
ACCESS DISPUTES COMMITTEE

MINUTES of MEETING No. 8 held in London on 5 October 2006

Present:

Tony Holland, Chairman
Tony Crabtree (Greater Western Trains)
Bill Davidson (Network Rail)
Tony Deighan (Eurostar (U.K.))
Lindsay Durham (Freightliner)
Nigel Oatway (English Welsh & Scottish Railway)
John Thompson (London & South Eastern Railway)

In attendance:

Chris Blackman (Secretary)
Martin Shrubsole (Clerk)

Apologies:

Julia Glenn (Network Rail)
Mike Price (First ScotRail)

8/1 Approval of Minutes of meeting no.7

The Draft minutes of meeting no.7 were approved subject to minor modification. The Chairman signed a copy of the minutes as a true record of the proceedings.

8/2 Matters arising from the minutes of the previous meeting

There were no matters arising other than items placed on the agenda.

8/3 Procedural Issues arising out of Reference ADP09

National Express rehearsed certain arguments previously expressed in correspondence, concerning the process that was adopted in the handling of ADP09. The Committee noted the points made, and agreed to review the processes, informed by National Express' representations. The outcome of such review, for which an extraordinary meeting will be arranged, would be reflected in a published minute.

8/4 New premises at Central House

The Secretary reported that there were still some snagging items outstanding at the premises. However, now that the landlord had appointed a new firm of managing agents, the Secretary anticipated early resolution of these items.

8/5 Accounts for 2005/06

Members approved the revised format of the Income & Expenditure statement for 2005/06.

8/6 Changes to the methodology of funding of the Committee

Members noted that the Class Representative Committee had approved, subject to some non-material adjustments, the Proposal for Change to the methodology of funding the Committee. When formal regulatory approval is received the invoices for the Committee levy for 2005/06 will be issued to Industry Parties.

Action: Secretary

8/7 Update on references

Members noted the paper from the Secretary setting out a summary of the current position on references submitted and registered by the Committee.

The Chairman briefly summarised the current position in respect of the hearing of Reference TTP96.

8/8 Documenting disputes

Martin Shrubsole reminded the Committee, that, following the Directions given at the previous meeting, he had produced the section of the proposed Directory of past hearings that related to Part D of the Network Code, together with the introductory "How to use this Directory". Both had been circulated to the Committee members for comment.

Following discussion by the Committee, Martin Shrubsole was remitted

1. to complete the sections of the Directory relating to other parts of the Network Code, in the same format as that for Part D;
2. to institute arrangements for the Directory to be displayed on the website in replacement of the current Handbook;
3. to ensure that, on the conclusion of each new hearing and determination, the relevant Panel approves the wording or extract from the determination that should be incorporated into the Directory, with a corresponding update of the website; and
4. to institute similar arrangements to ensure that where a determination has been appealed, the outcome of that appeal is also documented.

The Committee supported a suggestion that the Directory should display adequate "health warning" reminders that directed readers towards the full texts of the relevant determinations.

Once the directory was complete, including the relevant amendment procedure, the Chairman's letter to all industry parties would be despatched. This would draw specific attention to the Directory, and also to a separate summary (also on the website) to perform the function of a "Business Review".

8/9 The appeal to the ORR against determination ADP14

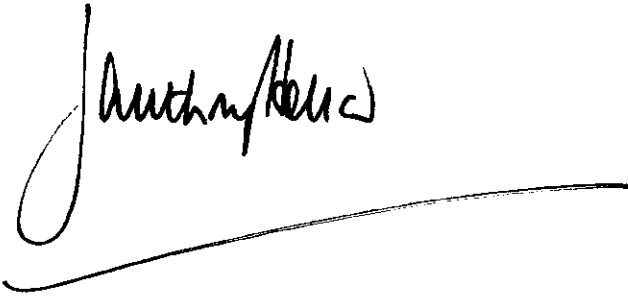
Members noted the ORR's decision in respect of an appeal by Network Rail against Determination ADP14. An appropriate adjustment to the determination has been made on the website.

8/10 Any Other Business

There were no other items of business.

8/11 Date of next Meeting

The next meeting is on Wednesday 8 November commencing at 10.00.

A handwritten signature in black ink, appearing to read 'Anthony Hellew', is written above a long, horizontal, slightly wavy line that spans the width of the signature.