

The Railways Act 1993
(as amended)

WyvernRail Plc
Licence Exemption 2008

2008 No.3

<i>Made</i>	<i>4 March 2008</i>
<i>Coming into force</i>	<i>4 March 2008</i>

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 in accordance with the said section 7(3), hereby grants to WyvernRail Plc the following exemption.

Citation and commencement

1. (a) This exemption may be cited as the WyvernRail Plc Licence Exemption 2008.

(b) This exemption shall come into force on 4 March 2008 and shall continue in force until revoked in accordance with article 5.

Interpretation

2. (1) In this exemption:

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

“the Company” means WyvernRail Plc, incorporated in England and Wales with company registration number 02754846, whose address is at Wirksworth Station, Station Road, Wirksworth, Derbyshire, DE4 4FB;

“the exempt network” means the network between Ravenstor (OS grid reference SK 287 548) and Duffield Junction (OS grid reference SK 346 435), including the sidings within Wirksworth yard; and

“exempt activities” means those things which the Company may do pursuant to this exemption and in respect of which it is exempt from the requirement to be authorised by licence by virtue of article 3.

(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;
 - (b) any installations associated with any of the track comprised in the exempt network;
 - (c) any station or light maintenance depot operated in connection with the exempt network; and
 - (d) any train being used on the exempt network, whether for the purposes of carrying passengers or goods by railway or for any other purpose whatsoever.

Revocation

5. The Office of Rail Regulation may revoke the whole or any part of this exemption:
- (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 specified in article 4;
 - (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;
 - (c) if the Company has not commenced exempt activities within one year beginning with the day on which this exemption comes into force or if the Company ceases to carry on exempt activities for a continuous period of at least one year; or
 - (d) by agreement in writing between the Office of Rail Regulation and the Company.

4 March 2008



Signed by authority of the Office of Rail Regulation



EXPLANATORY NOTICE

This notice 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 WyvernRail Plc ("the Company") to be exempt from the requirement to hold a licence to be the operator of the railway assets specified in article 4.

This exemption will permit the Company to operate the network between Ravenstor (OS grid reference SK 287 548) and Duffield Junction (OS grid reference SK 346 435), including the sidings within Wirksworth yard, without need to hold a licence.

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