

## **The Railways Act 1993**

### **Freightliner Limited Licence Exemption 1999**

1999 No. 11

*Made* 10 December 1999

*Coming into force* 10 December 1999

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 Freightliner Limited (Light Maintenance Depot) Licence Exemption 1999.

(2) This exemption shall come into force on 10 December 1999.

#### **Interpretation**

2.-(1) In this exemption:

"the Act" means the Railways Act 1993;

"the light maintenance depot" means the depot at Ipswich Fuelling Point, Ipswich Station, Burrell Road, Ipswich;

"the Company" means Freightliner Limited, company registration number 3118392, whose registered office is at CP323, 3<sup>rd</sup> Floor, The Podium, 1 Eversholt Street, London NW1 2FL;

"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**

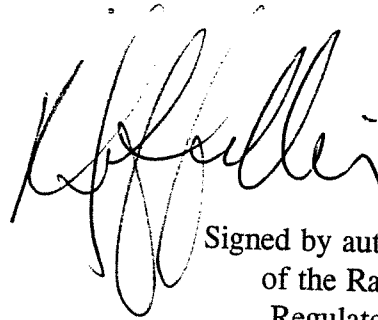
4. The railway assets to which article 3 applies are:

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

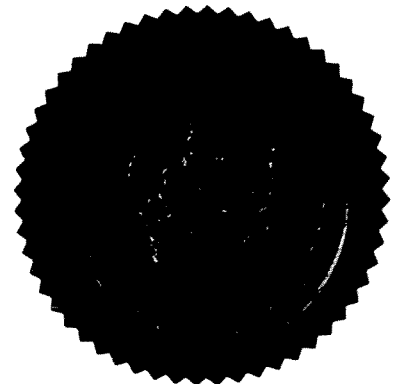
**Term as to Revocation**

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.

10 December 1999



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 Burrell Road, Ipswich 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.*