

The Railways Act 1993
(as amended)

Dart Valley Railway Plc
Licence Exemption 2006

2006 No. 7

Made // *July 2006*

Coming into force // *July 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 Dart Valley Railway Plc the following exemption.

Citation and commencement

1. (1) This exemption may be cited as the Dart Valley Railway Plc Licence Exemption 2006.

(2) This exemption shall come into force on // July 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 Dart Valley Railway Plc, incorporated in England and Wales with company registration number 852020, whose registered office is at Queens Park Station, Torbay Road, Paignton, Devon, TQ4 6AF;

“the connecting network” means the network from the stopboard at Paignton South level crossing at 222m 21ch to 222m 27.5ch, which is operated by Network Rail Infrastructure Limited and connects to the national network;

“the exempt network” means the network from the connecting network at the south end to the boundary with the existing Company network at 223m, including Goodrington Sands station; 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 operated in connection with the exempt network; and
- (d) any train being used on the exempt network or the connecting 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. Plaski

// July 2006

Signed by authority of the
Office of Rail Regulation

