

The Railways Act 1993
(as amended)

Freightliner Limited
Light Maintenance Depot Licence Exemption
(Wentloog) 2002

2002 No. 1

Made 12 February 2002

Coming into force 18 February 2002

The Rail Regulator, in exercise of the powers conferred upon him 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 Freightliner Limited Light Maintenance Depot Licence Exemption (Wentloog) 2002.

(2) The exemption granted by article 3 below shall come into force on 18 February 2002 and shall continue in force until revoked in accordance with articles 4.

Interpretation

2.-(1) In this exemption:

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

“the Company” means Freightliner Limited, whose registered office is at CP323, Floor 3, The Podium, 1 Eversholt Street, London, NW1 2FL; and

“the light maintenance depot” means the depot located at South Wales International Freight Terminal in Wentloog, Cardiff;

“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 meaning as in that Act;
- (b) the Interpretation Act 1978 shall apply 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. Subject to article 4, the exemption is granted to the Company from the requirement to be authorised by licence to be the operator of the light maintenance depot.

Terms as to Revocation

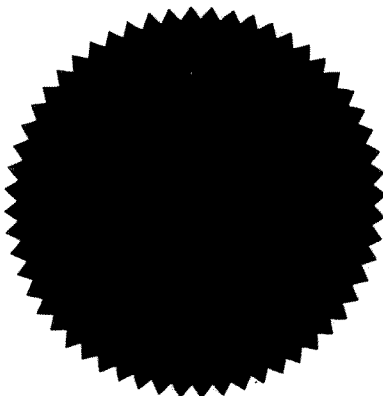
4. The Rail Regulator may revoke the whole or any part of the exemption granted in article 3:
- (a) if he is satisfied that the light maintenance depot is being used for or in connection with the provision of passenger light maintenance services;
 - (b) at the same time that he grants to the Company any licence or licence 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 licence exemption as required by section 6 of the Act; or
 - (d) by agreement in writing between the Rail Regulator and the Company.



(Nicola Shaw)

Signed by authority of
The Rail Regulator

15 February 2002



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 Freightliner Limited to be exempt from the requirement to hold a licence to be the operator of the light maintenance depot at Wentloog in Cardiff, Wales.

Article 4 sets out the circumstances in which this licence exemption may be revoked.

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.