



## Department for Transport

### **Louise Ellman MP**

Chair of the Transport Select Committee  
House of Commons  
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From the Parliamentary  
Under Secretary of State  
**Paul Maynard MP**

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Date: 29 November 2016

Dear Louise

I promised to update you on the situation with GTR's claim for Force Majeure and where our analysis had taken us. As you know, the process is complicated and I am keen to ensure that the results are accurate.

We have completed our initial assessment of the first three periods of the claim and in accordance with our normal process, will now be discussing our findings with GTR. It is important to note that GTR must be given the opportunity to challenge our assessment in respect of the claim. Owing to the unique circumstances on this franchise, there is no clear precedent about how to assess the situation, and it is understandable and correct that GTR have the opportunity to do this. I am, therefore, not proposing to publish the results of the claim at this stage until I am clear that a) GTR are not challenging the outcome and b) if they do challenge the outcome, discussions have completed. In the event of challenge, it would not be appropriate to publish the outcome of our analysis of the first three periods of the Force Majeure claim at this stage.

Throughout this process, the Secretary of State and I must continue to act in the best interests of passengers. So, even if GTR were unequivocally in breach of their remedial plan (which they are not at this point in time), it would not necessarily be in passengers or taxpayers' interest to terminate their contract.

Despite the grave challenges that GTR is facing, and the dreadful situation that Southern passengers have been bearing over the last months, I must be sure that the alternative I can offer is better. At this moment, with the challenging infrastructure conditions, the damaging and needless industrial action by RMT and Aslef's recent announcement, the ongoing train introduction programme and the critical stage of the Thameslink Programme, I will need very firm assurance that any change will result in immediate improvements for passengers.

This does not mean that myself, the Secretary of State or any officials are complacent about the performance of GTR. We continue to give the GTR franchise our highest priority, and will keep the TSC informed of developments as they occur.

I hope this is helpful.

A handwritten signature in blue ink that reads "Paul Maynard". The signature is written in a cursive style with a large initial "P" and a stylized "M".

**PAUL MAYNARD**