

Enquiry Scheme is properly providing and will continue to provide the services required with at least 90 per cent of calls answered. The Regulator expects to be able to reach a decision as soon as possible after 8th August.

Section 56—Notice of Proposed Enforcement Order

1. Under section 56 of the Railways Act 1993 ("the Act") I give notice that I propose to make a final Order in respect of each Train Operating Company which is a franchise operator ("TOC"). The effect of the Order will be that the TOCs will be required to ensure that, under the ATOC National Rail Enquiry Scheme ("NRES"), at least 90 per cent of calls made to its rail enquiry number (0345 484950) are answered. For the purpose of this notice and the proposed Order 4.5 million calls answered shall be deemed to be the maximum number of calls to be answered which are necessary to satisfy the 90 per cent target in each 4 week period ("the target"). If less than the target level of calls is answered, the TOCs collectively will be liable to a monetary penalty of an amount determined by the percentage of calls not answered. For each percentage point of calls not answered between 85 per cent and below 90 per cent, the penalty shall be £50,000, for each percentage point of calls not answered between 75 per cent and below 85 per cent, the penalty shall be £100,000, and for each percentage point of calls not answered below 75 per cent the penalty shall be £200,000. Liability to pay any penalty payable will be divided amongst the TOCs in accordance with their contributions to NRES.

2. I propose to make this Order:

- (a) to secure compliance with condition 7.1(b) of each TOC's passenger licence;
- (b) with effect from 17th August 1997; and
- (c) unless I am satisfied that the TOCs have agreed to and are taking appropriate steps to ensure that, otherwise than because of an event of force majeure, in each four week period the target level of calls is answered. In deciding whether to make the order I shall consider any representations or objections made to me.

3. I am of the opinion that each TOC has contravened its licence condition, and is likely to continue to do so, because:

- (a) condition 7.1(b) of each TOC's passenger licence requires it to be a party to, and comply with, arrangements relating to the operation of a telephone enquiry bureau relating to railway passenger services;
- (b) the NRES agreement, as approved by me on 11th June 1996, is the arrangement relating to the operating of a telephone enquiry bureau for the purpose of that licence condition;
- (c) under the NRES agreement, each TOC agreed that its intention is that calls received by the scheme are answered in accordance with the performance standards set out in the NRES agreement, which includes a requirement that 90 per cent of calls received are answered and that performance plans meeting those standards would be implemented;
- (d) as required under the NRES agreement, the Association of Train Operating Companies ("ATOC") submitted to me a business plan, agreed to by each TOC, which stated that NRES would have sufficient capacity from 1st April 1997 to answer calls in accordance with the performance standards of the scheme, on the basis of 58.6 million calls being answered in the year commencing 1st April 1997;
- (e) ATOC reported that for first three 4-week periods of the year commencing 1st April 1997 51 per cent of calls were answered in period 1, 65 per cent of calls were answered in period 2, 55 per cent of calls were answered in period 3 and 66 per cent of calls were answered in the first two weeks of period 4;
- (f) I have concluded that each of the TOCs did not ensure that the business plan was implemented in such a way as to ensure that the performance standards of NRES were achieved; and
- (g) ATOC has indicated that plans are in place to ensure that calls will be answered in accordance with the NRES performance standards by 1st August 1997, but that those plans are still to be implemented and it is not certain that those plans even if

implemented will ensure that those performance standards will be met.

4. Although, for the purposes of the proposed Order, I have allowed for a maximum number of calls that shall be answered in each 4-week period to be 4.5 million calls, such an allowance does not relieve the TOCs from ensuring that the total number of calls answered over the year shall be 90 per cent of calls made, with a maximum of 58.6 million calls required to be answered.

5. Representations or objections with respect to the proposed Order may be made to me by not later than 8th August 1997. They should be sent to Dee Cotgrove, Office of the Rail Regulator, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST. Copies of the proposed Order may be obtained, free of charge, from that address or by telephoning 0171-282 2074.

J. Swift, Rail Regulator

11th July 1997.

(7 SI)

MINISTRY OF DEFENCE

BY ORDER OF THE SECRETARY OF STATE FOR DEFENCE

Ministry of Defence Former Royal Navy Armament Depot Broughton Moor Cumbria—The Crichel Down Rules Trace of Former Owners

The former RNAD Broughton Moor is being put forward for disposal. The Crichel Down Rules require Government Departments, under certain circumstances, to offer back surplus land to the former owner or successor. At this stage it is emphasised that it has not been decided if the Crichel Down Rules will apply to the disposal of this land, but it is necessary at this stage to trace former owners or their successors.

The site was acquired between 1938 and 1955, under twenty conveyances. Eight former owners, or their successors, have so far been traced. The following former owners, or successors are invited to register their interests.

John William Fisher, of Buildings Farm, Lowca Lane, Seaton.

(Conveyance dated 4th February 1944.)

Andrew Kendall, of Railway Inn, Camerton, Workington.

(Conveyance dated 4th February 1944.)

Ernest Watson, of Midtown Farm, Broughton Moor.

(Conveyance dated 1st November 1943.)

Martha Gribbins, of The Went, Great Broughton.

(Conveyance dated 23rd October 1943.)

John Falcon, of The Globe Inn, Dearham, Maryport.

(Conveyance dated 14th January 1939.)

Elizabeth Fisher, of The Crofts, Papcastle.

(Conveyance dated 1st February 1939.)

George Hird, of Rose Farm, Little Broughton.

(Conveyance dated 18th January 1939.)

John Fisher Jackson, of Stainburn House Farm, Stainburn, *Joseph Jackson*, of Stainburn House Farm, Stainburn, and *Robert Barnes Jackson*, of Croft House, Papcastle.

(Conveyance dated 12th December 1938.)

Frances James, of Derwent House, Great Broughton.

(Conveyance dated 22nd February 1939.)

Jonathon Donald, of Grey Gables, Kirkby Stephen.

(Conveyance dated 1st February 1939.)

Jonathon Donald, of Grey Gables, Kirkby Stephen.

(Conveyance dated 15th October 1946.)

Thomas Hayton Graves, of Demesne Farm, Camerton, and *William Sanderson*, of Brayton Road, Aspatria.

(Conveyance dated 24th March 1939.)

The above former owners, or if deceased their successors, should register their interest, either in person, or through their Solicitors, by writing within two months of the date of this notice to The Defence Land Agent, Ministry of Defence, Defence Estate Organisation, (Lands, Wales and North), Gough Road, Catterick Garrison, North Yorkshire DL9 3EJ, quoting Ref. (E)7/269/5/13.

Successors of former owners should state their relationship to the original vendor.

(490)