

---

STATUTORY INSTRUMENTS

---

**1994 No. 606**

**TRANSPORT**

**The Railways (Class and  
Miscellaneous Exemptions) Order 1994**

<i>Made</i> - - - -	<i>8th March 1994</i>
<i>Laid before Parliament</i>	<i>8th March 1994</i>
<i>Coming into force</i>	
<i>Articles 1 to 4, 6 and 7</i>	<i>1st April 1994</i>
<i>Article 5</i>	<i>2nd April 1994</i>

The Secretary of State, in exercise of the powers conferred on him by sections 7(1), (2), (9) and (10), 20(1), (2), (8), (9), (11) and (12), 24(1), (2), (8) and (11), 49(2), (4) and (5), 143(4) and 151(5) of the Railways Act 1993<sup>(1)</sup> and of all other powers enabling him in that behalf, and after consultation with the Rail Regulator in accordance with the said sections 7(1) and 20(1) in respect of articles 1 to 5, hereby makes the following Order:

**Citation and commencement**

1.—(1) This Order may be cited as the Railways (Class and Miscellaneous Exemptions) Order 1994.

(2) Articles 1 to 4, 6 and 7 shall come into force on 1st April 1994 and article 5 shall come into force on 2nd April 1994.

**Interpretation**

2.—(1) In this Order—

“the Act” means the Railways Act 1993;

“the Channel Tunnel system” means the tunnel system within the meaning of the Channel Tunnel Act 1987<sup>(2)</sup>;

“film” includes any record (however made) of a sequence of visual images, which is a record capable of being used as a means of showing that sequence as a moving picture;

---

(1) 1993 c. 43. Sections 6(1) (referred to in section 7(10)) and 23(1) (referred to in section 24(11)) come into force on 1st April 1994. Sections 17 and 18 (referred to in section 20(9)) come into force on 2nd April 1994.  
(2) 1987 c. 53.

“harbour” and “harbour area” have the same meaning as in the Dangerous Substances in Harbour Areas Regulations 1987(3);

“mine” and “quarry” have the same meaning as in the Mines and Quarries Act 1954(4);

“specified light maintenance depot” means any such light maintenance depot as is mentioned in paragraph (a), (d), (g), (l), (m), (o), (r) or (t) of article 4;

“specified network” means any such network as is mentioned in any of paragraphs (a), (b), (e), (f), (h), (k), (l), (n) to (q), (s) and (t) of article 4;

“specified station” means any such station as is mentioned in paragraph (a), (c), (j), (l), (o), (r) or (t) of article 4.

(2) In this Order any reference to a numbered article or Schedule is a reference to the article in, or Schedule to, this Order 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 any person who acts as the operator of any railway asset to which this article applies, from the requirement to be authorised by licence to be the operator of that railway asset.

(2) So far as it relates to any particular network, station or light maintenance depot, the exemption granted in this article may be revoked by agreement in writing between the Secretary of State and the operator of that network, station or light maintenance depot.

### **Railway assets in respect of which licence exemption in article 3 applies**

**4.** Article 3 applies to the following railway assets, namely—

- (a) any network, station or light maintenance depot, the operator of which immediately before the coming into force of this article was a person other than—
  - (i) the Board,
  - (ii) a subsidiary of the Board,
  - (iii) London Regional Transport, or
  - (iv) a subsidiary of London Regional Transport;
- (b) the network consisting of—
  - (i) the railway line running from the junction between Westferry Station and West India Quay Station, through Poplar Station, to the western end of Beckton Station in London,
  - (ii) the railway line running from the junction situated between Gallions Reach Station and Beckton Station on the line mentioned in sub-paragraph (i) above to the light maintenance depot at Armada Way, London E6, and
  - (iii) any installations associated with any of the track comprised in the lines mentioned in sub-paragraphs (i) and (ii) above;
- (c) the following stations associated with the network mentioned in paragraph (b) above, namely Blackwall, East India, Royal Victoria, Prince Regent, Royal Albert, Beckton Park, Cyprus, Gallions Reach and Beckton;
- (d) the light maintenance depot at Armada Way, London E6;

---

(3) S.I.1987/37; see regulation 2.

(4) 1954 c. 70; section 180 was modified by S.I. 1974/2013.

