

The Railways Act 1993
(as amended)

Freightliner Railports Limited
(Doncaster International Railport)
Licence Exemption 2008

2008 No. 5

Made 19 March 2008

Coming into force 25 March 2008

The Office of Rail Regulation (ORR), 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 in accordance with the said section 7(3), hereby grants to Freightliner Railports Limited the following exemption.

Citation and commencement

1. (a) This exemption may be cited as the Freightliner Railports Limited (Doncaster International Railport) Licence Exemption 2008.

(b) This exemption shall come into force on 25 March 2008 and shall continue in force until revoked in accordance with article 5.

Interpretation

2. (1) In this exemption:

“the Act” means the Railways Act 1993 (as amended);

“the Company” means Freightliner Railports Limited, incorporated in England and Wales with company registration number 05928006, whose registered office is at 3rd Floor, The Podium, 1 Eversholt Street, London NW1 2FL;

“the exempt network” means the network comprised within and associated with Doncaster International Railport;

“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; and

(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 article 5, 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; and
 - (c) any light maintenance depot operated in connection with the exempt network providing light maintenance services to locomotives or other rolling stock; other than those used wholly or mainly for the provision of services for the carriage of passengers by railway.

Revocation

5. ORR 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 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;
 - (c) 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; or
 - (d) by agreement in writing between ORR and the Company.

19 March 2008



Signed by authority of ORR



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 Freightliner Railports Limited (“the Company”) 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 the network within Doncaster International Railport. Exemption is also granted in respect of any light maintenance depot connected to that network, except those used wholly or mainly to provide light maintenance services to passenger trains.

Article 5 sets out the circumstances in which this exemption may be revoked.