

Do you agree with the proposition that the privatisation of British Rail was the result of an ideological belief amongst Conservative politicians that private sector management was automatically superior to that of the public sector?

By the end of the 1980s the drive for privatisation had grown from modest beginnings to become a clear hallmark of the 'new' (Thatcherite) Conservative Party policy. However, the privatisation of British Rail's core operations from 1992-7 was not a straightforward matter for the John Major government, either in practice or indeed even in principle. The arguments here are first, that although 'naked' ideology was partly a key driver in the process it was a specific ideology about competition rather than private ownership/management *per se*, but secondly, the action finally taken was more a case of politicians cornering themselves into having to deliver it.

In the late 1960s the most prominent Conservative ideologue of the age advocated 'denationalising' all state-owned industries except coal and rail.¹ But because this was still an unfashionable view in the 1970s it was not surprising that the initial aims of the Conservative administration from 1979 under Margaret Thatcher had been quite modest. Thatcher's own memoir states that privatisation was some way down their political agenda, her comments echoing Peter Lilley's 1989 speech acknowledging that it was only a "modest component" of their plans at first – the initial aim was to make the nationalised industries to work better.² But as privatisation progressed in practice during the 1980s, fulfilling different objectives in different instances, these pragmatic actions gradually coalesced into a coherent ideology in its own right, and ended by going further than even Powell had advocated in 1969 when the privatisations of both British Rail and British Coal were eventually announced in May 1992.³

The early selloffs were largely to help reduce the Public Sector Borrowing Requirement – BP (£290m), Cable&Wireless (£224m) and several smaller companies⁴ – but the gamechanging development came with the flotation of

¹ Enoch Powell, *Freedom and Reality* (Kingswood, Surrey: Elliot Right Way Books, 1969) passim.

² David Parker, *The Official History of Privatisation, Volume II: Popular Capitalism 1987-97* (Abingdon: Routledge, 2012, Kindle edition), Location 440

³ Richardson, Jeremy, *Why does policy change?: lessons from British transport policy 1945-99* (London: Routledge, 2015), 224

⁴ David Parker, *The Official History of Privatisation*, Loc 462-500

British Telecom (BT) in 1984. This was a former national monopoly (except in Hull) where moving into private ownership raised all the ideological questions about public utilities – plus some practical questions. Where some opponents considered commercial profit on such utilities to be inherently immoral, proponents were soon deciding that private ownership as such was insufficient. This was because BT had continued as virtually a monopoly national infrastructure, as did gas (and later the National Grid) from 1986 onwards, and ministers were becoming disappointed that these continuing monopolies were not improving sufficiently in service quality and efficiency.⁵ Accordingly, for the generation and supply of electricity a competitive market was successfully introduced⁶ (though its genuine effectiveness continues to be doubted by many), while water became a series of regional monopolies.

Alongside these utilities some other large corporations went into private hands too, with the enthusiastic support of their senior executives, in each case alongside a successful turnaround of their profitability. British Airways (BA) was the early leading example, led by the ebullient Lord King, and British Steel came later, with comparable if quieter executive enthusiasm. Alongside these big sales a succession of British Rail's recently-established wholly-owned subsidiary companies from 1981-9 (such as BR Hotels and Traveller's Fare) were sold too.⁷ The 1985 deregulation of the bus and coach industry, and sale of the National Bus Company, was to play a part in later Conservative planning for the railways. It is not surprising that in this context Conservative Ministers, as well as their thinktanks, started to ask themselves, not "Why do it?" but "Why not do it?"⁸

At this point it is pertinent to consider what constitutes an ideological belief in this context. One of the opposing viewpoints seems unequivocally ideological: those who declare that certain state institutions such as Royal Mail or prisons – or the railways – should stay in state hands on principle. The Labour Party's old Clause Four embodied and sought to extend this principle. The contrasting Conservative viewpoint is a little more nuanced. The free-market ideologues are

⁵ Jon Shaw, "Designing a Method of Rail Privatisation", in Freeman, Roger and Shaw, John, ed. *All Change: A History of British Rail Privatisation* (London: McGraw-Hill, 2000), 6

⁶ David Parker, *The Official History of Privatisation*, Loc 14414

⁷ Jon Shaw, "Designing a Method of Rail Privatisation", 9

⁸ David Parker, *The Official History of Privatisation*, Loc 448, quoting Nigel Lawson speech of 1988

accused by their opponents of simply seeking to accrue personal wealth for themselves and their allies, but they themselves argue that rationally competitive markets are more efficient and effective than state bureaucracies, and therefore bring greater benefits to society as a whole. This is encapsulated in John Major's 2008 Appendix to Wolmar's *On the Wrong Line*, where he declares (having been almost completely silent on the subject in his autobiography):