- (e) the network consisting of—
  - (i) the stretch of railway line running for a distance of 2000 metres (or thereabouts) northwards from the southern end of Altrincham Station in Greater Manchester, on which no railway passenger services were provided immediately before the coming into force of this article other than by Greater Manchester Metro Limited, and
  - (ii) any installations associated with any of the track comprised in that line;
- (f) the network consisting of—
  - (i) the railway line running between the northern end of Asfordby Tunnel in Leicestershire and Edwalton in Nottinghamshire, and
  - (ii) any installations associated with any of the track comprised in that line;
- (g) any light maintenance depot associated with the network mentioned in paragraph (f) above;
- (h) the network consisting of—
  - (i) the railway line running between West Hoathly Station and the northern end of Kingscote Station in West Sussex, and
  - (ii) any installations associated with any of the track comprised in that line;
- (j) West Hoathly Station and Kingscote Station in West Sussex;
- (k) the network consisting of—
  - (i) the railway line running from Greet Tunnel in Gloucestershire westwards for a distance of 2000 metres (or thereabouts), including the track loop at the western end of that line, and
  - (ii) any installations associated with any of the track comprised in that line;
- (l) any network, station or light maintenance depot comprised in the Channel Tunnel system;
- (m) the light maintenance depots listed in Schedule 1;
- (n) the networks comprised in the railway goods terminals listed in Parts I and II of Schedule 2;
- (o) any network, station or light maintenance depot which—
  - (i) is situated on premises used for the purposes of an industrial undertaking (other than an undertaking consisting in the operation of a light maintenance depot) or an undertaking engaged in the generation of electrical energy,
  - (ii) forms part of a mine or quarry for the purposes of the Mines and Quarries Act 1954, or
  - (iii) is used solely in connection with the carrying out of any building works;
- (p) any network which—
  - (i) is situated on premises used as or for the purposes of a museum, amusement park, funfair or other place of public recreation or entertainment, and
  - (ii) is not connected to any other network;
- (q) any network which—
  - (i) is situated within the grounds of a dwelling house, and
  - (ii) is not connected to any other network;
- (r) any station or light maintenance depot which—
  - (i) is situated on any such premises as are mentioned in paragraph (p)(i) above, or within the grounds of a dwelling house, and

- (ii) is not used in connection with the provision of any railway passenger services other than services provided wholly on those premises or within those grounds;
- (s) any network which is not used for or in connection with the operation of trains other than trains used to convey apparatus for the purpose of making films;
- (t)
  - (i) any network or light maintenance depot where none of the track comprised in that network or light maintenance depot is capable of supporting vehicles of a gauge of 1435 millimetres, and
  - (ii) any station where none of the track comprised in that station or with which that station is associated is capable of supporting vehicles of that gauge;
- (u) any train being used—
  - (i) on a specified network, so long as the licence exemption with respect to that network has not been revoked pursuant to article 3(2);
  - (ii) on a network for the purpose of coupling any items of rolling stock to, or uncoupling any items of rolling stock from, that train, or of marshalling or shunting the rolling stock comprising that train, preparatory or incidental to, or consequential on, using the train on a specified network, so long as the licence exemption with respect to that network has not been revoked pursuant to article 3(2);
  - (iii) on a network for a purpose preparatory or incidental to, or consequential on, the provision of light maintenance services at a specified light maintenance depot, so long as the licence exemption with respect to that light maintenance depot has not been revoked pursuant to article 3(2); or
  - (iv) on a network which is situated within a harbour or harbour area.

### **Facility exemption**

5.—(1) Subject to paragraph (3)(a), exemption from sections 17 and 18 of the Act (access to railway facilities) is granted to any person who is a facility owner by reference to any of the following railway facilities, or any part of any of the following railway facilities, namely—

- (a) any specified station or specified light maintenance depot (other than a light maintenance depot listed in Schedule 1), and
- (b) track comprised in any specified network,

in respect of that railway facility or that part.

(2) Subject to paragraph (3)(b), exemption from sections 17 and 18 of the Act is granted to any private sector operator in respect of any light maintenance depot listed in Schedule 1 by reference to which that operator is a facility owner.

- (a) (3) (a) The exemption granted in paragraph (1) shall not apply in respect of—
  - (i) any track which must be used for the purpose of using any locomotive fuelling point comprised in a light maintenance depot listed in Schedule 1, or
  - (ii) track comprised in the networks comprised in the railway goods terminals listed in Part II of Schedule 2.
- (b) The exemption granted in paragraph (2) shall not apply in respect of any part of a light maintenance depot which part consists of a locomotive fuelling point, or any part of a light maintenance depot which part must be used for the purpose of using any such fuelling point.

