

The Railways Act 1993

The Barrow Hill Engine Shed Society Limited Licence Exemption 1998

1998 No. 9

Made 1 October 1998

Coming into force 1 October 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 Barrow Hill Engine Shed Society Limited Licence Exemption 1998.

(2) This exemption shall come into force on 1 October 1998.

Interpretation

2.-(1) In this exemption:

"the Act" means the Railways Act 1993;

"the light maintenance depot" means the former railway locomotive depot at Barrow Hill, Staveley, Chesterfield now known as Barrow Hill Railway Centre;

"the Company" means Barrow Hill Engine Shed Society Limited, company registration number 3374025, whose registered office is at 266 Williamthorpe Road, North Wingfield, Chesterfield, Derbyshire S42 5NS;

"the network" means the network comprised within and associated with the

light maintenance depot;

"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 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

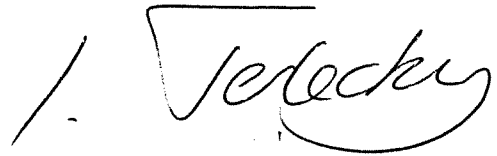
4. The railway assets to which article 3 applies are:

- (a) the network; and
- (b) the light maintenance depot.

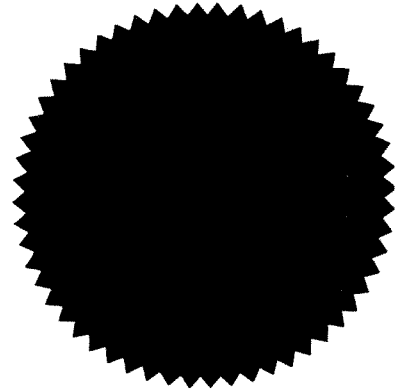
Term as to Revocation

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 for the provision of passenger light maintenance services.

1 October 1998

A handwritten signature in black ink, appearing to read "J. Verelocky", enclosed within a hand-drawn rectangular box. A long horizontal line is drawn below the signature.

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 light maintenance depot located at Barrow Hill and its associated network.

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.