

W.A. Developments Limited (Non-passenger)

Licence Exemption 1999

1999 No. 8

Made 27 August 1999

Coming into force 28 August 1999

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

1. Citation and commencement

- (1) This exemption may be cited as the W.A. Developments Limited (Non-Passenger) Licence Exemption 1999.
- (2) This exemption shall come into force on 28 August 1999.

2. Interpretation

- (1) In this exemption:

"the Act" means the Railways Act 1993; and

"the Company" means W.A. Developments Limited, incorporated in England and Wales with registration number 2821207, whose registered office is at Low Galiber, Drawbriggs Lane, Appleby, Cumbria CA16 6HT.

- (2) In this exemption:

- (a) unless the context otherwise requires, terms and expressions defined in the Act shall bear the same meanings in this exemption;
- (b) the Interpretation Act 1978 shall apply to this exemption 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.

3. Licence Exemption

- (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 railway asset specified in article 4, the exemption granted in this article may be revoked by agreement in writing between the Rail Regulator and the Company.

4. **Railway assets to which article 3 applies**

The railway assets to which article 3 applies are non-passenger trains which consist of vehicles comprising plant and machinery which is exclusively used for the carrying out of works of maintenance or repair to a network.

5. **Conditions**

The exemption granted under article 3 is subject to the following conditions:

- (a) the Company shall only be permitted to operate the railway assets specified in article 3 on networks or parts of networks in respect of which it has been granted exclusive possession by the relevant facility owner; and
- (b) the Company shall, in respect of the operation of the railway assets specified in article 3 maintain or procure the maintenance of insurance against third party liabilities in accordance with the requirements of the Strategic Rail Authority as notified to it from time to time.

6. **Terms as to Revocation**

The Rail Regulator may revoke the whole or any part of the exemption granted in article 3:

- (a) at the same time that he grants to the Company any licence or exemption to operate any railway asset; or
- (b) 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; or
- (c) if so required by the Strategic Rail Authority because the Company has broken the condition in 5(b).

27 August 1999

Signed by authority of
the Rail Regulator

LICENCE EXEMPTION 1999

No 8

Superseded 01-02-01

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1999 No.8

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Coming into force 28 August 1999

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Citation and commencement

- 1.-(1) This exemption may be cited as the W.A. Developments Limited (Non-Passenger) Licence Exemption 1999.
- (2) This exemption shall come into force on 28 August 1999.

Interpretation

- 2.-(1) In this exemption:

"the Act" means the Railways Act 1993; and

"the Company" means W.A Developments Limited, incorporated in England and Wales with registration number 2821207, whose registered office is at Low Galiber, Drawbriggs Lane, Appleby, Cumbria CA16 6HT.

- (2) In this exemption:
 - (a) unless the context otherwise requires, terms and expressions defined in the Act shall bear the same meanings in this exemption;
 - (b) the Interpretation Act 1978 shall apply to this exemption 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 railway asset specified in article 4, 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 non-passenger trains which consist of vehicles comprising plant and machinery which is exclusively used for the carrying out of works of maintenance or repair to a network.

Conditions

5. The exemption granted under article 3 is subject to the following conditions:

- (a) the Company shall only be permitted to operate the railway assets specified in article 3 on networks or parts of networks in respect of which it has been granted exclusive possession by the relevant facility owner; and
- (b) the Company shall in respect of the operation of the railway assets specified in article 3 maintain or procure the maintenance of insurance against third party liabilities in accordance with the requirements of the Rail Regulator as notified to it from time to time.

Terms as to Revocation

6. The Rail Regulator may revoke the whole or any part of the exemption granted in article 3:

- (a) at the same time that he grants to the Company any licence or exemption to operate any railway asset; or

- (b) 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.

27 August 1999



Signed by authority of
the Rail Regulator



EXPLANATORY NOTE

(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.

Article 3 provides for the W.A. Developments Limited to be exempt from the requirement to hold a licence to be the operator of the railway assets specified in article 4.

Article 4 provides that the exemption applies in respect of non-passenger trains comprising plant and machinery used for the maintenance or repair of railway networks, but only in the circumstances where W.A Developments Limited has exclusive access to that network and has in place insurance requirements for third party liabilities in accordance with the requirements of the Rail Regulator.