



# High Speed Rail (London - West Midlands) Act 2017

## 2017 CHAPTER 7

### *Railway matters*

#### **40 Disapplication of licensing requirement in pre-operational phase**

- (1) Section 6(1) of the Railways Act 1993 (which prohibits any person from acting as the operator of a railway asset unless authorised by a licence under section 8 of that Act) does not apply in relation to—
  - (a) a railway asset, other than a train, which is constructed in exercise of the powers conferred under this Act but which is not yet ready for commercial use, or
  - (b) a train being used on a network where the network is a railway asset falling within paragraph (a).
- (2) For the purposes of subsection (1), a railway asset is to be taken to be ready for commercial use only if the Secretary of State has laid before Parliament notice of his or her determination that it is ready for such use.
- (3) The exemption granted by subsection (1) is an appropriate licence exemption for the purposes of section 122 of the Railways Act 1993 (which provides a defence to actions in nuisance etc to persons who hold a licence under section 8 of that Act or have an appropriate licence exemption).
- (4) In this section “network”, “railway asset” and “train” have the same meanings as in Part 1 of the Railways Act 1993.