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OFFICE of the
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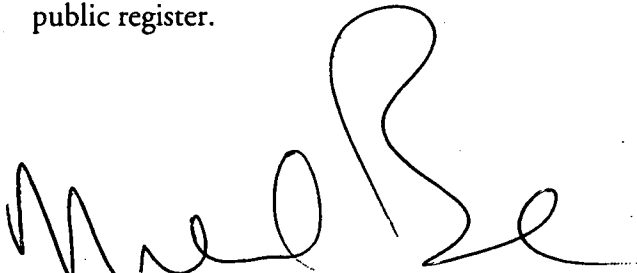
28 November 2001

POSSESSIONS: PELAW JUNCTION – INFORMED TRAVELLER LICENCE CONDITION

1. Thank you for your letter of 26 November 2001.
2. In light of the information you have provided, I am satisfied that the series of possessions you are proposing, in connection with the commissioning of the Sunderland Direct infrastructure and driver training, 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 of:
 - (a) the importance of making the new Sunderland Direct services available to passengers at the earliest opportunity; and
 - (b) the support of those train operators affected by the possessions and of Nexus.

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 has been sent to Mark Smith at the SRA and will be placed on the Regulator's public register.



MICHAEL BESWICK

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Director of Infrastructure Regulation

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