
STATUTORY INSTRUMENTS

2013 No. 339

TRANSPORT

The Greater Manchester (Light Rapid Transit System) (Exemptions) Order 2013

Made - - - - *19th February 2013*
Laid before Parliament *21st February 2013*
Coming into force - - *1st April 2013*

The Secretary of State in exercise of the powers conferred on him by sections 7(1), (2), and (9), 16B(1), (2), (3) and (5), 20(1), (2) and (8), 24(1), (2) and (8), 143(3) and 151(5) of the Railways Act 1993⁽¹⁾, and sections 25(7) and 38(1) of the Railways Act 2005⁽²⁾ makes the following Order.

In accordance with sections 7(1), 16B(1) and 20(1) of the Railways Act 1993 the Secretary of State has consulted with the Office of Rail Regulation⁽³⁾.

Citation and commencement

1. This Order may be cited as the Greater Manchester (Light Rapid Transit System) (Exemptions) Order 2013 and comes into force on 1st April 2013.

Interpretation

2. In this Order—
- “the 1993 Act” means the Railways Act 1993;
 - “the 2005 Act” means the Railways Act 2005;

(1) 1993 c.43. Section 7(1) was amended by the Transport Act 2000 (c.38) (in these footnotes “the 2000 Act”), Schedule 17 (paragraphs 1 and 2), the Railways and Transport Safety Act 2003 (c.20) (in these footnotes “the 2003 Act”), Schedule 2 (paragraphs 1 and 3) and the Railways Act 2005 (c.20) (in these footnotes “the 2005 Act”), Schedule 1 (paragraph 1(1)) and Schedule 13 (Part 1). Section 7(9) was amended by the 2005 Act, Schedule 1 (paragraph 1(2)). Sections 16A to 16I were inserted by the 2000 Act, section 223 and section 16B(1) was amended by the 2003 Act, Schedule 2 (paragraphs 1 and 3) and the 2005 Act, Schedule 1 (paragraph 11(4)). Section 20(1) was amended by the 2000 Act, Schedule 27 (paragraphs 17 and 23(1) and (2)) and the 2003 Act, Schedule 2 (paragraphs 1 and 3). Section 20(2) was amended by the 2000 Act, Schedules 27 (paragraphs 17 and 23(1), (3)) and 31 (Part IV). Section 24(1) and (2) was amended by the 2005 Act, Schedule 1 (paragraph 14(1), (2)). Section 143 was amended by the 2005 Act, Schedule 11 (paragraphs 1 and 15). The “appropriate facilities authority” is defined, for the purposes of section 16B to G, in section 16A3A (inserted by the 2005 Act, Schedule 1, paragraph 11(3)). A definition of “appropriate designating authority” was inserted into section 23(3) of the Railways Act 1993, for the purposes of Part 1 of that Act, by Schedule 1, paragraph 13(4) of the 2005 Act.

(2) 2005 c.14. “special procedure excluded service” and “the national authority” are defined for the purposes of section 38(1) in section 25(7) of the 2005 Act.

(3) The Office of Rail Regulation was established by section 15 of the 2003 Act.

“the 1994 Order” means the Railways (Class and Miscellaneous Exemptions) Order 1994(4);

“the Contractor” means—

- (a) any person providing a Metrolink service pursuant to an agreement with TfGM for the time being, and
- (b) any person operating railway facilities (but not providing railway passenger services) on the Metrolink network pursuant to an agreement with TfGM for the time being,

and includes any third parties acting on behalf of those persons;

“Metrolink depot” means a light maintenance depot which is normally used to provide light maintenance services to locomotives or other rolling stock used in connection with Metrolink services;

“Metrolink facility” means the track comprised in the Metrolink network (or any part of it), a Metrolink depot or a Metrolink station;

“the Metrolink network” means the network constructed or to be constructed on the routes shown on the coloured map in the Schedule;

“Metrolink service” means a railway passenger service provided on the Metrolink network;

“Metrolink station” means—

- (a) a station at which the railway passenger services which are provided or, as applicable, are to be provided are all Metrolink services; and
- (b) such part of any other station which is used or, as applicable, is to be used for or in connection with the provision of Metrolink services;

“TfGM” means Transport for Greater Manchester(5).