“Some critics have claimed the British Rail was privatised for ideological reasons. This is nonsense. The impetus for privatisation was my wish to improve public services. I thought British Rail was inefficient... [etc]”⁹

Malcolm Rifkind also explicitly denies any “ideological obsession” to privatise.¹⁰

In response, one can recognise the argument (whether agreeing with it or not) that if other industries such as BA have prospered following a transfer to private hands then a case for applying similar medicine to other industries could be defined as a ‘rational business-case’ rather than as a purely “ideological” approach. Furthermore, in general terms, a defensible case supporting this hypothesis could cite the findings of those such as Hannah, who – while acknowledging exceptions – have concluded that:

“... international comparisons [for 1950-79] reinforce the views that, while state industries can be effectively managed, the British ones in general were not, and that efficiently regulated private ownership is more likely to result in good performance in the network utilities.”¹¹

But it should be noted that, in more specific terms, the emerging Conservative viewpoint seems to have been that private ownership was ‘necessary but not sufficient’ – it was competition that made the difference.¹² With privatisation of corporations like BA both elements were achieved at once – the new company was immediately “freed to compete” – but with national infrastructure organisations the element of competition could only be introduced through a consciously-designed additional component of the privatisation process.

⁹ Christian Wolmar, *On the Wrong Line: How Ideology and Incompetence Wrecked Britain's Railways*. (London: Kemsing Publishing Limited, second edition: Kindle, 2012), Loc 6229

¹⁰ Malcolm Rifkind, *Power and Pragmatism: The Memoirs of Malcolm Rifkind* (London: Biteback, 2016), 219

¹¹ Leslie Hannah, “A failed experiment: the state ownership of industry”, in *The Cambridge Economic History of Modern Britain Volume 3: Structural Change and Growth 1939-2000*, eds. Roderick Floud & Paul Johnson (Cambridge: Cambridge University Press, 2004), 104

¹² Robert E. Jupe and Gerald W Crompton. “‘Such a Silly Scheme’: The Privatisation of Britain's Railways 1992-2002.” *Critical Perspectives on Accounting* 14, no. 16 (2003): 619

Privatisation proponents might therefore argue that introducing this component was a case of 'rational business-case' rather than 'blind ideology'.

But the contemporary 'rational business-case' is hard to see in the specific instance of the 1993 Railways Act, when no other country in the world (including the United States and Japan) had adopted a comparable approach. The belief that the proposed new arrangements – vertical separation and franchising - would bring about marked improvements seems closer to an ideological stance than to an evidenced analysis. While it should be recognised that there is bound to be an element of uncertainty or risk in any 'rational business-case' decision, a decision that involves far more risk than supporting evidence at the time would seem to fall into the category of ideological. Certainly the state of the national economy from 1992-4 did not offer encouragement to potential bidders for the prospective innovative and untried franchises.¹³

Of course, it is not necessarily 'wrong' to be ideological, and it is possible for the 'rational business-case' to be argued with evidence *post hoc* – without this option nothing groundbreakingly-innovative could ever be attempted 'for the first time'. Perhaps, therefore, the plan was necessarily ideological in origin in order to be so innovative. However the ideology was not so much that private sector management was superior to private sector automatically in its own right, but that it was a necessary step towards competition, which in turn was what led to improved productivity.

Nevertheless this ideological belief in the desirability of competition did not in itself mean that action by a Conservative government would necessarily immediately follow (Royal Mail was not sold off until 2013), but the reason rail privatisation happened under Major's government was because the whole process took on its own imperative.

Interestingly, Thatcher herself had been very cautious about privatising the railways, being more cautious about its political unpopularity than she later was about the community charge. She had decided against exploring the privatisation options offered by Norman Fowler in 1984, but for unclear reasons (possibly by

¹³ Jon Shaw, *Competition, Regulation and the Privatisation of British Rail*, (Aldershot: Ashgate, 2000), 79-83.

default) she allowed Paul Channon as Minister to present options formally to the 1988 Conservative Party Conference.¹⁴ Conversely, in 1989 she initially told the successor Minister Cecil Parkinson (normally a favourite of hers) not to raise the subject at Conference. However, in order to avoid losing face, should the Press conclude that this was a policy retreat, she agreed that he could claim that the idea was still being studied (though not a “high priority”)¹⁵ – illustrating the point that in politics there can be a simple imperative in itself to continue, and probably complete, what has been started. Indeed, for whatever reason (still unclear), despite her earlier misgivings, Thatcher went on in 1990 to allow Parkinson to announce that her government was “determined to privatise British Rail.”¹⁶

