



The Railways Act 1993

The Freightliner Limited (Light Maintenance Depots) Licence Exemption 1997 (1998)

1998 No. 1

Made 29 January 1998

Coming into force 29 January 1998

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 Freightliner Limited (Light Maintenance Depots) Licence Exemption 1998.

(2) This exemption shall come into force on 29 January 1998.

Interpretation

2.-(1) In this exemption:

"the Act" means the Railways Act 1993;

"the Company" means Freightliner Limited, incorporated in England and Wales with registration number 3118392, whose registered office is at The Podium, 1 Eversholt Street, London NW1 2FL; and

"passenger light maintenance services" means light maintenance services which are carried out to locomotives or other rolling stock which are used wholly or mainly for the provision of services for the carriage of passengers by railway".

- (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.-(1) 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.

(2) So far as it relates to any particular railway asset specified in article 4, the exemption granted in this article may be revoked by agreement in writing between the Rail Regulator and the Company.

Railway assets to which article 3 applies

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

- (a) Barking Freightliner Terminal;
- (b) Basford Hall, Crewe;
- (c) Birmingham Freightliner Terminal;
- (d) Cardiff Freightliner Terminal;
- (e) Cleveland Freightliner Terminal;
- (f) Coatbridge Freightliner Terminal;
- (g) Felixstowe North Freightliner Terminal;
- (h) Felixstowe South Freightliner Terminal;
- (i) Liverpool Garston Freightliner Terminal;
- (j) Leeds Freightliner Terminal;
- (k) Southampton Maritime Freightliner Terminal;
- (l) Southampton Millbrook Freightliner Terminal;
- (m) Thamesport (Grain) Freightliner Terminal;
- (n) Trafford Park Freightliner Terminal,

but excluding so much of the said light maintenance depots as consists of track.

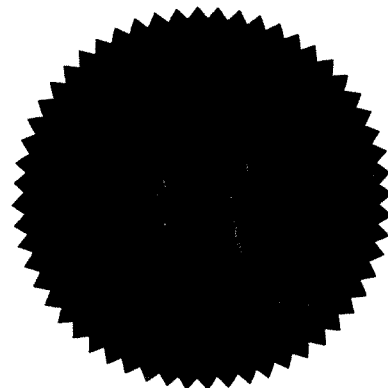
Term as to Revocation

5. The Rail Regulator may revoke the whole or any part of the exemption granted in article 3 if he is satisfied that any of the railway assets described in article 4 are being used wholly or mainly for the provision of passenger light maintenance services.

J. Vetecky

29 January 1998

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 depot 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.

T:\COMMON.GRP\BWL\S\EXEMPTION\FREILINE.ORD