

The Railways Act 1993
(as amended)

East Lancashire Light Railway
Company Limited
Licence Exemption

2003 No. 5

Made 29 August 2003

Coming into force 29 August 2003

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 to East Lancashire Light Railway Company Limited the following exemption.

Citation and commencement

1. (1) This exemption may be cited as the East Lancashire Light Railway Company Limited Licence Exemption 2003.

(2) This exemption shall come into force on 29 August 2003 and shall continue in force until revoked in accordance with article 5.

Interpretation

2. (1) In this exemption:

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

“the Company” means East Lancashire Light Railway Company Limited, incorporated in England and Wales with company registration number 2023981, whose registered office is at Bolton Street Station, Bolton Street, Bury, Lancashire, BL7 0EY;

“the exempt network” means the network consisting of the Heywood Branch which runs from Bolton Street Station in an easterly direction over a distance of just under five miles to the junction with the network operated by Network Rail Infrastructure Limited some 500m east of Heywood Station; and

(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 article 5, 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.

Condition

5. The Company shall notify the Regulator in writing as soon as possible and in any event within 30 days, if it reaches an agreement with a train or network operating company for the provision of regular scheduled services between the exempt network and the network operated by Network Rail Infrastructure Limited.

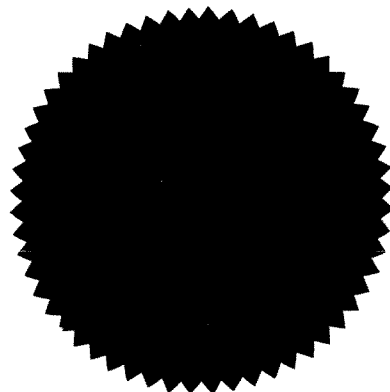
Revocation

6. The Rail Regulator may revoke the whole or any part of this licence exemption:
- (a) at the same time that he grants to the Company any licence or exemption to operate any other railway asset;
 - (b) if having received written notification from the Company in accordance with article 5 above he determines that such revocation is appropriate;
 - (c) if he becomes aware that the Company has reached an agreement as described in article 5 above and the Company has not notified him in writing in accordance with article 5;
 - (d) if he 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;
 - (e) by agreement in writing between the Rail Regulator and the Company; or
 - (f) if the Company does not hold a valid safety case or a valid safety case exemption as required by the Railway (Safety Case) Regulations 2000.

29 August 2003



Signed by the 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 East Lancashire Light Railway Company Limited (“the Company”) to be exempt from the requirement to hold a licence to be the operator of the railway assets specified in article 4.

The exemption will permit the Company to operate a railway over the network consisting of the Heywood Branch which runs from Bolton Street Station in an easterly direction over a distance of just under five miles to the junction with the network operated by Network Rail Infrastructure Limited some 500m east of Heywood Station without need to hold a licence as required in section 6 of the Railways Act 1993 (as amended).

Article 6 sets out the circumstances in which this exemption may be revoked.