(4) Exemption from sections 17 and 18 of the Act is granted to any person who is a facility owner by reference to any part of a station (other than a specified station) which part was, immediately before the coming into force of article 3, not used in connection with the provision, by a person

falling within any of sub-paragraphs (i) to (iv) of article 4(a), of regular scheduled railway passenger services, in respect of that part.

(5) Exemption from sections 17 and 18 of the Act is granted to any person who is a facility owner by reference to any of the following railway facilities, namely—

- (a) the station known as Waterloo International Terminal in London,
- (b) Ashford International Passenger Station in Kent,
- (c) the light maintenance depot known as Manchester International at New Bank Street, Longsight, Manchester, and
- (d) the light maintenance depot known as North Pole International at Mitre Way, London W10 6AT,

in respect of that railway facility.

- (a) (6) (a) So far as it relates to any particular railway facility or part of a railway facility, the exemption granted in paragraph (1), (2), (4) or (5) may be revoked by agreement in writing between the Secretary of State and each person who is a facility owner by reference to that railway facility or that part.
- (b) So far as it relates to any particular railway facility or part of a railway facility, the exemption granted in paragraph (5) may be revoked by not less than one month's notice given by the Secretary of State to each person who is a facility owner by reference to that railway facility or that part, if the railway facility or part in question is used in connection with the provision of railway passenger services other than international services.

### **Franchise exemption**

6.—(1) Exemption from designation under section 23(1) of the Act (designation of passenger services as eligible for franchising) is granted to any person who provides—

- (a) a railway passenger service which was, immediately before the coming into force of this article, provided other than by a person falling within any of sub-paragraphs (i) to (iv) of article 4(a);
- (b) a railway passenger service (other than a service falling within sub-paragraph (a) above) provided wholly on a railway line or railway lines comprised in a specified network; or
- (c) a railway passenger service (other than a service falling within sub-paragraph (b) above) which involves travel through the Channel Tunnel;

in respect of that service.

(2) So far as it relates to any particular railway passenger service, the exemption granted in this article may be revoked by agreement in writing between the Secretary of State and the person providing that service.

### **Disapplication of closure provisions**

7.—(1) Every railway passenger service provided wholly or substantially on a specified network (other than a network such as is mentioned in article 4(1)) is a service in relation to which section 37 of the Act (closure of non-franchised etc. passenger services) is not to have effect.

(2) Every specified network (other than a network such as is mentioned in article 4(1)) is a network in relation to which section 39 of the Act (closure of operational passenger networks) is not to have effect.

(3) Every specified station (other than a station such as is mentioned in article 4(1)), and each of the stations mentioned in article 5(5), is a station in relation to which section 41 of the Act (closure of railway facilities used in connection with passenger services) is not to have effect.

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

(4) Every specified light maintenance depot (other than a light maintenance depot such as is mentioned in article 4(1)), and each of the light maintenance depots mentioned in article 5(5), is a light maintenance depot in relation to which section 41 of the Act is not to have effect.

Signed by authority of the Secretary of State for Transport

8th March 1994

*Roger Freeman*  
Minister of State,  
Department of Transport

SCHEDULE 1

Articles 4(m) and 5(1) to (3)

