

European Freight Licence

granted to

**English Welsh & Scottish Railway
International Limited**

Table of contents

	PAGE
Part I - Scope of the Licence.....	1
Part II - Interpretation	2
Part III - Terms as to Revocation	3

Part I - Scope of the Licence

1. The Office of Rail Regulation ("ORR"), in exercise of the powers conferred by regulation 6 of the Railway (Licensing of Railway Undertakings) Regulations 2005 ("the Regulations"), hereby grants to English Welsh & Scottish Railway International Limited, company registration number 3232475, ("the licence holder") a licence authorising the licence holder:
 - (a) to be the operator of trains being used on a network for the purpose of carrying goods by railway between EEA states;
 - (b) to be the operator of trains being used on a network for the purpose of carrying goods by railway within EEA states (excluding the carrying of goods within Great Britain);
 - (c) to be the operator of trains being used on a network for a purpose preparatory to or incidental to or consequential on using a train as mentioned in (a) or (b) above; and
 - (d) to be the operator of trains being used on a network for the purpose of assisting other operators of railway assets.
2. This licence shall come into force on 27 August 1999 and shall continue in force unless and until revoked or suspended in accordance with the provisions of Part III or the Regulations.

Part II - Interpretation

1. In this licence:

"control" shall be construed in accordance with sub-sections (2) and (4) to (6) of section 416 of the Income and Corporation Taxes Act 1988 with the following modifications, namely:

- (a) for the words "the greater part" wherever they occur in the said sub-section (2) there shall be substituted the words "30 per cent or more"; and
- (b) in the said sub-section (6), for the word "may" there shall be substituted the word "shall", the words from "and such attributions" onwards shall be omitted and in the other provisions of that sub-section any reference to an associate of a person shall be construed as including only a relative of his (as defined by section 417(4) of that Act), a partner of his and a trustee of a settlement (as defined by section 681(4) of that Act) of which he is a beneficiary;

"licensed activities" means things authorised to be done by the licence holder in its capacity as operator of trains pursuant to this licence.

- 2. The provisions of section 149 of the Railways Act 1993 (as amended) ("the Act") shall apply for the purposes of the service of any document pursuant to this licence.
- 3. Unless the context otherwise requires, terms and expressions defined in the Act, the Railways Act 2005, or the Regulations shall have the same meanings in this licence.

Part III - Terms as to Revocation

1. ORR may (after having consulted any appropriate franchising authority where the licence holder is a franchise operator), revoke this licence by not less than 3 months notice to the licence holder:
 - (a) if the licence holder agrees in writing with ORR that this licence should be revoked;
 - (b) if the licence holder has not commenced carrying on licensed activities within 6 months beginning with the day on which this licence comes into force or if the licence holder ceases to carry on licensed activities for a continuous period of at least 6 months;
 - (c) if the licence holder is convicted of an offence under section 146 of the Act or regulation 15 of the Regulations in making its application for this licence; or
 - (d) If a person obtains control of the licence holder and:
 - (i) ORR has not approved such obtaining of control;
 - (ii) within 1 month of that obtaining of control coming to the notice of ORR, ORR serves notice on the licence holder stating that ORR proposes to revoke this licence in pursuance of this paragraph unless the person who has obtained control of the licence holder ceases to have control of the licence holder within the period of 3 months beginning with the day of service of the notice; and
 - (iii) that cessation of control does not take place within that period.