

OFFICE OF THE RAIL REGULATOR

**LICENCE EXEMPTION 1997
granted to
CHURNET VALLEY RAILWAY (1992) plc**

1997 No.1



The Railways Act 1993

The Churnet Valley Railway (1992) plc Licence Exemption 1997

1997 No.1

Made 26 March 1997

Coming into force 27 March 1997

The Rail Regulator, in exercise of the powers conferred on him by section 7(3) of the Railways Act 1993, and after consultation with the Secretary of State in accordance with the said section 7(3), hereby grants the following exemption.

Citation and commencement

1.-(1) This exemption may be cited as the Churnet Valley Railway (1992) plc Licence Exemption 1997.

(2) The exemptions granted by article 3 below shall come into force on 27 March 1997 and shall continue in force until revoked in accordance with articles 3(2) or 5.

Interpretation

2.-(1) In this exemption:

"the Act" means the Railways Act 1993;

"the Company" means Churnet Valley Railway (1992) plc incorporated under the Companies Acts 1985 to 1989 and having its registered office at Cheddleton Station, Cheddleton Staffordshire ST13 9EE;

"the network" means the network consisting of the railway authorised to be constructed and maintained by the Company pursuant to Article 4 of the 1996 Order;

"the 1996 Order" means The Churnet Valley Railway Light Railway Order 1996 S.I.1996/1267;

"through train" means a train on the network which has its origin at a place which is not situated on the network or which has its destination at a place which is not on the network and a train is to be regarded as a through train notwithstanding the fact that any locomotive forming part of such train from time to time does not travel onto or off the network.

(2) In this exemption:

- (a) unless the context otherwise requires terms and expressions defined in the Act shall bear the same meaning as in that Act;
- (b) the Interpretation Act 1978 shall apply in the same way as it applies to an enactment; and
- (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.

Licence Exemption

3.-(1) Exemption is granted to the Company from the requirement to be authorised by licence to be the operator of the railway assets specified in article 4.

(2) So far as it relates to any particular network, station or light maintenance depot, the exemption granted in this article may be revoked by agreement in writing between the Rail Regulator and the Company.

Railway assets to which article 3 applies

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

- (a) the network;
- (b) any train being used on the network, whether for the purposes of carrying passengers or goods by railway or for any other purpose whatsoever;
- (c) Cheddleton station and any station which may be constructed or reconstructed by the Company to serve the network; and
- (d) any light maintenance depot which is connected to the network and is operated by the Company in connection with the operation of trains on the network.

Condition

5. The Company shall not without the consent of the Regulator operate or permit or procure that any person, other than the holder of a passenger licence, in the case of a passenger train, or a non passenger licence, in the case of a non passenger train, operates any through train onto or off the network.

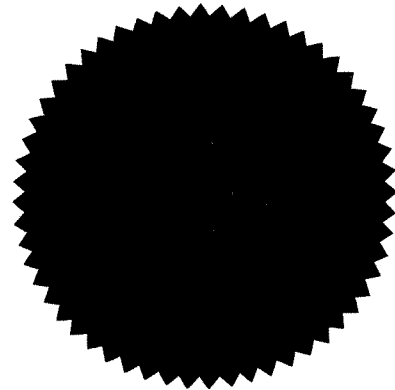
Term as to Revocation

6. The Rail Regulator may revoke the whole or any part of the exemptions granted under article 3 at the time that he grants to the Company any licence or exemption to operate any railway assets other than the railway assets described in article 4.



26 March 1997

Signed by authority of
The Rail Regulator



EXPLANATORY NOTE

This note does not form part of the Exemption

This exemption is granted to the Churnet Valley Railway (1992) plc. The exemption will permit the company to construct and operate the network, including the operation of trains on the network, and to construct and operate any stations and light maintenance depots to serve the network without the need to hold a licence as required by section 6 of the Railways Act 1993.