

The Railways Act 1993  
(as amended)

Ayrshire Railway Preservation Group  
Licence Exemption 2005

2005 No. 4

Made 16 May 2005

Coming into force 16 May 2005

The Office of Rail Regulation, in exercise of the powers conferred upon it by section 7(3) of the Railways Act 1993 (as amended), after consultation with the Secretary of State and the Strategic Rail Authority in accordance with the said section 7(3), hereby grants to Ayrshire Railway Preservation Group the following exemption.

**Citation and commencement**

1. (1) This exemption may be cited as the Ayrshire Railway Preservation Group Licence Exemption 2005.

(2) This exemption shall come into force on 16 May 2005 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 Ayrshire Railway Preservation Group, incorporated in Scotland with company registration number SC121786, whose registered office is at 38 Ashgrove Street, Ayr, Ayrshire KA7 3BG;

“the exempt network” means the network at Dunaskin (Waterside) consisting of a single line approximately 575 metres in length including a run-round loop, a single platform face station and sidings; and

“exempt activities” means those things which the Company may do pursuant to this exemption and in respect of which it is exempt from the requirement to be authorised by licence by virtue of article 3.

(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;
- (b) any installations associated with any of the track comprised in the exempt network;
- (c) any station operated in connection with the above described exempt network; and
- (d) any train being used on the exempt network, whether for the purposes of carrying passengers or goods by railway or for any other purpose whatsoever.

## **Condition**

5. The Company shall notify the Office of Rail Regulation in writing as soon as possible and, in any event, within 30 days, if it reaches an agreement with a train or network operating company for the provision of regular scheduled services between the exempt network and the network operated by Network Rail Infrastructure Limited.

## **Revocation**

6. The Office of Rail Regulation may revoke the whole or any part of this exemption:

- (a) at the same time that it grants to the Company any licence or exemption to operate any other railway asset or assets notwithstanding that such licence

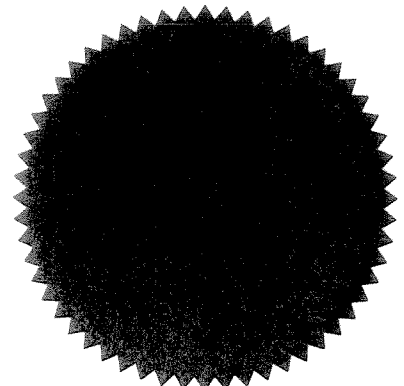
or exemption may also apply to one or more of the assets specified in article 4;

- (b) if, having received written notification from the Company in accordance with article 5 above, it determines that such revocation is appropriate;
- (c) if it 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;
- (d) if the Company has not commenced exempt activities within one year beginning with the day on which this exemption comes into force or if the Company ceases to carry on exempt activities for a continuous period of at least one year;
- (e) by agreement in writing between the Office of Rail Regulation 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 (as amended).

*Robert M. Ataskill*

16 May 2005

Signed by authority of the  
Office of Rail Regulation



## EXPLANATORY NOTICE

This notice 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 Ayrshire Railway Preservation Group (“the Company”) to be exempt from the requirement to hold a licence to be the operator of the railway assets specified in article 4.*

*This exemption will permit the Company to operate the network at Dunaskin (Waterside) consisting of a single line approximately 575 metres in length including a run-round loop, a single platform face station and sidings and both passenger trains and non-passenger trains on that network without need to hold a licence.*

*Article 6 sets out the circumstances in which this exemption may be revoked. The exemption may also be revoked under section 7(6) of the Railways Act 1993 (as amended) if the condition set out in article 5 is not complied with.*