
STATUTORY INSTRUMENTS

1994 No. 606

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

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(1);

“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;

“harbour” and “harbour area” have the same meaning as in the Dangerous Substances in Harbour Areas Regulations 1987(2);

“mine” and “quarry” have the same meaning as in the Mines and Quarries Act 1954(3);

“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.

(1) 1987 c. 53.

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

(3) 1954 c. 70; section 180 was modified by S.I. 1974/2013.

(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;
 - (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.

(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