

The Railways Act 1993

Owen Williams Railways Limited Licence Exemption 2002

2002 No. 4

Made 3 September 2002

Coming into force 3 September 2002

The Rail Regulator, in exercise of the powers conferred upon him by section 7(3) of the Railways Act 1993 (as amended by the Transport Act 2000), after consultation with the Secretary of State and the Strategic Rail Authority 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 Owen Williams Railways Limited Licence Exemption 2002.

(2) The exemption granted by article 3 below shall come into force on 3 September 2002 at 11:59 and shall continue in force until revoked in accordance with article 6.

Interpretation

2.-(1) In this exemption:

“the Act” means the Railways Act 1993 as amended by the Transport Act 2000;

“the Company” means Owen Williams Railways Limited, incorporated in England and Wales with company registration number 3033245, whose registered office is 3 Duchess Place, Hagley Road, Birmingham, B16 8NH.

(2) In this exemption:

- (a) unless the context otherwise requires, terms and expressions defined in the Act shall bear the same meaning as in that Act;
- (b) the Interpretation Act 1978 shall apply 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. Subject to articles 5 and 6, exemption is granted to the Company from the requirement to be authorised by licence to be the operator of the railway assets specified in article 4.

Railway assets to which article 3 applies

4. The railway assets to which article 3 applies are non-passenger trains which consist of vehicles comprising plant and machinery which are exclusively used for the carrying out of works of maintenance or repair to a network.

Insurance Against Third Party Liability

5. The condition granted under article 3 is subject to the following conditions:
- (a) the company shall only be permitted to operate the railway assets specified in article 4 on networks or parts of networks in respect of which it has been granted exclusive possession by the relevant facility owner; and
 - (b) the company shall in respect of the operation of the railway assets specified in article 4 maintain or procure the maintenance of insurance against third party liabilities in accordance with the requirements of the Strategic Rail Authority as notified from time to time.

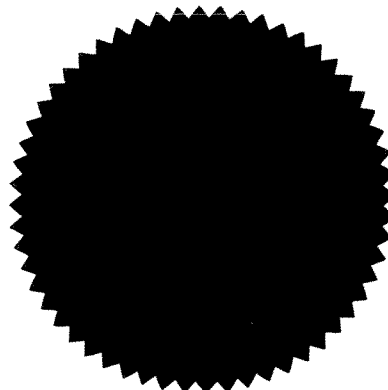
Term as to Revocation

6. The Rail Regulator may revoke the whole or any part of the exemption granted in article 3:
- (a) at the same time that he grants to the Company any licence or licence exemption to operate any other railway asset;
 - (b) if he suspects on reasonable grounds that the Company has operated any railway asset without having in place a licence or licence exemption as required by section 6 of the Act; or
 - (c) by agreement in writing between the Rail Regulator and the Company.



3 September 2002

Signed by the authority of the
Rail Regulator



EXPLANATORY NOTE

This does not form part of the licence exemption

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

Article 3 provides for Owen Williams Railways Limited to be exempt from the requirement to hold a licence to be the operator of the railway assets specified in article 4.

Article 6 sets out the circumstances in which this licence exemption may be revoked.