

SECOND ARBITRATION

IN THE MATTER OF THE ARBITRATION ACT 1996

AND IN THE MATTER OF AN ARBITRATION

B E T W E E N:

GREAT NORTH EASTERN RAILWAY LIMITED

Claimant

and

RAILTRACK PLC

Respondent

INTERIM AWARD

(1) WHEREAS

(A) The Claimant is a licensed operator of passenger train services in England, Wales and Scotland. The Respondent is the owner and licensed operator of a network of railway lines, in England, Wales and Scotland.

(B) By a letter of appointment dated 4 October 2001 from Mr Christopher Blackman, the Disputes Secretary of the Access Dispute Resolution Committee, I, JOHN MANNERS JARVIS, Queen's Counsel, was duly appointed sole arbitrator for the determination

operation from 18 December 2000 to 31 March 2001 (apart from 20 and 21 January 2001), such that GNER's entitlement to compensation under Schedule 8 of the Track Access Agreement is to be calculated by reference to the Revised Working Timetables established by the Respondent over that period.

- (B) Where the Claimant has served a suspension notice in respect of a service shown in a prevailing Working Timetable (whether a Base Working Timetable or a Revised Working Timetable) and Railtrack then produces a Revised Working Timetable which excludes the suspended Service, the Claimant is entitled to compensation in respect of that service as a cancelled or terminated service under Part IV of Schedule 8 to the Track Access Agreement and calculated in accordance with Table 2 of Schedule 8 of the Track Access Agreement.

- (2) This is an Interim Award which is subject only to the provisions of the Arbitration Act. At the request of the parties the remaining issues in this Arbitration are reserved to a further hearing and I reserve for myself the power to make a further award or awards in relation to costs (including the costs of this Award) and all other matters which I may in future be required to decide pursuant to my appointment.

GIVEN UNDER MY HAND the  day of  2002



JOHN JARVIS QC