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## **ACCESS DISPUTES COMMITTEE**

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### **MINUTES of MEETING No. 1** held in London on 19 April 2005

#### **Present:**

Bill Davidson (Network Rail)  
Tony Deighan (Eurostar (U.K.))  
Julia Glenn (Network Rail)  
Nigel Oatway (English Welsh & Scottish Railway)  
Ian Osborne (Freightliner)

#### **In attendance:**

Chris Blackman (Secretary)

#### **Apologies:**

Mike Price (First ScotRail)  
John Thompson (South Eastern Trains)  
Alan Wilson (Wessex Trains)

#### **1/1 Election of Deputy Chairman**

The members present elected Nigel Oatway as deputy chairman for the meeting.

#### **1/2 Appointments**

The Committee agreed unanimously the following appointments:

Disputes Chairman	Sir Anthony Holland
Vice-Chairman	Bryan Driver
Secretary	Chris Blackman
Member of the Secretariat	Martin Shrubsole
Committee's solicitors	Wragge & Co. of Birmingham

#### **1/3 Terms of Contracts to be Held by the Committee**

Members declared that they wished that the persons appointed, as set out in minute 1/2 above, should have their contracts, formally held with the Access Dispute Resolution Committee, rolled forward without material change of terms save that of adjustment to the titles/positions now accorded to the principals.

#### **1/4 Minutes of meeting no.75 of the Access Dispute Resolution Committee**

It was noted that the Chairman of the Access Dispute Resolution Committee had signed a copy of the minutes of that Committee's final meeting no.75, held on 24 March 2005.

**1/5 Matters arising from the minutes of the final meeting of the Access Dispute Resolution Committee**

*74/5: Proposals for Change to the Access Dispute Resolution Rules*

Members formally noted that the new Access Dispute Resolution Rules had come into force on Friday 15 April 2005.

Members thanked the Secretariat for its dissemination of helpful briefing documents, not only to the Committee, but also to industry parties, explaining the changes to the Access Dispute Resolution Rules and advising the interim constitution of the Committee and its Panels pending the outcome of elections which were due to take place on 12 May 2005. Members noted that those people elected on that date would take office with effect from 1 June 2005.

*75/4: Reference AD43*

It was noted that the Secretary had written to Network Rail asking for confirmation by Friday 22 April that its engineering consultants W.S Atkins had seen a copy of the further report, and to ascertain whether, in the light of the information contained in the further report, the consultants wish to amend, revise or amplify their report previously circulated.

*75/5: Update on References*

AD35 This has been referred to, and is currently in the process of, mediation.

AD36 The parties have reported that the matter has been successfully concluded through the process of mediation.

AD37 The parties, Thames Trains and Network Rail, will prepare a joint submission informed by the outcome of the mediation on reference AD36.

AD38 from Arriva Trains Wales and Network Rail regarding allocation of delays; the Delay Attribution Board has given advice to the parties.

AD40 Members noted that the determination AD40 of the Access Dispute Resolution Committee had been referred, on appeal, to the Office of Rail Regulation.

AD41 Central Trains has advised that it wishes any hearing of its reference to be deferred pending the outcome of the Appeal to the Regulator in respect of reference AD40.

AD42 from Wessex Trains on the issue of Local Output Commitments; the Secretary has written to the referrer asking whether or not, in the light of the publication of Determination AD40, it wishes now to proceed to a hearing of its dispute. A response from Wessex Trains is still awaited.

AD43 from Thameslink Rail on the issue of whether, in the particular case of a flood in the Thameslink tunnel, it constituted a "CTRL Part IV possession".

Members noted that in some cases the parties had been directed to take the issues to mediation.

**1/6**

Members noted the paper from the Secretariat concerning matters of administration, and directed that the Secretariat should proceed on the lines proposed as set out in the paper.

Members agreed that the procedure for selecting personnel from the relevant pool to form an Access Dispute Panel or a Timetabling Panel would be that the Secretary should take cognisance of, firstly, any particular precedence stipulated in writing by the particular Band or Class; secondly, relevant expertise, where known, of members of the pool; and otherwise try to ensure that the allocation of appointments is reasonably equally shared by the members of the particular pool.

A list of references to the former Access Dispute Resolution Committee and its two Sub-Committees will be published showing the panel that will hear the reference in future, and the new reference number for each dispute.

## 1/7

There was no other business.

1/8

The next earmarked date for a Committee meeting is Tuesday 10 May, commencing at 10.00.

Just my name