As her successor, in terms of broad political ideology Major pursued an interesting path. On the one hand he signalled that he was more liberal in social policies than Thatcher, but on the other hand his economic policies were entirely Thatcherite. On the privatisation agenda British Rail was by then clearly the next in line (with British Coal, and potentially alongside Royal Mail), but it still posed particularly problematic implementation questions including the continuing controversy about the various options that needed to be explored and resolved. Since the growing Conservative view was that private ownership was ‘necessary but not sufficient’ when privatising a national infrastructure service, therefore a component of competition (with effective regulation) had to be introduced. Accordingly, BR Chairman Bob Reid’s lobbying for a single selloff¹⁷ was not a welcome option, and alternative options continued to be sought that might introduce competition.

It is worth noting at this point that focusing on the question of “How?” increasingly reinforced the impression that “Whether?” was already decided. The impetus of the overall process itself, coupled with the potential political embarrassment of loss-of-face, made it extremely hard to arrive at a conclusion that if all the implementation options were unsatisfactory then the idea of doing it at all should be dropped altogether. In national politics, it is at a point such as

¹⁴ Bart Cole and Christine Cooper, “Deskilling in the 21st century: The case of rail privatisation”, *Critical Perspectives on Accounting* 17 (2006), 608. Also Jon Shaw, “Designing a Method of Rail Privatisation”, 11

¹⁵ Jon Shaw, “Designing a Method of Rail Privatisation”, 15

¹⁶ Jon Shaw, “Designing a Method of Rail Privatisation”, 15

¹⁷ Jeremy Richardson, *Why Does Policy Change?*, 215

this that one type of process often gradually morphs into another one, a version of the “politician’s syllogism”.¹⁸ In this instance, Major would have damaged his Thatcherite economic credentials if on becoming Prime Minister he had refused to countenance privatising rail at all¹⁹ – and in fairness perhaps he also believed that that there was a *prima facie* rational case for finding out whether privatisation might offer an improved railway. It was therefore reasonable to start a process straight away of exploring the implementation options to determine what might be feasible. But in politics (in some large organisations as well as in government) the option to halt the whole process – by deciding not to proceed at all – quickly becomes extremely difficult.

The process of exploring the implementation options by Major’s government went through two phases: before and after the April 1992 general election. During the first phase the drive was to decide on a specific option in time for the election manifesto; due to continuing internal disagreements this was not achieved. After the somewhat unexpected election success, the second phase required a decision to be found, the resulting plan designed and enacted in legislation, and then implemented in the real world, all before the next general election due in 1997. This was because, especially after the humiliation of Black Wednesday in September 1992, a failure to deliver what had become a flagship policy would have been experienced as a political embarrassment too far. In this way the imperative of the process just kept increasing.

This is how the paradox arose that the more uncertainty continued as to whether a good outcome was achievable at all by any of the options under consideration the more necessary it became (politically) that one of them must be selected and full-heartedly implemented regardless.

The first phase reflects the first element in that paradox. During 1991, with Malcolm Rifkind as Transport Secretary, ministers, advisers and officials disagreed about which implementation option to select – though they were agreed on not selling BR in one piece.²⁰ HM Treasury was seeking competition on ‘open rails’ - probably drawing on the experience of deregulating buses, and

¹⁸ *Yes Minister* (broadcast 7/1/1988) “Something must be done – This is something – We must do it”

¹⁹ Jeremy Richardson, *Why Does Policy Change?*, 214

²⁰ *Ibid.*, 214 – Richardson claims that “ten methods” were under consideration.

breaking up the electricity supply-and-generation industry.²¹ The Transport Department was cautiously open to the idea of selling off BR sector by sector, though anxious about the practicalities.²² A Ministerial Committee proposed a “hybrid arrangement”.²³ John Major was thought to favour a return to something like the Big Four pre-1947 rail companies.²⁴ It was the Adam Smith Institute that had originated (in 1987) the idea of vertical separation:²⁵ one authority to run the rail infrastructure, with other companies competing to run the trains on it.

