

**The Railways Act 1993
(as amended)**

**The Victa Railfreight Limited
Licence Exemption 2002**

2002 No. 5

Made 19 December 2002

Coming into force 19 December 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 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 Victa Railfreight Limited Licence Exemption 2002.

(2) This exemption shall come into force on 19 December 2002.

Interpretation

2.-(1) In this exemption:

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

“the Company” means Victa Railfreight Limited, incorporated in England and Wales with registration number 3017321, whose registered office is at Hoo Junction Freight Terminal, Queens Farm Road, Shorne, Gravesend, Kent, DA12 3HU;

“the network” means the network consisting of track and associated installations which is located within the boundaries of the Riverside Rail Terminal, Port of Tilbury, Tilbury, Essex; 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 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. Subject to article 5, 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.

Railway assets to which article 3 applies

4. The railway assets to which article 3 applies are:

(a) the network;

(b) any train being used on the network for or in connection with the carriage of goods by the railway; and

- (c) any light maintenance depot which is connected to the network.

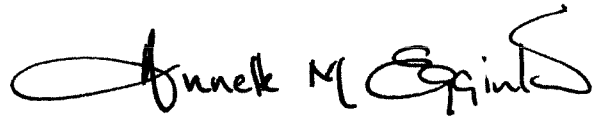
Term as to Revocation

5. The Rail Regulator may revoke the whole or any part of the exemption granted in article 3:

(a) at the same time that he grants to the Company any licence or licence exemption to operate any other railway asset;

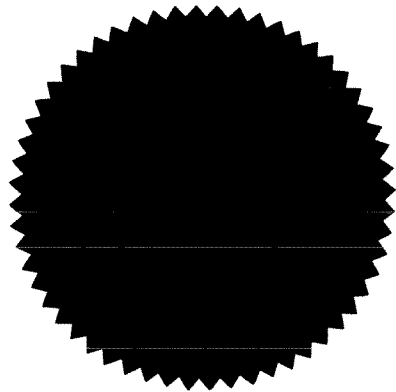
(b) if he suspects on reasonable grounds that the Company has operated any railway asset without having in place a licence or licence exemption as required by section 6 of the Act; or

(c) by agreement in writing between the Rail Regulator and the Company.



19 December 2002

Signed by authority of
the Rail Regulator



EXPLANATORY NOTICE

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 (as amended).

Article 3 provides for Victra Railfreight Limited to be exempt from the requirement to hold a licence to be the operator of the railway assets specified in article 4.

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