

Disclosures of interest: FIRSTGROUP PLC / SCOTRAIL

Cathryn Ross, Deputy Director of Remedies, will be acting as business adviser to the group of members conducting the above inquiry. Cathryn worked as Head of Competition Economics at the Office of the Rail Regulator (ORR) between January 2002 and October 2003. At the ORR, the vast majority of Cathryn's work was in overseeing the economic analysis of cases under the Competition Act 1998. However, Cathryn did provide input into the advice provided by the ORR to the OFT on railway mergers. She also advised in a range of other matters at the ORR including developing internal policy on the application of the Competition Act 1998 and in developing appropriate methodologies for analysis, advising on regulatory policy which impacted on competition, and liaising with the Strategic Rail Authority on competition issues. Cathryn has never worked directly on matters concerning Scotrail. She did, however, advise on First Great Western's application for moderation of competition in the track access agreement it negotiated in 2002.

The Commission believes that Cathryn's work at the ORR will not prejudice her ability to advise the group of members independently and impartially. If you have any objection, however, please let me know as soon as possible and, in any event, no later than close of play Monday, 19 January.

16 January 2004

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Chris Goodall, a member of the group that will be conducting this investigation, was injured in the Paddington Rail crash while being carried by a First Group train. After the accident, he gave press and TV interviews and wrote articles about the crash. He gave oral evidence to Lord Cullen's public inquiry, partly on the subject of the fire that engulfed the carriage in which he was travelling. He also presented a segment of Channel 4 News on the issues raised in the public inquiry. He does not believe that in any of these public statements he criticised First Group.

Mr Goodall was sufficiently injured to receive compensation. The insurers of FirstGroup paid him £7,500 for 'pain and suffering' and compensated him fully for the loss of income caused by being off work for six weeks. He accepted the insurer's offer immediately it was offered and did not negotiate. Mr Goodall had no direct communication with FirstGroup at any time.

Mr Goodall does not believe that his involvement in the crash or his subsequent public role will render him unable to act impartially and independently as a member of the Group.

The Commission believes that the interests set out above will not affect the inquiry or the ability of Mr Goodall to act in an independent and impartial manner.

If you have any objection, however, please let me know as soon as possible and, in any event no later than close of play Friday 13 February.

12 February 2004