Licence exemption

3. Subject to article 11, exemption is granted to TfGM and to the Contractor from the requirement in section 6 of the 1993 Act (prohibition on unauthorised operators of railway assets) to be authorised by licence to be the operator, as applicable, of the Metrolink network, a Metrolink depot, a Metrolink station and a train to the extent that it is used on the Metrolink network.

Facility improvement exemption

4. Subject to article 16, exemption is granted to TfGM and to the Contractor from the provisions of section 16A(2)(6) of the 1993 Act (provision, improvement and development of railway facilities) in each case in respect of a Metrolink facility in or over which it has an estate, interest or right.

Facility exemption

5. Subject to article 11, exemption is granted to TfGM, Network Rail Infrastructure Limited and to the Contractor from sections 17, 18 and 22A(7) of the 1993 Act (provisions in relation to access agreements) in each case in respect of a Metrolink facility of which it is the facility owner.

(4) [S.I. 1994/606](#).

(5) The Greater Manchester Passenger Transport Executive was established by [S.I. 1969/95](#), as amended by [S.I. 1973/1727](#), and became known as Transport for Greater Manchester by virtue of [S.I. 2011/908](#).

(6) Section 16A was inserted by the 2000 Act, section 223 and was amended by the 2003 Act, Schedule 2 (paragraphs 1 and 3) and the 2005 Act, Schedule 1 (paragraph 11).

(7) Section 17 was amended by the 2000 Act, section 233(1), Schedules 27 (paragraphs 17 and 21) and 31 (Part IV), the 2003 Act, Schedule 2 (paragraphs 1 and 3) and the 2005 Act, Schedules 1 (paragraph 12) and 11 (paragraphs 1 and 3) and by [S.I. 1998/1340](#), regulation 21 and [S.I. 2005/3049](#), Schedule 1, paragraph 4. Section 18 was amended by the 2000 Act, sections 212(6) and 230(1) and (2) and Schedules 27 (paragraphs 17 and 22) and 31 (Part IV), the 2003 Act, Schedule 2 (paragraphs 1 and 3) and the 2005 Act, Schedule 1 (paragraph 12(1), (3)) and by [S.I. 2005/3049](#), Schedule 1, paragraph 4. Section 22A

Franchise exemption

6. Subject to article 11, exemption is granted to TFGM and the Contractor from designation under section 23(1) of the 1993 Act(8) (passenger services to be subject to franchise agreements) in respect of Metrolink services.

Disapplication of closure provisions

7. Subject to article 12, the application of sections 22 to 24 of the 2005 Act (discontinuance of railway passenger services) is excluded in relation to every Metrolink service.

8. Subject to article 13, the application of sections 26 to 28 of the 2005 Act (discontinuance of operation of passenger networks) is excluded in relation to the Metrolink network.

9. Subject to article 14, the application of sections 29 to 31 of the 2005 Act (discontinuance of use or operation of stations) is excluded in relation to every Metrolink station.

Application of provisions for discontinuation of excluded services

10. Subject to article 15, every Metrolink service is designated as a special procedure service for the purposes of section 25 of the 2005 Act.

Existing exemptions

11. Articles 3, 5 and 6 do not apply to the Metrolink network, to a Metrolink facility, or to a train used on the Metrolink network to the extent that at the date this Order comes into force, such network, facility or train benefits from a licence exemption, facility exemption or franchise exemption by virtue of articles 3, 5 and 6 respectively of the 1994 Order.

12. Article 7 does not apply to a Metrolink service to the extent that at the date this Order comes into force, article 7(1) of the 1994 Order has effect to exclude that service from the application of sections 22 to 24 of the 2005 Act(9)

13. Article 8 does not apply to the Metrolink network to the extent that at the date this Order comes into force, article 7(2) of the 1994 Order has effect to exclude that network from the application of sections 26 to 28 of the 2005 Act.

14. Article 9 does not apply to a Metrolink station to the extent that at the date this Order comes into force, article 7(3) of the 1994 Order has effect to exclude that station from the application of sections 29 to 31 of the 2005 Act.

