

OFFICE *of the*
RAIL REGULATOR

**NORTHERN LINE
(LIGHT MAINTENANCE DEPOTS)**

LICENCE EXEMPTION 1995

1995 No.5



The Railways Act 1993

Northern Line (Light Maintenance Depots) Licence Exemption 1995

1995 No.5

Made 16 June 1995

Coming into force 16 June 1995

The Rail Regulator, in exercise of the powers conferred upon him by section 7(3) of the Railways Act 1993, after consultation with the Secretary of State in accordance with the said section 7(3), hereby grants the following exemption.

Citation and commencement

1.-(1) This exemption may be cited as the Northern Line (Light Maintenance Depots) Licence Exemption 1995.

(2) This exemption shall come into force on 16 June 1995.

Interpretation

2.-(1) In this exemption:

"the Act" means the Railways Act 1993;

"the associated contracts" means certain contracts between NLSP and RMS to enable NLSP to fulfill its obligations to London Underground Limited under the usage contract;

"NLSP" means GEC ALSTHOM NL Service Provision Limited, whose registered office is at Westinghouse Road Trafford Park, Manchester M60 1AE;

"RMS" means GEC ALSTHOM Railway Maintenance Services Limited, whose registered office is at Leigh Road, Washwood Heath, Birmingham B8 2YJ;

"the usage contract" means the contract dated 7 April 1995 between London Underground Limited(1) and NLSP(2) under which the NLSP has agreed to



provide London Underground Limited with the Trains, Equipment, Services and Existing Train Services and to carry out certain Enabling Works (as such terms are therein defined).

- (2) In this exemption:
- (a) unless the context otherwise requires, terms and expressions defined in the Act shall have the same meanings in this exemption;
 - (b) the Interpretation Act 1978 shall apply to this exemption in the same way as it applies to an enactment; and
 - (c) any reference to a numbered article is a reference to the article in this exemption which bears that number, and any reference in an article to a numbered paragraph is a reference to the paragraph bearing that number in that article.

Licence exemption

3.-(1) Exemption is granted to each of NLSP and RMS from the requirement to be authorised by licence to be the operator of the railway assets specified in article 4.

(2) So far as it relates to any particular railway asset specified in article 4, the exemption granted in this article may be revoked by agreement in writing between the Regulator and each of NLSP and RMS.

Railway assets to which article 3 applies

4. The railway assets to which article 3 applies are:
- (a) the light maintenance depots at Golders Green, Morden, Edgware, Highgate and High Barnet each of which is currently operated by London Underground Limited; and
 - (b) any track located within the boundaries of each light maintenance depot described in sub-paragraph (a) above.

Conditions

5. The exemptions granted under article 3 are subject to the following conditions:



(a) the exemption shall terminate on 31 May 2016 or if earlier the date on which the usage contract is terminated; and

(b) the Regulator may revoke or modify the whole or any part of such exemptions if:

(i) NLSP ceases to be a party to the usage contract;

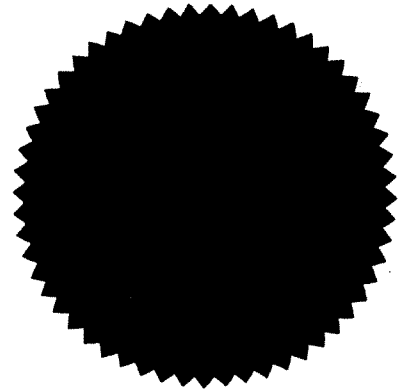
(ii) either NLSP or RMS ceases to be a party to the associated contracts; or

(ii) either of NLSP or RMS permit the use of the railway assets for the provision of light maintenance services to any person other than London Regional Transport or any of its subsidiaries.

A handwritten signature in black ink, appearing to read 'J.A. Risher', with a long horizontal line extending to the right.

16 June 1995

Signed by authority of
the Rail Regulator





EXPLANATORY NOTE

(This note is not part of the exemption.)

This exemption provides for the grant of exemption from the licensing provisions of the Railways Act 1993.

Article 3 provides for NLSP and RMS, each of which are subsidiaries of GEC ALSTHOM Limited, to be exempt from the requirement to hold licences to be the operator of the railway assets specified in article 4.

Article 4 provides that the exemption applies in respect of light maintenance depots and the networks within the railway assets are used for the provision of light maintenance services to London Underground Limited.

The exemption granted to NLSP and RMS allows the continuation of the exemption from the licensing provisions of the Railways Act 1993 which was granted subsidiaries of London Regional Transport by the Railways (London Regional Transport)(Exemptions) Order 1994.

A light maintenance depot is any land or other property which is normally used for or in connection with the provision of light maintenance services, whether or not it is also used for other purposes. Normal use will usually be inferred from the presence at the depot of specialised equipment such as refuelling points or cleaning apparatus, or specially constructed or adapted accommodation for the provision of such light maintenance services.