

The Railways Act 1993
(as amended)

Blyth Harbour Commission
Licence Exemption 2006

2006 No. 5

Made 15 June 2006

Coming into force 15 June 2006

The Office of Rail Regulation, in exercise of the powers conferred upon it 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 to Blyth Harbour Commission the following exemption.

Citation and commencement

1. (1) This exemption may be cited as the Blyth Harbour Commission Licence Exemption 2006.

(2) This exemption shall come into force on 15 June 2006 and shall continue in force until revoked in accordance with article 6.

Interpretation

2. (1) In this exemption:

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

“the Company” means Blyth Harbour Commission, incorporated under the Blyth Harbour Act 1882;

“the exempt network” means the network consisting of a single line approximately 1.1 kilometres in length, including a run-round loop approximately 650 metres in length and a head shunt, forming a connection with Network Rail’s network via a ground frame controlled turnout located between Freemans signal box and North Blyth; and

“exempt activities” means those things which the Company may do pursuant to this exemption and in respect of which it is exempt from the requirement to be authorised by licence by virtue of article 3.

(2) In this exemption:

- (a) unless the context otherwise requires, terms and expressions herein shall bear the same meaning as in the Act;
- (b) the Interpretation Act 1978 shall apply as it applies to an enactment;
- (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; and
- (d) any reference to a person includes any individual, company, unincorporated association or body of persons (including a partnership, joint venture or consortium) or other entity and its respective successors and assigns.

Licence exemption

3. Subject to articles 5 and 6, this exemption is granted to the Company from the requirement to be authorised by licence to be the operator of the railway assets, or the classes or descriptions of assets, specified in article 4.

Railway assets to which article 3 applies

4. The railway assets to which article 3 applies are:
 - (a) the exempt network;
 - (b) any installations associated with any of the track comprised in the exempt network;
 - (c) any station or light maintenance depot operated in connection with the exempt network; and
 - (d) any train being used on the exempt network, whether for the purposes of carrying passengers or goods by railway or for any other purpose whatsoever.

Conditions

5. The Company shall notify the Office of Rail Regulation in writing as soon as possible and, in any event, within 30 days, if:
 - (a) it agrees to grant regular access to the exempt network to a train operator; and
 - (b) it reaches an agreement with a train operating company for the provision of regular scheduled services between the exempt network and the network operated by Network Rail Infrastructure Limited

Revocation

6. The Office of Rail Regulation may revoke the whole or any part of this exemption:
 - (a) at the same time that it grants to the Company any licence or exemption to operate any other railway asset or assets notwithstanding that such licence or exemption may also apply to one or more of the assets specified in article 4;
 - (b) if, having received written notification from the Company in accordance with article 5 above, it determines that such revocation is appropriate;

- (c) if it suspects on reasonable grounds that the Company has operated any railway asset without having in place a licence or exemption as required by section 6 of the Act;
- (d) if the Company has not commenced exempt activities within one year beginning with the day on which this exemption comes into force or if the Company ceases to carry on exempt activities for a continuous period of at least one year; or
- (e) by agreement in writing between the Office of Rail Regulation and the Company.

Robert M. Plaskett

15 June 2006

Signed by authority of the
Office of Rail Regulation



EXPLANATORY NOTICE

This notice 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 Blyth Harbour Commission (“the Company”) to be exempt from the requirement to hold a licence to be the operator of the railway assets specified in article 4.

This exemption will permit the Company to operate a railway consisting of a single line approximately 1.1 kilometres in length, including a run-round loop approximately 650 metres in length and a head shunt, forming a connection with Network Rail’s network via a ground frame controlled turnout located between Freemans signal box and North Blyth without need to hold a licence.

Article 6 sets out the circumstances in which this exemption may be revoked. The exemption may also be revoked under section 7(6) of the Railways Act 1993 (as amended) if the Conditions set out in article 5 are not complied with.