15. Article 10 does not apply to Metrolink services to the extent that at the date this Order comes into force, article 2 of the Railways (Alternative Closure Procedure) Order 1994(10) has effect to designate such services as special procedure services for the purposes of section 25 of the 2005 Act.

16. Article 4 does not apply to a Metrolink facility to the extent that at the date this Order comes into force, any such railway facility has the benefit of an exemption from the provisions of section 16A(2) of the 1993 Act by virtue of article 3 of the Railways (Provision etc. of Railway Facilities) (Exemptions) Order 2005(11).

was inserted by the 2000 Act, section 232(2) and was amended by the 2003 Act, Schedule 2 (paragraphs 1 and 3) and by S.I. 2005/3049, Schedule 1, paragraph 4.

(8) Section 23(1) was amended by the 2000 Act, section 212(1) and by the 2005 Act, Schedule 1, Part I, paragraph 13(1).

(9) Articles 7(1), (2) and (3) of the Railways (Class and Miscellaneous Exemptions) Order 1994 have effect, by virtue of section 38(4) of the 2005 Act, as provisions of an order made under that section excluding services, networks or parts of networks, or stations or parts of stations respectively from the provisions of sections 22 to 24, 26 to 28 or 29 to 31 of that Act.

(10) S.I. 1994/607, to which there are amendments not relevant to this order. By virtue of section 25(10) of the 2005 Act, S.I. 1994/607 has effect as an order made under that section designating services or description of services to which it applies as special procedure services.

(11) S.I. 2005/2628 to which there are amendments not relevant to this Order.

Revocation of exemptions

17.—(1) Subject to paragraph (2), the Secretary of State may revoke an exemption conferred by this Order under article 3, 4, 5 or 6 in relation to any person or railway asset to whom or to which the exemption applies.

(2) Before exercising the power conferred by paragraph (1) the Secretary of State must —

- (a) serve notice in writing on the relevant person, or on the operator of the railway asset in question, as the case may be, and on TfGM, informing them of the intention to revoke the exemption in relation to that person or asset, and inviting them to make representations in writing to the Secretary of State within such period, not being less than 28 days from the service of the notice, as may be specified in the notice; and
- (b) consider any representations so made.

18. The Greater Manchester (Light Rapid Transit System) (Exemptions) Order 2009(12) is revoked.

Signed by authority of the Secretary of State for Transport

19th February 2013

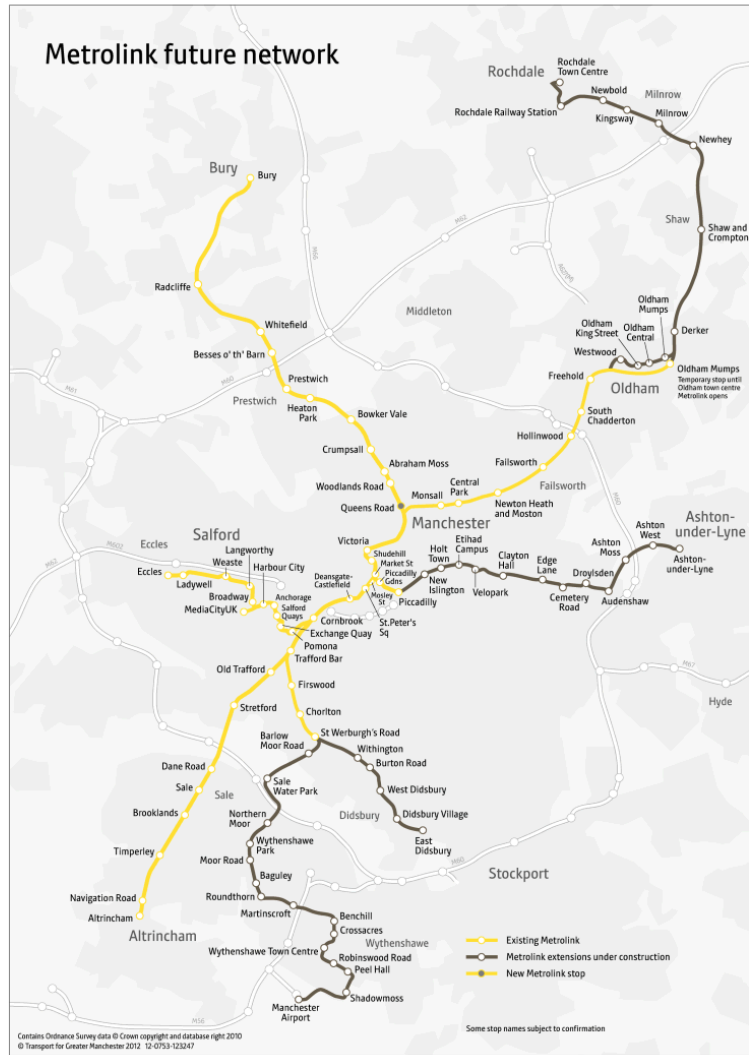
Norman Baker
Parliamentary Under Secretary of State
Department for Transport

