

## **The Railways Act 1993**

### **Balfour Beatty Rail Plant Limited (Light Maintenance Depot) Licence Exemption 2000**

2000 No. 5

*Made* 28 June 2000

*Coming into force* 28 June 2000

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 Balfour Beatty Rail Plant Limited (Light Maintenance Depot) Licence Exemption 2000.

(2) This exemption shall come into force on 28 June 2000.

## **Interpretation**

2.-(1) In this exemption:

"the Act" means the Railways Act 1993;

"the Company" means Balfour Beatty Rail Plant Limited, company registration number 1982627, whose registered office is at 7 Mayday Road, Thornton Heath, Croydon, CR7 7XA;

"the network" means the network comprised within and associated with a light maintenance depot;

"passenger light maintenance services" means light maintenance services which are carried out to locomotives or other rolling stock which are used for the provision of regular scheduled passenger services"; and

"regular scheduled passenger services" means services:

- (a) which are listed in the Great Britain Passenger Railway Timetable; or
- (b) for which the fare is a Permanent Fare or a Temporary Promotional Fare for the purposes of the Ticketing and Settlement Agreement.

(2) In this exemption:

- (a) unless the context otherwise requires, terms and expressions defined in the Act shall bear 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. 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 the light maintenance depots and the network therein situated at:

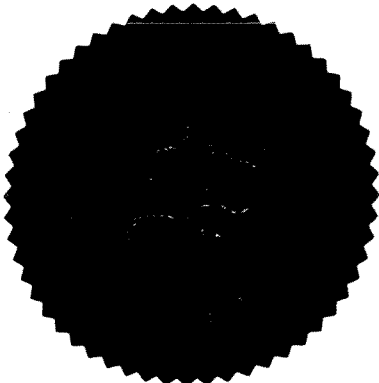
- (a) Ashford;
- (b) Colchester;
- (c) Eastleigh;
- (d) Hither Green;
- (e) Romford;
- (f) Temple Mills;
- (g) Three Bridges; and
- (h) ~~Woking~~; *Revised 13 December 2000*

**Terms as to Revocation**

5. The Rail Regulator may revoke the whole or any part of the exemption granted in article 3:

- (a) if he is satisfied that any of the railway assets described in article 4 are being used for the provision of passenger light maintenance services;
- (b) at the same time he grants to the Company any licence or exemption to operate any other railway asset;
- (c) 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; or
- (d) by agreement in writing between the Rail Regulator and the Company.

28 June 2000



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 the Company to be exempt from the requirement to hold a licence to be the operator of the railway assets specified in article 4.*

*Article 4 provides that the exemption applies in respect of the specified light maintenance depots operated by the Company.*

*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.*



13 December 2000

OFFICE of the  
RAIL REGULATOR

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F. A. O. FDFT McCormack Esq, The Company Secretary

cc Paulo Steffenini Esq, Assistant Legal Advisor

Your ref: PS0130/  
P Steffenini/JP

Our ref: L 1/5/36  
L 1/6/36  
L 1/6/121

**REVOCATION OF:**

**SOUTHERN TRACK RENEWALS COMPANY LIMITED'S NETWORK  
AND NON-PASSENGER LICENCES AND LIGHT MAINTENANCE  
DEPOT LICENCE EXEMPTION, AND**

**BALFOUR BEATTY RAIL PLANT LIMITED'S LIGHT MAINTENANCE  
DEPOT LICENCE EXEMPTION**

1. I am writing in reply to Mr Steffenini's letter of 06 December 2000. I refer to his letter dated 19 September 2000 stating that Balfour Beatty Rail Plant Limited ("BBRPL") wishes to have their Light Maintenance Depot ("LMD") licence exemption revoked and Southern Track Renewals Company Limited ("STRU") wishes to have their Network and Non-Passenger licences and Light Maintenance Depot licence exemption revoked.

2. It has been acknowledged that BBRPL is no longer operating Woking as an LMD and our records have been amended accordingly. In accordance with paragraph 5(d) of BBRPL's LMD licence exemption, paragraph 4(h) of that licence exemption is hereby revoked. The revocation of this part of the licence exemption relating to Woking LMD is effective immediately, that is from 13 December 2000.

DIRECTORATE OF  
OPERATOR  
REGULATION

3. Under Schedule 1 of STRU's Network licence, that licence is hereby revoked. In accordance with Schedule 1 of STRU's Network licence the revocation will come into effect on 19 December 2000.

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4. Under the Schedule of STRU's Non-Passenger Licence, that licence is hereby revoked. In accordance with the Schedule of STRU's Non-Passenger licence the revocation will come into effect on 19 December 2000.

5. Regarding the revocation of STRU's LMD Licence Exemption, we would request that written notice be submitted to the Regulator in order for the Regulator to be satisfied that there are no longer any activities pursuant to the exemption being carried out at the Streatham Hill LMD by BBRPL. Until such notice is received, the exemption must continue in force.

6. I refer to Mr Steffenini's letter of 19 September 2000 once more when requesting that, should the copies of these licences and licence exemption held by Balfour Beatty Rail Limited be found, they be returned to the Regulator as soon as practicably possible.

7. I am copying this letter to Inspector Paul Richards of the British Transport Police, Mr Ciaran O'Shea at the Health and Safety Executive, Mr Simon Joyce and Mr Peter West at the Shadow Strategic Rail Authority and my colleague Mr Rob Caune at The Office of the Rail Regulator for their information.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Chris Dodds'.

**CHRIS DODDS**  
**Team Administrator, Licensing & Standards**  
**020 7282 3857**