

The Railways Act 1993
(as amended)

Portsmouth City Council
(trading as Portsmouth Commercial Port)
Licence Exemption 2008

2008 No. 4

Made 5 March 2008

Coming into force 5 March 2008

The Office of Rail Regulation, in exercise of the powers conferred upon it by section 7(3) of the Railways Act 1993 (as amended), after consultation with the Secretary of State in accordance with the said section 7(3), hereby grants to Portsmouth City Council (trading as Portsmouth Commercial Port) the following exemption.

Citation and commencement

1. (a) This exemption may be cited as the Portsmouth City Council (trading as Portsmouth Commercial Port) Licence Exemption 2008.

(b) This exemption shall come into force on 5 March 2008 and shall continue in force until revoked in accordance with article 5.

Interpretation

2. (1) In this exemption:

“the Act” means the Railways Act 1993 (as amended);

“the Council” means Portsmouth City Council (trading as Portsmouth Commercial Port), whose address is at Civic Offices, Guildhall Square, Portsmouth PO1 2BG.

“the exempt network” means the network at Portsmouth Intermodal Goods Yard; and

“exempt activities” means those things which the Council may do pursuant to this exemption and in respect of which it is exempt from the requirement to be authorised by licence by virtue of article 3.

(2) In this exemption:

- (a) unless the context otherwise requires, terms and expressions herein shall bear the same meaning as in the Act;
- (b) the Interpretation Act 1978 shall apply as it applies to an enactment;
- (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; and
- (d) any reference to a person includes any individual, company, unincorporated association or body of persons (including a partnership, joint venture or consortium) or other entity and its respective successors and assigns.

Licence exemption

3. Subject to article 5, this exemption is granted to the Council from the requirement to be authorised by licence to be the operator of the railway assets, or the classes or descriptions of assets, specified in article 4.

Railway assets to which article 3 applies

4. The railway assets to which article 3 applies are:
- (a) the exempt network;
 - (b) any installations associated with any of the track comprised in the exempt network;
 - (c) any light maintenance depot operated in connection with the exempt network; and
 - (d) any non-passenger train being used on the exempt network.

Revocation

5. The Office of Rail Regulation may revoke the whole or any part of this exemption:
- (a) at the same time that it grants to the Council any licence or exemption to operate any other railway asset or assets notwithstanding that such licence or exemption may also apply to one or more of the assets specified in article 4;
 - (b) if it suspects on reasonable grounds that the Council has operated any railway asset without having in place a licence or exemption as required by section 6 of the Act;
 - (c) if the Council has not commenced exempt activities within one year beginning with the day on which this exemption comes into force or if the Council ceases to carry on exempt activities for a continuous period of at least one year; or
 - (d) by agreement in writing between the Office of Rail Regulation and the Council.

5 March 2008



Signed by authority of the Office of Rail Regulation



EXPLANATORY NOTICE

This notice is not part of the exemption

This exemption provides for the grant of exemption from the licensing provisions of the Railways Act 1993 (as amended).

Article 3 provides for Portsmouth City Council (trading as Portsmouth Commercial Port) ("the Council") to be exempt from the requirement to hold a licence to be the operator of the railway assets specified in article 4.

This exemption will permit the Council to operate the network at Portsmouth Intermodal Goods Yard without need to hold a licence.

Article 5 sets out the circumstances in which this exemption may be revoked.