LIGHT MAINTENANCE DEPOTS IN RESPECT OF  
WHICH LICENCE AND FACILITY EXEMPTIONS APPLY

Ayr Maintenance Depot, Tryfield Place, Ayr, Strathclyde, KA8 9ND  
Barry Wagon Repair Depot, Island Road, Barry, South Glamorgan, CF6 8AR  
Stewarts Lane Freight Traction, Maintenance Depot, Dickens Street, Battersea, London, SW8 5EP  
Bescot Traction Maintenance Depot, Off Coronation Road, Bescot, Walsall, West Midlands, WS1 4NH  
Blyth Traction Maintenance Depot, Church Square, Cambois, Blyth, Northumberland, NE24 1SQ  
Carriage and Wagon Depot, 6A Days Road, Barton Hill, Bristol, Avon, BS5 0AJ  
Burton Wagon Repair Depot, Derby Road, Burton upon Trent, Staffordshire, DE14 1RY  
Buxton Traction Maintenance Depot, Off Palace Road, Buxton, Derbyshire, SK14 6AG  
Traction and Rolling Stock Depot, Coldham's Lane, Cambridge, Cambridgeshire, CB1 3EW  
Canton Traction Maintenance Depot, Leckwith Road, Canton, Cardiff, South Glamorgan, CF1 8HP  
Carlisle Upperby Traction and Rolling Stock Depot, Tyne Street, Carlisle, Cumbria, CA1 2NP  
Currock Wagon Repair Depot, South Western Terrace, Currock, Carlisle, Cumbria, CA2 4AU  
Cathays Wagon Depot, Maindy Road, Cathays, Cardiff, South Glamorgan, CF3 4HQ  
Chester Wagon Shop, Black Diamond Street, Chester, Cheshire, CH1 3EX  
Traction Maintenance Depot, Off Nantwich Road, Crewe, Cheshire, CW2 6HR  
Crewe Electric Maintenance Depot, Wistaston Road, Crewe, Cheshire, CW2 7RL  
Didcot Traction Maintenance Depot, Basil Hill Road, Didcot, Oxfordshire, OX11 7MR  
Doncaster Traction Maintenance Depot, Doncaster Carr Loco, Tenpound Walk, Doncaster, South Yorkshire, DN4 5HX,  
Doncaster Wagon Maintenance Depot, Doncaster Carr Loco, Tenpound Walk, Doncaster, South Yorkshire, DN4 5HX  
Duddeston Wagon Repair Depot, Duddeston Mill Road, Duddeston, Birmingham, West Midlands, B8 1AR  
Saltley Fuel and Maintenance Point, Duddeston Mill Road, Duddeston, Birmingham, West Midlands, B8 1AR  
Eastleigh Freight Traction, Maintenance Depot, Campbell Road, Eastleigh, Hampshire, SO5 5AE  
Eastleigh Wagon Maintenance Depot, Campbell Road, Eastleigh, Hampshire, SO5 5AE  
Millerhill Wagon Depot, Old Gray Hall Road, Edinburgh, EN21 8RZ  
Millerhill Traction Depot, Whitehill Road, Edinburgh, EN21 8RZ  
Gateshead Wagon Maintenance Depot, Hudson Street, Gateshead, Tyne and Wear, NE8 3AE  
Tyne Wagon Maintenance Depot, Smithy Lane, Lanesley, Gateshead, Tyne and Wear, NE11 0EX  
Gloucester Diesel Depot, Horton Road, Gloucester, Gloucestershire, GR1 3PU

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Healey Mills Traction Maintenance Depot, Stores Hill Road, Healey Mills, Ossett, West Yorkshire, WF5 0AA

Hither Green Traction Maintenance Depot, Manor Road, Hither Green, London, SE12 0UA

Immingham Traction Maintenance, Depot, Gresley Way, Immingham Dock, Grimsby, Humberside, DN40 2LZ

Immingham Wagon Maintenance Depot, Gresley Road, Immingham Dock, Grimsby, Humberside, DN40 2LZ

Ipswich Carriage and Wagon Shop, Croft Street, Ipswich, Suffolk, IP2 8LB

Knottingley Traction Maintenance Depot, Spawdbone Lane, Knottingley, West Yorkshire, WF11 0UG

Knottingley Wagon Maintenance Depot, Spawdbone Lane, Knottingley, West Yorkshire, WF11 0UG

Leicester Traction Maintenance Depot, Beal Street, Leicester, Leicestershire, LE2 0AA

Allerton Traction Maintenance Depot, Woolton Road, Liverpool, Merseyside, L19 5NA

Res Euston, Rolling Stock Maintenance, Granby Terrace, London, NW1 3SA

March Traction and Rolling Stock, Depot, Hundred Road, March, Cambridgeshire, PE15 8QJ

Margam Traction and Wagon Depot, Margam, Port Talbot, West Glamorgan, SA13 4PH

Mossend Repair Sidings, Holytown Road, Bellshill, Mossend, Strathclyde, ML4 1ZD

Motherwell Freight Depot, Caledonian House, Bellshill Road, Motherwell, Strathclyde, ML1 3SE

Old Oak Common Freight Traction, Maintenance Depot, North Entrance, Old Oak Common Lane, London, NW10 4DU

Old Oak Common Wagon, Maintenance Depot, North Entrance, Old Oak Common Lane, London, NW10 4DU

