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Company Secretary
Network Rail Infrastructure Limited
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ORR consent under network licence condition 5

1. On 16 November 2011, ORR granted consent¹ to Network Rail under condition 5.1 of its network licence, to an arrangement following its planned purchase of the rail division of Hydrex Equipment (UK) Limited (Hydrex) (at risk of entering administration and subject to pre-packaged sale). The arrangement entailed Network Rail having an interest in the ownership of railway vehicles, through a new subsidiary, Network Rail (NDS-Plant) Limited (NRP), that would not be used in the operation of its network. This enabled NRP to meet a number of orders in the short-term.
2. On 15 February 2011, Network Rail wrote to us asking for the consent to be extended to 30 September 2012 and that NRP be permitted to make its equipment available to third parties, including London Underground Limited (LUL).
3. We note your statement that NRP is currently the only supplier of road rail vehicles for LUL, which it needs for working on its network. We also note there are no new issues arising from your request and that you will not be entering into any new type of business.
4. On the basis of Network Rail's letter dated 15 February 2012 and having had regard to our duties under section 4 of the Railways Act 1993, in particular our duty to protect the interests of users of railway services, we consent for the purposes of condition 5.1 of the network licence to Network Rail providing services as described in the letter and supplementary information.
5. This consent replaces the one dated 16 November 2011 and is valid until 30 September 2012.



Rob Plaskitt

¹ See: <http://www.rail-reg.gov.uk/server/show/nav.2105>