Rifkind was a conscientious pragmatist, whose personal interest was clearly in foreign affairs, who was ultimately prepared to remain with ‘no decision’ (despite the political pressures on him) rather than choose an option he would not have confidence in.²⁶ No doubt he was accused at the time of “dithering” (as Wolmar did later²⁷) – a very wounding accusation in modern politics. Therefore, because it would now be embarrassing not to mention rail privatisation at all in the 1992 Conservative manifesto, it had to be included as an aspiration. But because no specific option had been decided the aspiration had to remain vague – though ‘some form’ of vertical separation was proposed, as this was the option that was believed to enable competition.²⁸

The second phase arose from the radically new circumstances after April 1992, and reflected the second element in that paradox above. Suddenly the whole rail privatisation policy had to be decided and delivered in less than five years if the Major government was not to undermine its own ideological credentials. The new Transport Secretary John MacGregor was the ‘non-dithering’ type who could be relied on to decide and implement a plan when required.²⁹

The option of vertical separation with franchised train operators was now quickly decided on for the July 1992 White Paper because it offered a greater prospect of competition than either the regional or sectoral options, but without

²¹ Jon Shaw, “Designing a Method of Rail Privatisation”, 16

²² David Parker, *The Official History of Privatisation*, Loc 13202

²³ David Parker, *The Official History of Privatisation*, Loc 13108

²⁴ Christian Wolmar, *On the Wrong Line*, Loc 1041; David Parker, *Official History of Privatisation*, Loc 13202

²⁵ Jon Shaw, “Designing a Method of Rail Privatisation”, 12; David Parker, *The Official History of Privatisation*, Loc 12991; Jeremy Richardson, *Why Does Policy Change?*, 207-9, 222

²⁶ Malcolm Rifkind, *Power and Pragmatism*, 220

²⁷ Christian Wolmar, *On the Wrong Line*, Loc 1057

²⁸ David Parker, *The Official History of Privatisation*, Loc 13212 & 13148

²⁹ Jeremy Richardson, *Why Does Policy Change?*, 223

the huge drawbacks of complete open access to the railway. Added to this was the argument, ironic coming from an often-Eurosceptic administration, that vertical separation was required by the European Commission's Directive 91/440 – which actually only required separate accounting.³⁰ From then on it was a case of fast consultation, then fast legislation, and finally fast implementation to beat the 1997 deadline.

Opposition was obviously to be expected from political opponents, interest groups including unions, and some academics and other observers. But in addition many Conservative MPs and supporters – notably Robert Adley MP – and the Transport Select Committee, were also either deeply sceptical or at least uneasy. Yet this was where the simple imperative of the process was at its strongest. All opposition or even doubt had to be swept aside to keep the process on course. Adley himself suddenly died in 1993, but the many concerns raised during and after the passing of the 1993 Railways Act made little substantial difference to completing the timetabled process – with later consequences. For example, the predictions that a privatised Railtrack might focus more on profit than on an effective safety regime³¹ transpired in the event(s) that led, if not entirely fairly, to Railtrack's dissolution in 2002 following its catastrophic response to the Hatfield accident in 2001.

Another example of paying a strategic cost for relentlessly implementing this privatisation plan was the “planning void” in terms of overall transport strategy – amended later by the incoming Labour government from 1997 that introduced the Strategic Rail Authority.³² A more subtle example of strategic cost was the resulting breakup of the rail-based telecommunications infrastructure, part of the “excessive fragmentation”³³ in the model. A recent noteworthy aside in a current technical rail journal records:

“Rail privatisation resulted in the break up and over-commercialisation of the BR telecoms network, and it has taken over 15 years and a multi-million-

³⁰ Jeremy Richardson, *Why Does Policy Change?*, 216-7

³¹ Bart Cole & Christine Cooper, “Deskilling in the 21st century”, 605-7

³² Terry Gourvish, *British Rail, 1974-97* (Oxford: Oxford University Press, 2002), 437

³³ Ian Bartle, *Britain's Railway Crisis - A Review of the Arguments in Comparative Perspective*, Centre for the Study of Regulated Industries (CRI) Occasional Paper 20 (Bath: University of Bath, 2004), 55

pound investment to recreate a modern telecoms network ready for digital rail.” [Rail Engineer (May 2017), 11]

In theory, taking advice from leading accountancy firms should demonstrate to critics of the plan that a rational business-case (rather than ‘blind ideology’) is being pursued – indeed it has been argued that government expenditure of £450m on such consultancy was intended to “depoliticise” the argument at the time.³⁴ But it is hard to escape the conclusion that the advice of these firms on issues of privatisation in general, and rail in particular, was anything but neutral – they and their other clients stood to gain from outsourcing by the state.³⁵ Such consultancies did not in reality make possible the option of not proceeding at all; they added to the impetus of the existing overall process.