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SCHEDULE

Article 2

Map of Manchester Metrolink Network



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EXPLANATORY NOTE

(This note is not part of the Order)

This Order relates to the Greater Manchester Light Rapid Transit System, also known as Metrolink (the “Metrolink network”).

The Order revokes the Greater Manchester (Light Rapid Transit System) (Exemptions) Order 2009 and replaces the exemptions granted by that order as well as extending those exemptions to further extensions of the Metrolink network that are in the course of being constructed.

Article 3 exempts certain persons operating railway assets used in connection with railway passenger services on the Metrolink network (“Metrolink services”) from the requirement of section 6 of the Railways Act 1993 (“the 1993 Act”) that they be licensed to do so.

Article 4 exempts certain persons operating railway assets used in connection with Metrolink services (“Metrolink facilities”) from the provisions of section 16A(2) of the 1993 Act under which they could otherwise be required by direction of the Office of Rail Regulation (“the ORR”) to improve or develop those assets.

Article 5 exempts certain persons owning Metrolink facilities from being subject to sections 17, 18 and 22A of the 1993 Act, which relate to the role of the ORR in respect of access agreements.

Article 6 exempts certain persons from the scope of section 23 of the 1993 Act (relating to the designation of services eligible for provision under franchise agreements) in respect of Metrolink services.

Article 7 disapplies, in relation to Metrolink services, sections 22 to 24 of the Railways Act 2005 (“the 2005 Act”) relating to the discontinuance of railway passenger services.

Article 8 disapplies, in relation to the Metrolink network, sections 26 to 28 of the 2005 Act relating to the discontinuance of operation of passenger networks.

Article 9 disapplies, in relation to stations or parts of stations used for the provision of Metrolink services, sections 29 to 31 of the 2005 Act relating to the discontinuance of use or operation of stations.

Article 10 designates every Metrolink service as a special procedure service for the purposes of section 25 of the 2005 Act.

Article 11 provides that exemptions granted by articles 3, 5 and 6 do not apply to the Metrolink network, to Metrolink facilities or to a train used on the Metrolink network to the extent that network, those facilities or any such train already benefits from the same exemptions by virtue of the Railways (Class and Miscellaneous Exemptions) Order 1994 (the “1994 Order”).

Articles 12, 13 and 14 provide that articles 7, 8 and 9 respectively do not apply so as to disapply provisions in relation to the discontinuance of Metrolink services or passenger networks on the Metrolink network or the discontinuance of use or operation of stations on that network in so far as such provisions are already disapplied by virtue of the 1994 Order.

Article 15 provides that Metrolink services are not designated as special procedure services under article 10 to the extent they are already so designated by virtue of the Railways (Alternative Closure Procedure) Order 1994.

Article 16 provides that exemptions granted under article 4 will not apply to a Metrolink facility which benefits from the same exemption by virtue of the Railways (Provision etc. of Railway Facilities) (Exemptions) Order 2005.

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Article 17 gives the Secretary of State power, subject to consultation, to revoke the exemptions granted by articles 3, 4, 5 and 6.

Article 18 revokes the Greater Manchester (Light Rapid Transit System) (Exemptions) Order 2009.

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Local Transport Funding Growth and Delivery Division at the Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR, and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.