St Blazey Maintenance Depot, St Blazey Road, Par, Cornwall, PL24 2LZ

Perth Wagon Depot, New Yard, Tullock Road, Perth, Tayside, PE1 2RW

Peterborough Traction Maintenance Depot, 1A Mayor's Walk, Peterborough, Cambridgeshire, PE1 2AD

Crescent Wagon Repair Depot, Midland Road, Peterborough, Cambridgeshire, PE3 6DZ

Shirebrook Traction Maintenance Depot, Station Road, Shirebrook, Mansfield, Nottinghamshire, NG2 3SK

Southampton Wagon Repair Depot, Dock Gate 20, Western Docks Extension, Southampton, Hampshire, SO9 4TD

South Dock Traction Maintenance Depot, Prospect Row, Hendon, Sunderland, Tyne and Wear, SR1 2DW

Thornaby Traction Maintenance Depot, Middlesbrough Road, Thornaby, Cleveland, TS18 7BN

Thornaby Wagon Maintenance Depot, Middlesbrough Road, Thornaby, Cleveland, TS18 7BN

Three Bridges Wagon Repair Depot, Haslett Avenue, Three Bridges, Crawley, West Sussex, RH10 1LY

Tinsley Traction Maintenance Depot, Wood Lane, Tinsley, Brynsworth, Rotherham, South Yorkshire, S60 5RP

Toton Traction Maintenance Depot, Toton Sidings, Long Eaton, Nottinghamshire, NG10 1HS



Toton Wagon Maintenance Depot, Toton Sidings, Long Eaton, Nottinghamshire, NG10 1HS  
Warrington Carriage and Wagon Depot, Slutcher Lane, Newfoundland Sidings, Warrington, Cheshire, WA1 1LL  
Wigan Traction Depot, Springs Branch, Morris Street, Lower Ince, Wigan, Greater Manchester, WN3 4PS  
Worksop Wagon Repair Depot, Off Gateford Road, Worksop, Nottinghamshire, S80 1UJ  
York Wagon Repair Depot, Leeman Road, York, North Yorkshire, YO2 4XD

SCHEDULE 2

Articles 4(n) and 5(3)

PART I

RAILWAY GOODS TERMINALS COMPRISING NETWORK IN, RESPECT OF WHICH LICENCE AND FACILITY EXEMPTIONS APPLY

Barking Freightliner Terminal, Box Lane, Renwick Road, Barking, Greater London, IG11 0SE  
Pooles Lane, Ripple Road, Barking, Greater London, RM9 6RS  
Cardiff Freightliner Terminal, Rover Way, Pengam, Cardiff, South Glamorgan, CF2 2YS  
Cleveland Freightliner Terminal, Trunk Road, Grange Town, Middlesbrough, Cleveland, TS9 7SD  
Coatbridge Freightliner Terminal, 100 Gartsherrie Road, Coatbridge, Strathclyde, ML5 2DS  
Annat Point, Corpach, Fort William, Highland, PH33 7NH  
Felixstowe Freightliner Terminal, Wickenden House, Landguard Terminal, The Dock, Felixstowe, Suffolk, IP11 8TN  
Leeds Freightliner Terminal, Valley Farm Road, Wakefield, Stourton, Leeds, West Yorkshire, LS10 1SD  
Liverpool Garston Freightliner Terminal, Dock Road, Liverpool, Merseyside, L19 2JN  
Liverpool Seaforth Terminal, Royal Seaforth, Container Terminal, Liverpool, Merseyside, L21 1JD  
Lochaber Works, Fort William, Highland, PH33 6TH  
Lynemouth Smelter, Ashington, Northumberland, NE63 9YH  
Barton Dock Road, Manchester, M31 2LP  
Manchester Freightliner Terminal, Westinghouse Road, Trafford Park, Manchester, M17 1FA  
Southampton Millbrook Freightliner Terminal, Millbrook Road, Millbrook, Southampton, Hampshire, SO1 0ST  
Southampton Maritime Freightliner Terminal, Dock Gate 20, Western Dock Extension, Southampton, Hampshire, SO9 4TD  
Frankland Road, Swindon, Wiltshire, SN5 8YZ  
Thamesport, Isle of Grain, Grain Road, Isle of Grain, Rochester, Kent, ME3 0EP  
Tilbury Freightliner Terminal, Rail Container Depot, Tilbury Dock, Tilbury, Essex, RM18 7EH