Indeed with the policy drive to create potential competition the vertical separation option was in practice the only available model. The Treasury ideal of ‘on-rail’ competition – companies bidding to operate specific slots in a timetable – was retained in principle,³⁶ but in practice fell away because of its impracticality, yet franchising kept the vertical separation model alive. It was this, or nothing (politically not an option):

“...the decision to adopt the track authority model should not be regarded as the result of a detailed policy analysis... Given the time constraints in which he was operating, it is likely that he [MacGregor] was forced into accepting vertical separation as it was effectively his only choice.”³⁷

Freeman later confirmed that “there was just not time” to have a longer process – with Green Paper consultation followed by White Paper - and complete the exercise in a single Parliament.³⁸

Some detailed ground was conceded by Government during the rushed legislative process, for example on fare regulation, compulsory through-ticketing and preventing rail closures.³⁹ A consideration relevant to this topic was the question

³⁴ Robert Jupe and Gerald Crompton, ““A deficient performance”: The regulation of the train operating companies in Britain’s privatised railway system”, *Critical Perspectives on Accounting* 17 (2006), 1039, and David Parker, *The Official History of Privatisation*, Loc 13401

³⁵ Bart Cole and Christine Cooper, “Deskilling in the 21st century: The case of rail privatisation”, *Critical Perspectives on Accounting* 17 (2006), 614

³⁶ David Parker, *The Official History of Privatisation*, Loc 13551

³⁷ Jon Shaw, “Designing a Method of Rail Privatisation”, 22

³⁸ Jon Shaw, “Designing a Method of Rail Privatisation”, 25

³⁹ David Parker, *The Official History of Privatisation*, Loc 13408-13

of whether any state-owned part of BR would be allowed to bid for any franchise; this was tricky as some Conservatives thought they should be allowed. The solution, to leave that to the discretion of the franchise director (who in due course disallowed any such bid⁴⁰), solved the issue politically, and the process remained on course. The rational business-case argument is that public sector bids constitute unfair competition because they are not taking the same financial risk; but given that the whole exercise was without precedent the early elimination of that option does look more ideological. (Management-buyout bids were permitted though, with some succeeding.⁴¹)

Finally, the Conservative government pushed through the splitting of BR into separate businesses in April 1994,⁴² and the sales of all of them (except Railfreight Distribution) before the 1997 election, as the timetable demanded. Notably this included the sale of Railtrack in 1996 despite the warnings from the BR Chairman 'Bob Reid II' of the current deleterious effect on performance of an unsettled financial regime.⁴³ The sale was politically necessary both to appease right-wing critics and to reduce the risk of Labour renationalisation after 1997 (and, in part, to raise sale receipts⁴⁴); on this matter at least, the Major government could not be accused of half-heartedness, as they illustrated another questionable syllogism: "To improve things, things must change – We are changing things – Therefore we are improving things."⁴⁵

This was the whole process by which the Conservative administration cornered itself into implementing, hastily, a reform that they knew was both problematic and unpopular – with many of their own supporters as well as among the wider public. "Looking back, *The Economist* said (3 July 1999): 'The Tories preferred to see the railway privatised badly than not at all. And that was what they got.'"⁴⁶ On this criterion, the motivation looks more 'ideological' than 'rational business-

⁴⁰ Christian Wolmar & Ford, Roger, "Selling the Passenger Railway", in Freeman, Roger and Shaw, John, ed. *All Change: A History of British Rail Privatisation* (London: McGraw-Hill, 2000), 148. Also David Parker, *The Official History of Privatisation*, Loc 13482

⁴¹ David Parker, *The Official History of Privatisation*, Loc 13428f

⁴² David Parker, *The Official History of Privatisation*, Loc 13525

⁴³ Terry Gourvish, *British Rail 1974-97*, 442-3

⁴⁴ David Parker, *The Official History of Privatisation*, Loc 14018

⁴⁵ From George Howard Joyce, *Principles of Logic*. (London: Longmans, 1908), 205

⁴⁶ John Hibbs, "Railways and the Power of Emotion: seeking a Market Solution", in *The Railways, The Market and the Government* (London: The Institute of Economic Affairs, 2006), 50.

case', but the ideological belief was in competition, with private sector management being merely a necessary step towards that. If they had simply believed in private ownership *per se*, they might have pursued the option of selling BR in one piece instead.

3282 words (including 25 in footnotes)

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