
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.

Status: This is the original version (as it was originally made).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

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.)