

The Railways Act 1993
(as amended)

Freightliner Maintenance Limited
(Light Maintenance Depot)
Licence Exemption 2007

2007 No. 10

<i>Made</i>	<i>19 October 2007</i>
<i>Coming into force</i>	<i>19 October 2007</i>

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 Freightliner Maintenance Limited the following exemption.

Citation and commencement

1. (a) This exemption may be cited as the Freightliner Maintenance Limited (Light Maintenance Depot) Licence Exemption 2007.

(b) This exemption shall come into force on 19 October 2007 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);

“the Company” means Freightliner Maintenance Limited, company registration number 05713164, whose registered office is at The Podium, 1 Eversholt Street, London, NW1 2FL;

(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 articles 5, 6 and 7, this exemption is granted to the Company from the requirement to be authorised by licence to be the operator of the railway assets described in article 4.

Railway assets to which article 3 applies

4. Article 3 applies to any light maintenance depot used wholly or mainly for the provision of light maintenance services in relation to locomotives or other rolling stock used other than for the purpose of carrying passengers by railway, and:

- (a) which is specified by the Company in a notice given to the Office of Rail Regulation; and
- (b) in respect of which the Office of Rail Regulation has given to the Company a notice stating that it does not object to article 3 applying to that light maintenance depot; or
- (c) in respect of which the Office of Rail Regulation has not given to the Company, within a period of 28 days beginning with the day on which the Company gave such notice to the Office of Rail Regulation, a notice stating that it objects to article 3 applying to that light maintenance depot;

Condition

5. Where the Company ceases to be the operator of a light maintenance depot in respect of which article 3 applies, it shall give notice of that fact to the Office of Rail Regulation without delay and in any event within a period of 14 days beginning with the day on which it ceases to be the operator of that railway asset in which case article 7 shall apply.

Revocation

6. 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 Company 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 Company has operated any railway asset without having in place a licence or exemption as required by section 6 of the Act; or
 - (c) if the Company has not commenced exempt activities within one year beginning with the day on which this exemption comes into force or if

the Company 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 Company.

7. Where the Company has specified in a notice given to the Office of Rail Regulation that it is no longer the operator of a light maintenance depot in respect of which article 3 applies, the exemption granted in article 3 shall be deemed no longer to apply in respect of that light maintenance depot upon receipt of that notice by the Office of Rail Regulation.



19 October 2007

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 **Freightliner Maintenance Limited** (“the Company”) to be exempt from the requirement to hold a licence to be the operator of light maintenance depots as described in article 4.*

Article 6 sets out the circumstances in which this exemption may be revoked. The exemption may also be revoked under section 7(6) of the Railways Act 1993 (as amended) if the Condition set out in article 5 is not complied with. Article 7 sets out the circumstances in which a light maintenance depot covered by this exemption will cease to be considered exempt.

Light Maintenance Depots that are exempt from the requirement to have a licence under the provisions of The Railways (Class and Miscellaneous Exemptions) Order 1994 do not need to be notified to the Office of Rail Regulation.