

## SCHEDULE 4

Regulation 20

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

#### **The relevant date**

1. In this Schedule, “the relevant date” means the date of these Regulations coming into force.

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

2. Paragraphs 3 and 4 apply in relation to any licence granted under Part 1 of the 1993 Act before the relevant date and which is still valid at that date.

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.

*Status: This is the original version (as it was originally made).*

4.—(1) To the extent that the licence relates to the provision of services to which regulation 9 applies, the licence shall have effect on and after the relevant date and for the purposes of Part 3 of these Regulations as if—

- (a) it were a SNRP issued pursuant to these Regulations by the ORR;
- (b) any reference in the licence to “licence holder” or “licence” were to “SNRP holder” or “SNRP” 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 10 of the Railway (Licensing of Railway Undertakings) Regulations 2005 (“the Regulations”);
  - (ii) any reference to authorising the licence holder to be the operator of trains were omitted;
  - (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 SNRP being revoked in accordance with the provisions of Part IV of the ORR template headed “Passenger SNRP (Standard)” or Part IV of the ORR template headed “Freight SNRP (Standard)”, as appropriate;
- (d) for Parts II (Interpretation) and III (Conditions) of and the Schedule (Terms as to Revocation) to the licence, there were substituted Parts II, III and IV of the ORR template headed “Passenger SNRP (Standard)” or Parts II, III or IV of the ORR template headed “Freight SNRP (Standard)”, as appropriate; and
- (e) the provisions of regulations 10(3) and 11 to 19 applied in relation to the SNRP and the SNRP 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 or consent given before the relevant date, in relation to a condition in Part III of the licence shall have effect on and after the relevant date as if given in relation to any equivalent condition in the SNRP.

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

### **Existing licences granted pursuant to the Railways Regulations 1998**

5. Paragraphs 6 and 7 apply in relation to any licence granted pursuant to the Railways Regulations 1998<sup>(1)</sup> before the relevant date and which is still valid at that date.

6. To the extent that the licence authorises the provision of services to which regulation 5 of these Regulations 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) for Parts I (Scope), II (Interpretation), III (Conditions) of and the Schedule (Revocation or Suspension of the Licence) there were substituted Parts I, II and III of the ORR template headed “European Passenger Licence (Eurostar)” (in the case of a licence for the transport of passengers) or Parts I, II and III of the ORR template headed “European Freight Licence (EWSI)” (in the case of a licence other than for the transport of passengers); and

<sup>(1)</sup> [S.I. 1998/1340](#), to which there are amendments not relevant to these Regulations.

(c) 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 by the International Rail Regulator 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 by the ORR 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.

7.—(1) The holder of the licence shall be deemed to have been granted a SNRP as at the relevant date, and accordingly to be a SNRP holder for the purposes of Part 3 of these Regulations.

(2) In the case of a holder who provides train services for the transport of passengers, the SNRP shall be in the form of the template published by the ORR on 25th October 2005 and headed “Passenger SNRP (Eurostar)”.

(3) In the case of a holder who provides train services other than for the transport of passengers, the SNRP shall be in the form of the template published by the ORR on 25th October 2005 and headed “Freight SNRP (EWSI)”.

(4) The provisions of regulations 10(3) and 11 to 19 shall apply in relation to the SNRP and the SNRP holder.

### **Applications for licences under the Railways Act 1993 or the Railways Regulations 1998**

8.—(1) This paragraph applies in relation to any application for a licence under Part 1 of the Railways Act 1993 or under the Railways Regulations 1998 for the authorisation of services to which regulation 5 applies, and made before the relevant date but not then determined.

(2) Subject to sub-paragraph (3), the application shall on and after that date be treated as an application for a European licence, and Part 2 of these Regulations shall apply accordingly.

(3) Where any act has been done (including the payment of any fee) in relation to an application to which sub-paragraph (1) applies before the relevant date, nothing in sub-paragraph (2) requires that act to be repeated.

### **Existing licence exemptions granted under the Railways Act 1993**

9. Paragraphs 10 to 14 apply in relation to any licence exemption granted under Part 1 of the Railways Act 1993 before the relevant date and which is still valid at that date.

10. To the extent that a person is exempted, by virtue of the Strategic Rail Authority (Licence Exemption) Order 2001<sup>(2)</sup>, from the requirement to be authorised to provide services to which regulation 5 applies, that person shall be deemed to have been granted on the relevant date—

- (a) a European licence for the purposes of Part 2 of these Regulations; and
- (b) a SNRP for the purposes of Part 3 of these Regulations.

11. The European licence referred to in paragraph 10(a) shall be in the form of the template published by the ORR on 25th October 2005 and headed “European Passenger Licence (Standard)”.

12. The SNRP referred to in paragraph 10(b) shall be in the form of the template published by the ORR on 25th October 2005 and headed “Passenger SNRP (Standard)”.

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(2) [S.I. 2001/218](#).

**Status:** *This is the original version (as it was originally made).*

**13.** Regulations 7 and 8 and 15 to 19 shall apply in relation to the European licence and the holder of that licence.

**14.** Regulations 10(3) and 11 to 19 shall apply in relation to the SNRP and the SNRP holder.