

Licence Exemption

1. The Office of Rail Regulation (ORR) exempts under section 7(3) of the Railways Act 1993:

DB Schenker Rail (UK) Limited

registered in England and Wales with number 02938988

from the requirement to be authorised by licence to operate the railway assets described in paragraph 2 below.

2. This exemption applies to:

- (a) any light maintenance depot (LMD) which has been notified to ORR and in respect of which ORR has not objected within 30 days of being notified;
- (b) any train being used on the network within such a depot.

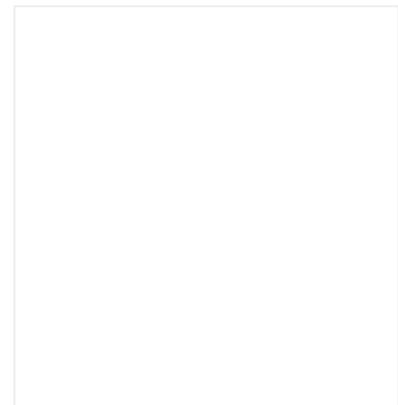
A list of the LMDs to which this exemption applies is at Schedule 1.

3. This exemption is valid from 8 April 2014. It updates the exemption of 8 September 2004.
4. ORR may revoke the whole or any part of this exemption:
- (a) if the exemption holder is granted another licence or exemption for the operation of all or some of the railway assets to which this exemption applies; or
 - (b) if ORR suspects on reasonable grounds that the exemption holder has operated a railway asset without a necessary licence or exemption; or
 - (c) if all or some of the railway assets to which this exemption applies are not used for at least one year; or
 - (d) if the exemption holder ceases to be the operator of all or some of the assets to which this exemption applies; or
 - (e) by agreement in writing with the exemption holder.

Signed by authority of ORR

8 April 2014

Reference number: L/14/01



Schedule 1

The LMDs to which this exemption applies are:

LMD	Date
1. Avonmouth Fuel & Servicing Point and Wagon Maintenance Out-base	15 September 2004
2. Cardiff Tidal Sidings Wagon Maintenance Out-base	15 September 2004
3. Carnforth Carriage & Wagon Depot	15 September 2004
4. Crewe Gresty Lane Wagon Maintenance Out-base	15 September 2004
5. Dollands Moor Fuel & Inspection Point and Wagon Maintenance Out-base	15 September 2004
6. Doncaster Woodyard Wagon Maintenance Out-base	15 September 2004
7. Fort William Traction and Wagon Maintenance Depot	15 September 2004
8. Fowey Docks Wagon Maintenance Out-base	15 September 2004
9. Frodingham Wagon Repair Depot	15 September 2004
10. Hoo Junction Up Yard Wagon Maintenance Out-base	15 September 2004
11. Milford Sidings Wagon Maintenance Out-base	15 September 2004
12. Newport East Usk Yard Carriage and Wagon Depot	15 September 2004
13. Northampton Carriage & Wagon Depot	15 September 2004
14. Northampton Yard Wagon Maintenance Out-base	15 September 2004
15. Oxford Hinksey Wagon Maintenance Out-base	15 September 2004

LMD	Date
16. Parkeston Quay Wagon Maintenance Out-base	15 September 2004
17. Peak Forest Traction Maintenance Depot	15 September 2004
18. Scunthorpe Yard Wagon Maintenance Out-base	15 September 2004
19. Swansea Burrows Wagon Maintenance Out-base	15 September 2004
20. Thornton Yard Wagon Maintenance Out-base	15 September 2004
21. Warrington Arpley Fuel & Servicing Point and Wagon Maintenance Outbase	15 September 2004
22. Washwood Heath Up Yard Fuel & Servicing Point	15 September 2004
23. Westbury Wagon Repair Depot	15 September 2004
24. Westbury Yard Wagon Maintenance Out-base	15 September 2004
25. Woking Carriage & Wagon Depot	15 September 2004
26. Acton Main Line Yard Fuel & Inspection Point	4 July 2013
27. Redhill Loco Sidings	4 July 2013
28. Manchester Trafford Park Euroterminal Wagon Maintenance Out-base	21 March 2014
29. Eastleigh – BRT Sidings Tower Lane, Eastleigh, Hants SO50 6NZ	2 January 2015
30. Hither Green (Bramdean) Down Yard Hither Green Down Sidings, Bramdean Crescent, London SE12 0UJ	2 January 2015
31. Tees Yard Middlesbrough Road, Stockton-on-Tees TS17 7BN	2 January 2015

