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To holders of GB passenger train licences and SNRPs listed in schedule 1

Dear licence holder

Modifications to the “operators of last resort” passenger train licences and SNRPS

The companies listed in schedule 1 to this notice have been granted licences and statements of national regulatory provisions (SNRPs) to operate railway assets under section 8 of the Railways Act 1993 (the Act) or regulation 10 and schedule 4 of the Railway (Licensing of Railway Undertakings) Regulations 2005 (the Regulations).

In accordance with section 12(2) of the Act and regulation 13(2) of the Regulations on 16 October 2012 I gave notice of our intention to modify certain licences and SNRPs.¹

The Office of Rail Regulation’s (ORR’s) notice set out the reasons for the modification and its effect. I required any representations or objections to be made on or before 13 November 2012. On 9 November 2012 this deadline was extended until 23 November 2012.

ORR has considered the representations and objections which were received during the consultation period and which were not withdrawn. The only issue raised of note, which has resulted in an amendment to the Rail Delivery Group (RDG) articles of association, was explained in my letter dated 18 January 2013.² As a result no changes are proposed to the licence modification consulted on and to which the licence and SNRP holders listed in schedule 1 to this notice have consented.³

Under section 12(1) of the Act and regulation 13(1) of the Regulations and with the consent of the holders I therefore modify the licences and SNRPs listed in schedule one to this notice by adding new condition 28 ‘Rail Delivery Group’ as set out in schedule 2.

However ORR consents to the condition not being effective for the operators listed in schedule one for the time being and so they are not required to become Licensed Members of RDG. This is because these operators are dormant operators whose licences are only to be used in the event that they need to take over certain rail operations (operators of last resort). This consent will expire in the event that an operator becomes active.

¹ <http://www.rail-reg.gov.uk/upload/pdf/rdg-conclusions-and-notice-161012.pdf>

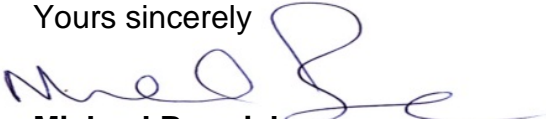
² <http://www.rail-reg.gov.uk/upload/pdf/rdg-formalisation-180113.pdf>

³ For SNRPs the reference in the consulted licence condition has been amended from ‘licence holder’ to ‘SNRP holder’.



I will place a copy of this letter on our website and public register. We will also update all the relevant licences and SNRPs on our website.

Yours sincerely



Michael Beswick

Schedule 1: Passenger licences and SNRPs

The licences and statements of national regulatory provisions (SNRPs) subject to this notice, with their reference numbers are:

Operator licence or SNRP	Reference number
Golding's Rail Ltd • GB passenger SNRP	UK 02 2006 0008
Hay's Rail Ltd • GB passenger SNRP	UK 02 2006 0009
OQS Rail Ltd • GB passenger SNRP	UK 02 2006 0010
Orchard Rail Ltd • GB passenger SNRP	UK 02 2006 0011
Rail for London Limited • GB passenger SNRP	UK 02 2007 0008
SOLR1 Ltd • GB passenger SNRP	UK 02 2007 0006
SOLR2 Ltd • GB passenger SNRP	UK 02 2007 0007
Strutton Rail Ltd • GB passenger SNRP	UK 02 2006 0012
Tyne & Wear Passenger Transport Executive • Passenger train licence	UK 03 2002 0002
Westminster Rail Ltd • GB passenger SNRP	UK 02 2006 0013

Schedule 2

For licences insert new condition 28:

Condition 28: Rail Delivery Group

1. *The licence holder shall:*

(a) become and thereafter remain a Licensed Member of RDG;

(b) comply with its obligations under the RDG Articles; and

(c) procure that any member of its Group that is entitled under the RDG Articles to become a Member of RDG:

(i) becomes and thereafter remains a Member of RDG; and

(ii) complies with its obligations under the RDG Articles.

2. *In this condition:*

“Group” has the meaning ascribed to it in the RDG Articles;

“Licensed Member” has the meaning ascribed to it in the RDG Articles;

“Member” has the meaning ascribed to it in the RDG Articles;

“RDG” means the Rail Delivery Group (a company limited by guarantee and registered in England and Wales under number 08176197); and

“RDG Articles” means the articles of association of RDG.

For SNRPs insert new condition 28:

Condition 28: Rail Delivery Group

1. The SNRP holder shall:

(a) become and thereafter remain a Licensed Member of RDG;

(b) comply with its obligations under the RDG Articles; and

(c) procure that any member of its Group that is entitled under the RDG Articles to become a Member of RDG:

(i) becomes and thereafter remains a Member of RDG; and

(ii) complies with its obligations under the RDG Articles.

2. In this condition:

“Group” has the meaning ascribed to it in the RDG Articles;

“Licensed Member” has the meaning ascribed to it in the RDG Articles;

“Member” has the meaning ascribed to it in the RDG Articles;

“RDG” means the Rail Delivery Group (a company limited by guarantee and registered in England and Wales under number 08176197); and

“RDG Articles” means the articles of association of RDG.