

## SCHEDULE 4

### TRANSITIONAL PROVISIONS RELATING TO EXISTING LICENCES AND LICENCE EXEMPTIONS

#### **Existing licences granted under the Railways Act 1993**

3.—(1) To the extent that the licence authorises the provision of services to which regulation 5 applies, the licence shall have effect on and after the relevant date and for the purposes of Part 2 of these Regulations as if—

- (a) it were a European licence granted pursuant to these Regulations by the ORR;
- (b) any reference in the licence to the licence or the licence holder were to the European licence or the holder of the European licence respectively;
- (c) in Part I (Scope) of the licence—
  - (i) any reference to section 8 of the Railways Act 1993 (as amended) (“the Act”) were to regulation 6 of the Railway (Licensing of Railway Undertakings) Regulations 2005 (“the Regulations”);
  - (ii) any reference to the licence being subject to Conditions were omitted, except to the extent that those Conditions relate to the scope of activities which are authorised by the licence;
  - (iii) any reference to the licence being revoked in accordance with the provisions of the Schedule (Terms as to Revocation) to the licence or by notice were a reference to the European licence being revoked in accordance with the Regulations or with the provisions of Part III of the ORR template headed “European Passenger Licence (Standard)” (in the case of a licence for the transport of passengers) or Part III of the ORR template headed “European Freight Licence (Standard)” (in the case of a licence other than for the transport of passengers);
- (d) for Part II (Interpretation) of and the Schedule (Terms as to Revocation) to the licence, there were substituted Parts II and III of the ORR template headed “European Passenger Licence (Standard)” or Parts II and III of the ORR template headed “European Freight Licence (Standard)” as appropriate;
- (e) Part III (Conditions) of the licence were omitted, except to the extent that it relates to the scope of activities which are authorised by the licence; and
- (f) the provisions of regulations 7 and 8 and 15 to 19 applied in relation to the licence and the licence holder.

(2) The ORR templates referred to in paragraph (1) are the templates with the appropriate headings published by the ORR on 25th October 2005.

(3) Any approval given before the relevant date in relation to a paragraph of the Schedule to the licence shall have effect on and after the relevant date as if given in relation to any equivalent paragraph in the European licence.

(4) Where any act has been done before the relevant date in relation to a term in the Schedule to the licence, nothing in sub-paragraph (1) requires that act to be repeated.