LMD	Date
32. Morris Cowley Car Terminal Watlington Road, Cowley, Oxford, Oxon OX4 6NF	2 January 2015
33. Peak Forest - Dove Holes Quarry Exchange Sidings Peak Forest Exchange Sidings, Dale Road, Peakdale, Derbyshire SK17 8BD	2 January 2015

Depots removed

Notified on 21 March 2014:

Aberdeen Wagon Maintenance Out-base

Stoke Gifford Wagon Repair Depot

Temple Mills (Stratford New) Traction Maintenance Depot

Tonbridge Wagon Maintenance Out-base

Depots removed

Notified 21 November 2019:

Bescot Up Yard Wagon Maintenance Out-base

Eastleigh East Yard & Holding Siding Dutton Lane, Eastleigh, Hants SO50 6AA

The Railways Act 1993
(as amended)

English Welsh & Scottish Railway Limited
(Light Maintenance Depot)
Licence Exemption 2004

2004 No. 16

Made 8 September 2004

Coming into force 8 September 2004

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 and the Strategic Rail Authority 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 English Welsh & Scottish Railway Limited (Light Maintenance Depot) Licence Exemption 2004.

(2) This exemption shall come into force on 8 September 2004.

Interpretation

2. (1) In this exemption:

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

“the Company” means English Welsh & Scottish Railway Limited, company registration number 2938988, whose registered office is at 310 Goswell Road, London EC1V 7LW.

(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 in the same way 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.

(3) In this exemption a notice shall be deemed to have been given and received:

- (a) if sent by hand or recorded delivery, at the time of delivery;
- (b) if sent by prepaid first class post, three days after posting unless otherwise proven; and

- (c) if sent by facsimile (subject to confirmation of uninterrupted transmission by a transmission report) before 17.00 hours on a business day, on the day of transmission and, in any other case, at 09.00 hours on the next following business day (“business day” for these purposes being a day which is not a Saturday, Sunday or a public holiday in the place where the transmission is to be received).

Licence exemption

3. Subject to articles 5, 6 and 7, 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:

- (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 railway asset 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.

Terms of revocation

6. The Office of Rail Regulation may revoke the whole or any part of the exemption granted in article 3:

- (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 to which article 3 applies;
- (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) 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 railway asset in respect of which article 3 applies, the exemption granted in article 3 shall be deemed no longer to apply in respect of that railway asset upon receipt of that notice by the Office of Rail Regulation.

8 September 2004

Signed by authority of
the Office of Rail Regulation

EXPLANATORY NOTICE

This does not form 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 English Welsh & Scottish Railway Limited to be exempt from the requirement to hold a licence to be the operator of the railway assets described in article 4.

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.

Article 6 sets out the circumstances in which this exemption may be revoked. Article 7 sets out the circumstances in which a light maintenance depot covered by this exemption will cease to be considered exempt.

Mowoe, Okiemute

Subject: FW: DB Schenker LMD Licence Exemption 2004

From: @dbschenker.com]
Sent: 07 April 2014 10:16 AM
To: Mowoe, Okiemute
Subject: RE: DB Schenker LMD Licence Exemption 2004

Thanks Mute.

That seems fine to me. I will of course keep the list under review and advise if there are any subsequent changes required.

Industry Contracts Manager

DB Schenker Rail (UK) Ltd
c/o Westbury Down Yard Offices
Station Approach
Westbury
BA13 4HP

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(m):
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(w): www.rail.dbschenker.co.uk



From: Mowoe, Okiemute [mailto:Okiemute.Mowoe@orr.gsi.gov.uk]
Sent: 07 April 2014 09:03
To:
Subject: RE: DB Schenker LMD Licence Exemption 2004

Ok thanks xxxx.

I attached the updated licence exemption. Please check over and let me know you are happy for us to update your 2004 exemption with the attached.

Kind regards,

Mute