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OFFICE of the
RAIL REGULATOR

Andrew Haines Esq
Managing Director
South West Trains Ltd
Friars Bridge Court
41 - 45 Blackfriars Road
London
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25 March 2002

T-12

1. Thank you for your letter of 4 March 2002 advising me of the reduction in South West Trains' performance in relation to T-12, and outlining what you are doing about it.
2. I am aware of the problems you outline concerning the increase in the number of late notice changes to possessions from Railtrack, and the diversion of resources during the recent industrial action. I note that you have in place a recovery plan to restore compliance in week 34 (16/17 November 2002). Thank you for your timely notification to me.
3. From the information you have provided it appears to me that South West Trains is in breach of paragraph 1 of Condition 14 of its passenger licence in that it is failing to provide such information about licensed activities as Railtrack PLC (in railway administration) requires to fulfil its obligations under paragraph 2(b) of Condition 9 of its network licence. I am however satisfied that South West Trains is taking all such steps as it appears to me are appropriate for it to take to secure compliance with this requirement, and given the action plan you have outlined, I do not consider it appropriate to take enforcement action under section 55 of the Railways Act 1993 for the present. I will however wish to monitor the situation and would be grateful if you would please, by 31 May 2002, let me have a progress report on the restoration of compliance.
4. This letter constitutes a notice under section 55(6) of the Railways Act 1993 that I will not be taking action at this stage.
5. I am copying this letter to Nick Newton (SRA), John O'Brien (Railtrack), George Muir (ATOC), and Stephen Williams (HSE) and placing a copy on my public register.

TOM WINSOR

TOM WINSOR
Rail Regulator

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