

Interpretation

2. (1) In this exemption:

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

“the Company” means The Potter Group Limited, incorporated in England and Wales with company registration number 1392251, whose registered office is at Green Lane, Melmerby, Ripon, HG4 5HP;

“the exempt network” means the network consisting of that part of the headshunt which permits connection between Network Rail’s network and the Applicant’s terminal at Recreation Road in Selby, commencing at a point 335m beyond the points giving access to the siding and extending for a distance of 135m; and

(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 Company 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; and
- (b) any installations associated with any of the track comprised in the exempt network.

Revocation

5. The Rail Regulator may revoke the whole or any part of this licence exemption:

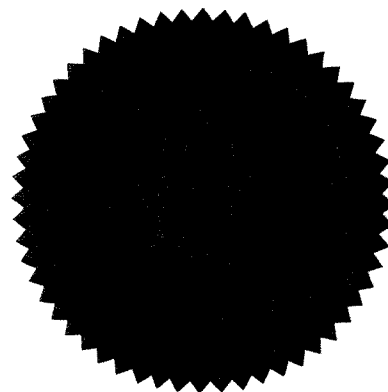
- (a) at the same time that he grants to the Company any licence or exemption to operate any other railway asset;

- (b) if he suspects on reasonable grounds that the Company has operated any railway asset without having in place a licence or exemption as required by section 6 of the Act;
- (c) by agreement in writing between the Rail Regulator and the Company; or
- (d) if the Company does not hold a valid safety case or a valid safety case exemption as required by the Railway (Safety Case) Regulations 2000.

1 October 2003



Signed by the authority of
The Rail Regulator



EXPLANATORY NOTICE

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 (as amended).

Article 3 provides for The Potter Group Limited (“the Company”) to be exempt from the requirement to hold a licence to be the operator of the railway assets specified in article 4.

The exemption will permit the Company to operate the network consisting of that part of the headshunt which permits connection between Network Rail’s network and the Applicant’s terminal at Recreation Road in Selby, commencing at a point 335m beyond the points giving access to the siding and extending for a distance of 135m without need to hold a licence as required in section 6 of the Railways Act 1993 (as amended).

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