

ADR Rule H18(c) Note

1. These Disputes do not raise any relevant issues of law, but will turn on questions of contractual interpretation.
2. It may assist the Parties if I set out the questions which in my view, and subject to any submissions, the Panel will need to answer. These have not changed in substance since they were set out in the Directions issued on 10 September 2026.
3. The first question is to identify what notes and guidance should properly be included in TPRs, whether National or Route TPRs. This refers to Section 1.15 and Appendix J, which will need to be treated separately. There is very limited material available directing how TPR documents should be constructed, but one start point appearing in the Definitions section of Part D of the Network Code. The Panel will need to decide whether the principles behind these two entries properly belong in TPRs.
4. As far as the disputed entries in Section 5.2.2 are concerned, a different question arises: are these entries specific enough to be regarded as Timetable Planning Rules? This is asked against an assumption that anything within TPRs which cannot be categorised as guidance should show a value which can be clearly understood by any reader.
5. Clearly the Panel has no preconceptions on any of these points, but I think it worth setting out my view of subsequent steps once the first questions have been answered.
6. If the Panel were to decide in favour of Network Rail on any issue, it would then be necessary to turn to the second question: whether there was sufficient consultation to satisfy the requirements of Part D and the general law.
7. If, alternatively, the Panel were to decide against Network Rail, that might be thought sufficient to dispose of the Disputes. Even in those circumstances I think it will be worth going on to the consultation question, to avoid the possibility of Network Rail successfully appealing a Determination on the first question, without the second question having been addressed.

[Signed on the original]

Clive Fletcher-Wood

Hearing Chair TTP2861, TTP2862, TTP2864, TTP2865, TTP2866