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**From:** Fitzgerald, Sharon  
**Sent:** 27 October 2005 21:13  
**To:** Fitchie, Andrew; ian.kendall@tie.ltd.uk  
**Subject:** FW: Duty of Care

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**From:** Willie Fraser [<mailto:Willie.Fraser@tie.ltd.uk>]  
**Sent:** 23 June 2005 13:54  
**To:** Fitzgerald, Sharon  
**Subject:** RE: Duty of Care

Sharon,

Thanks for this.

Willie

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**From:** Fitzgerald, Sharon [<mailto:Sharon.Fitzgerald@dlapiper.com>]  
**Sent:** 23 June 2005 13:51  
**To:** Gerry Henderson; Ian Kendall  
**Cc:** Fitchie, Andrew; Willie Fraser  
**Subject:** Duty of Care  
**Importance:** High

Gerry/Ian

Perhaps we could speak about this at 4pm today. Willie has asked me about sending a letter to Transdev. Gerry has mentioned that letters have been sent to PB and SWR.

Transdev and PB are different to your other consultants - and I think that the form of letter you are using for tie advisers is not necessarily suitable for these parties.

SDS - will be novated to infraco - any duty of care owed to the council will be time limited but we would need to be careful that this does not alter the duty of care which SDS owes to the infraco from the outset. SDS would rather be doing the work for an authority rather than to the requirements of an infraco. We need to review the contract and novation agreement wording.

Transdev - advisors now, but commercial operators later - duty of care will again need to be carefully expressed. We would anticipate that Transdev will be consulting their lawyers on this.

Also, if you are thinking about the same issue on JRC - they are being novated to TEL - again, this puts a different complexion on matters. As it would if Transdev are novated to TEL.

See you later.

Sharon

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