

Licence Exemption 2008 Number 17

1. The Office of Rail Regulation (ORR) exempts under section 7(3) of the Railways Act 1993:

W. H. Malcolm Limited

registered in **Scotland** with number **SC035770**

from the requirement to be authorised by licence to operate the railway assets described in paragraph 2 below.

2. This exemption applies to:
 - (a) the network located at Fouldubs rail freight terminal in Grangemouth; *and* any extensions to this network which are carried out after 10 October 2008, which have been notified to ORR and in respect of which ORR has consented within 30 days (or such other reasonable time) of being notified, *together* referred to as the "exempt network"; and
 - (b) any train or light maintenance depot operated on the exempt network.

A list of the railway assets to which this exemption applies is provided at Schedule 1.

3. This exemption is valid from 10 October 2008.
4. ORR may revoke the whole or any part of this exemption:
 - (a) if the exemption holder is granted another licence or exemption for the operation of all or some of the railway assets to which this exemption applies; or
 - (b) if ORR suspects on reasonable grounds that the exemption holder has operated a railway asset without a necessary licence or exemption; or
 - (c) if all or some of the railway assets to which this exemption relates are not used for at least one year; or
 - (d) if the exemption holder ceases to be the operator of all or some of the assets to which this exemption applies; or
 - (e) by agreement in writing with the exemption holder.

Robert M. Plestick

Signed by authority of ORR

10 October 2008



Schedule 1

The assets to which this exemption applies are:

Asset	Date
1. Any train or light maintenance depot on the network(s) listed below.	10 October 2008
2. The network located at Fouldubs rail freight terminal in Grangemouth.	10 October 2008