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OFFICE of the
RAIL REGULATOR

Paul Molyneux
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12 April 2002

Des Rod

**INFORMED TRAVELLER COMPLIANCE: DISRUPTIVE SHORT NOTICE POSSESSIONS -
GRANTHAM**

1. Thank you for your letter of 2 April 2002. In light of the information you have provided, I am satisfied that the possessions Railtrack are proposing, in connection with the removal of a TSR at Grantham, put Railtrack in breach of paragraph 2(a) of Condition 9 of its network licence.
2. However, I am also satisfied that the Regulator's section 4 duties under the Railways Act 1993, would preclude his making a provisional or final enforcement order under section 55 of the Railways Act 1993.
3. This is because of:
 - (a) the possibility that the track will deteriorate further if the work is not carried out soon; and
 - (b) the support of GNER for the removal of the TSR.
4. Accordingly, you should treat this letter as a notice under section 55(6) of the Railways Act 1993 that the Regulator will not be taking action at this stage.
5. 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
MICHAEL BESWICK

