

The Railways Act 1993

BALFOUR BEATTY RAIL PLANT LIMITED (Light Maintenance Depot) Licence Exemption 2000

2000 No 13.

Made 1 December 2000

Coming into force 1 December 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 1 December 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 the light maintenance depots listed in article 4;

"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

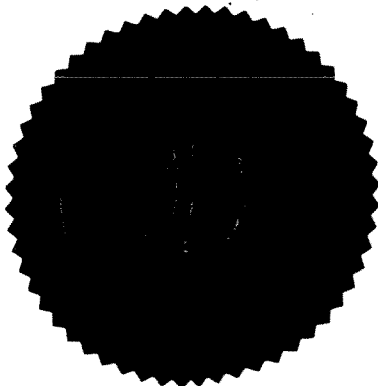
4. The railway assets to which article 3 applies are the light maintenance depots and the network situated at:

- (a) Hither Green Pre-assembly Depot;
- (b) Peterborough Maskew Avenue;
- (c) Newcastle Heaton Yard;
- (d) Darlington Park Lane Depot;
- (e) Hoo Junction Downside Yard; and
- (f) Sandiacre (Toton) Station Yard.

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.



1 December 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.