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OFFICE *of the*
RAIL REGULATOR

Paul Molyneux
Business Manager Executive
Railtrack PLC (in Railway Administration)
Railtrack House
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London
NW1 2EE

9th November 2001

POSSESSIONS: BLOXWICH – HEDNESFORD & CHURCH FENTON – MILFORD JUNCTION – INFORMED TRAVELLER LICENCE CONDITION

1. Thank you for your letters of 12 October 2001 and 24 October 2001.
2. In light of the information you have provided, I am satisfied that the short notice possessions you are proposing, put Railtrack in breach of its Network Licence condition 9.2.(a).
3. However, I am satisfied that under section 55(5)(a) of the Railways Act 1993 the Regulator's section 4 duties would preclude his making a provisional or final enforcement order. This is because:
 - (a) in the case of the Bloxwich – Hednesford possessions, the cause of the short notice was outwith your control and involved a project of national importance; and
 - (b) in the case of Church Fenton – Milford Junction possession, the cause of the short notice relates to supply difficulties with switch and crossing rails, again outwith your control.

Accordingly, you should treat this letter as a notice for the purposes of section 55(6) of the Railways Act 1993. A copy of this letter will be placed on the Regulator's public register.

MICHAEL BESWICK

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Director of Infrastructure Regulation

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