

The Railways Act 1993
(as amended)

Guardian Industries UK Limited
Licence Exemption 2003

2003 No. 8

Made 17 October 2003

Coming into force 17 October 2003

The Rail Regulator, in exercise of the powers conferred upon him by section 7(3) of the Railways Act 1993 (as amended), after consultation with the Secretary of State in accordance with the said section 7(3), hereby grants to Guardian Industries UK Limited the following exemption.

Citation and commencement

1.- (1) This exemption may be cited as the Guardian Industries UK Limited Licence Exemption 2003.

(2) This exemption shall come into force on 17 October 2003 and shall continue in force until revoked in accordance with article 6.

Interpretation

2. (1) In this exemption:

“the Act” means the Railways Act 1993 (as amended);

“the Company” means Guardian Industries UK Limited, incorporated in England and Wales with company registration number 04139456, whose registered office is at Ground Floor, Port Office, East Parade, Goole, East Riding of Yorkshire, DN14 5RB;

“the exempt network” means the network consisting of: a single line, approximately 1.5 km in length, commencing at an end on connection with the Network Rail siding (including part of the former "Renault siding") which connects with the up and down Wakefield line at Potters Grange Junction near Goole; two sidings, each approximately 330 m in length, forming a run round loop; and a headshunt, approximately 90 m in length; and

(2) In this exemption:

- (a) Unless the context otherwise requires, terms and expressions herein shall bear the same meaning as in the Act;
- (b) the Interpretation Act 1978 shall apply as it applies to an enactment;
- (c) any reference to a numbered article is a reference to the article in this exemption 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; and
- (d) any reference to a person includes any individual, company, unincorporated association or body of persons (including a partnership, joint venture or consortium) or other entity and its respective successors and assigns.

Licence Exemption

3. Subject to articles 5 and 6, this exemption is granted to the Company from the requirement to be authorised by licence to be the operator of the railway assets, or the classes or descriptions of assets, specified in article 4.

Railway assets to which article 3 applies

4. The railway assets to which article 3 applies are:

- (a) the exempt network; and
- (b) any installations associated with any of the track comprised in the exempt network.

Condition

5. The Company shall notify the Regulator in writing as soon as possible and, in any event within 30 days, if:

- it agrees to grant regular access to the exempt network to a train operator; and
- such access is for a purpose other than providing services to the Company.

Revocation

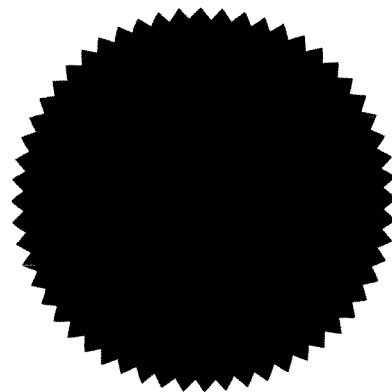
6. The Rail Regulator may revoke the whole or any part of this licence exemption:

- (a) at the same time that he grants to the Company any licence or exemption to operate any other railway asset;
- (b) if having received written notification from the Company in accordance with article 5 above he determines that such revocation is appropriate;
- (c) if he becomes aware that the Company has reached an agreement as described in article 5 above and the Company has not notified him in writing in accordance with article 5;
- (d) if he suspects on reasonable grounds that the Company has operated any railway asset without having in place a licence or exemption as required by section 6 of the Act;
- (e) by agreement in writing between the Rail Regulator and the Company; or
- (f) if the Company does not hold a valid safety case or a valid safety case exemption as required by the Railway (Safety Case) Regulations 2000.

17 October 2003



Signed by the authority of
The Rail Regulator



EXPLANATORY NOTICE

This note is not part of the exemption

This exemption provides for the grant of exemption from the licensing provisions of the Railways Act 1993 (as amended).

Article 3 provides for Guardian Industries UK Limited ("the Company") to be exempt from the requirement to hold a licence to be the operator of the railway assets specified in article 4.

The exemption will permit the Company to operate the network consisting of: a single line, approximately 1.5 km in length, commencing at an end on connection with the Network Rail siding (including part of the former "Renault siding") which connects with the up and down Wakefield line at Potters Grange Junction near Goole; two sidings, each approximately 330 m in length, forming a run round loop; and a headshunt, approximately 90 m in length without need to hold a licence as required in section 6 of the Railways Act 1993 (as amended).

Article 6 sets out the circumstances in which this exemption may be revoked.