appropriate to the disputes, subject to compliance with the Principles (set out in Chapter A of the ADR Rules) and with Chapter H of the ADR Rules;
- (b) the nature of the issues in dispute;
- (c) an outline timetable;
- (d) the process and details of the preparation and submission of statements of case;
- (e) whether any Document disclosure procedures shall be required to take place; and
- (f) the basis and timing in which witness evidence, if any, is to be prepared and exchanged.

It will be my wish (subject to any discussion at the directions hearing) that sole reference submission documents be produced to the eventual Timetabling Panel hearing and that for this purpose, Freightliner Ltd and Freightliner Heavy Haul Ltd (together "FL") will be asked to jointly provide one statement of claim.

To facilitate the business of the directions hearing, I hereby direct that by 15 00 on Monday 8 April 2013 FL shall serve on the Committee Secretary (sec.adc@btconnect.com) and on Network

Rail (David.A.Jackson@networkrail.co.uk) a Summary Note setting out the issues which FL is seeking to have determined in these disputes. For the avoidance of doubt, this Note should identify each issue still in dispute sufficiently to ensure that each issue is clear to Network Rail and to myself, but it is not expected to be a fully pleaded sole reference (as set out in ADR Rule H21(b)(i)). The Note must indicate which notification of dispute relates to each issue to be determined by the Panel hearing.

Given the possible duplication with issues raised by GB Railfreight Ltd ("GBRf") in disputes TTP515 and TTP572, the Summary Note will be sent by the Committee Secretary to GBRf. GBRf will be given the opportunity to indicate if it wishes to become a Dispute Party in the TTP371/513/514/570/571 Panel hearing and, if so, GBRf will be at liberty to attend the directions hearing on 17 April.

At the directions hearing the representatives of the Dispute Parties are to confirm whether they agree that TTP371 should be heard under the current Access Dispute Resolution Rules, in spite of the fact that the dispute was registered before the current Rules came into force on 1 August 2010. If a Dispute party is not prepared to agree that TTP371 should be heard under the current Rules, then by 15 00 on 8 April 2013 it must serve on the Committee Secretary and the other Dispute parties a Note confirming this and setting out its proposed method for determining TTP371.

A draft timetable for discussion at the directions hearing on 17 April is attached.

Yours faithfully



Clive Fletcher-Wood
Hearing Chair

Draft timetable for progression of disputes TTP371, TTP513, TTP514, TTP570 and TTP571

15 00 on Friday 10 May	Statement of claim to be provided by FL (and GBRf if a Dispute Party)
15 00 on Friday 7 June	Statement of defence to be provided by Network Rail
Wednesday 19 and Thursday 20 June	Panel hearing