
Delay Attribution Board

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DAB – 9 Guidance

Thank you for your letter of 21 October which the Board considered at its meeting on 22 November. I have been asked to reply.

Firstly, I should make it clear that while the Board is happy for Parties seeking guidance to attend the meeting at which the issue is to be considered, there is no requirement for parties to do so – it is entirely at their discretion.

Turning to the issue on which CRCL sought guidance, the Board felt that it was not appropriate to give guidance in general terms, unrelated to a specific incident. So far, all its guidance has been given in relation to specific incidents even if the guidance might be thought to have a more general application. Moreover, guidance given in relation to a specific incident gives parties the opportunity to refer the matter to the Access Disputes Committee for a determination, whereas if the advice provided is not related to a specific dispute that recourse is not open to the parties.

The Board felt that to give general guidance in the terms which CRCL requested could lead to the creation of a general rule, potentially applicable to all types of rolling stock across the entire national railway network. Such guidance could potentially conflict with Group Standards and it is not the purpose of delay attribution to override Group Standards. No other operator or Network Rail has asked for guidance on the question of failure to couple in circumstances where all the equipment meets minimum standards. The Board also noted that this issue did not appear to have arisen with the other operator of this type of multiple unit – First Great Western Link – and therefore doubted whether it ought to be made the subject of a general rule.

It remains the case that the Board will be happy to consider a request for guidance on a specific incident which is in dispute, if CRCL can support it with the supplementary information referred to in my letter of 9 November. If CRCL still

believes that there should be a generally applicable rule to cover this type of case, it presumably has a view about what the rule should be. If so it is open to CRCL to propose an amendment to the Delay Attribution Guide which would then be published for consultation with industry parties. In the light of their responses the Board could then decide whether that or any other amendment to the guide would be appropriate.

I hope this makes the position clear.

Yours Sincerely,

Richard Guest
Acting Secretary