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## PART II

FURTHER RAILWAY GOODS TERMINALS COMPRISING,  
NETWORK IN RESPECT OF WHICH LICENCE EXEMPTION APPLIES  
Birmingham Freightliner Terminal, Landor Street, Birmingham, West Midlands, B8 1BT  
Trafford Park Euroterminal, Westinghouse Road, Trafford Park, Manchester, M17 1EU  
Mossend Euroterminal, Eurocentral Avenue, Mossend, Bellshill, Strathclyde, L1 1BL  
Stratford Freightliner Terminal, Temple Mills Lane, Stratford, London, E15 2EN  
Willesden Euroterminal, Stevenson Street, Willesden, London, NW10 6TY

---

### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order provides for the grant of class and miscellaneous exemptions from the licensing, access, franchising and closure provisions of the Railways Act 1993 (“the Act”).

Articles 3 and 4 provide for any person to be exempt from the requirement to hold a licence to be the operator of—

- (a) any network, station or light maintenance depot operated otherwise than by the British Railways Board (“the Board”), London Regional Transport (“LRT”), or any subsidiary of the Board or LRT, immediately before 1st April 1994;
- (b) the network consisting of the railway line between Poplar and Beckton Stations in London, together with stations along that line and the light maintenance depot at Beckton;
- (c) the network consisting of a stretch of line running from Altrincham Station in Greater Manchester and used only by Manchester Metrolink;
- (d) the network consisting of the Old Dalby test track in Leicestershire and any light maintenance depot associated with that network;
- (e) West Hoathly and Kingscote Stations in West Sussex, together with the network consisting of the line between them;
- (f) the network consisting of a stretch of line running from Greet Tunnel in Gloucestershire;
- (g) any network, station or light maintenance depot comprised in the Channel Tunnel system;
- (h) certain goods light maintenance depots listed in Schedule 1 to the Order;
- (j) certain railway goods terminals listed in Schedule 2 to the Order;
- (k) any network, station or light maintenance depot situated on premises used for certain industrial and similar purposes;
- (l) any network situated on premises used for certain recreational purposes, or in the grounds of a dwelling house, and any station or light maintenance depot situated on such premises or in such grounds and used only for passenger services provided there;
- (m) networks used only for the conveyance of filming equipment;

- (n) any network, station or light maintenance depot where none of the track is of standard gauge (1435 millimetres, or 4' 8½");
- (o) any train being used on a network which is the subject of any of the preceding exemptions; any train being used on any other network for certain purposes ancillary to being used on such exempt network, or to the provision of light maintenance services at an exempt depot; and any train being used on a network situated within a harbour or harbour area.

Article 5 grants an exemption from sections 17 and 18 of the Act (access to railway facilities) in respect of track comprised in any network, and any station or light maintenance depot, which is the subject of the licence exemption granted by articles 3 and 4. (In the case of light maintenance depots listed in Schedule 1 the exemption is granted only to any private sector operator.) The exemption does not apply to any part of a light maintenance depot listed in Schedule 1 which consists of a locomotive fuelling point, or to any track or parts of light maintenance depots to which access is required in order to use any such fuelling point; nor to track comprised in the railway goods terminals listed in Part II of Schedule 2.

In addition article 5 grants a facility exemption in respect of Waterloo International and Ashford International Stations, and the light maintenance depots at Longsight and North Pole; and a facility exemption in respect of parts of stations (other than those mentioned in article 4) used only by operators other than the Board, LRT and their subsidiaries.

Article 6 grants an exemption from section 23(1) of the Act (designation of passenger services as eligible for franchising) in respect of all services provided immediately before 1st April 1994 other than by the Board, LRT and their subsidiaries; all services provided wholly on network which is the subject of the licence exemption granted by articles 3 and 4; and all services which involve travel through the Channel Tunnel.

The exemptions in articles 3, 5 and 6 can be revoked by agreement between the Secretary of State and the person having the benefit of the exemption. The exemption in article 5(5) (for certain facilities used for international services) can also be revoked by the Secretary of State if any of the facilities is used other than for such services.

Article 7 provides that section 37 of the Act (closure of non-franchised passenger services) is not to apply to railway passenger services provided on any of the networks referred to in article 4, and that sections 39 and 41 of the Act (closure of operational passenger networks and facilities) are not to apply to those networks, stations and light maintenance depots referred to in article 4, or to the stations and light maintenance depots mentioned in article 5(5). (Channel Tunnel services and related networks, stations and light maintenance depots are excluded from article 7 because the closure provisions of the Act do not apply to them in any event.)