

## SCHEDULE 14

### Exemptions relating to combined transport operations

#### Part V

#### Interpretation

11.—(1) In this Schedule—

“bi-modal vehicle” means a semi-trailer which can be adapted for use as a railway vehicle;

“journey”, except in sub-paragraph (2), means a journey by road;

“loading unit” means a bi-modal vehicle, road-rail semi-trailer or a relevant receptacle;

“network” means—

- (a) any railway line, or combination of two or more railway lines, and
- (b) any installations associated with any of the track comprised in that line or those lines, together constituting a system of track and other installations which is used for and in connection with the support, guidance and operation of trains;

“network licence” means a licence authorising a person—

- (a) to be the operator of a network;
- (b) to be the operator of a train being used on a network for any purpose comprised in the operation of that network; and
- (c) to be the operator of a train being used on a network for a purpose preparatory or incidental to, or consequential on, using a train as mentioned in paragraph (b);

“railhead” means a facility for the transhipment of—

- (a) bi-modal vehicles from the ground onto the track of a railway, or
- (b) relevant receptacles from road vehicles onto railway vehicles situated on the track of a railway, or
- (c) road-rail semi-trailers from the ground onto railway vehicles on the track of a railway, or vice versa;

“railway” means a system of transport employing parallel rails which—

- (a) provide support and guidance for vehicles carried on flanged wheels, and
- (b) form a track which either is of a gauge of at least 350 millimetres or crosses a carriageway (whether or not on the same level);

“railway vehicle” includes anything which, whether or not it is constructed or adapted to carry any person or load, is constructed or adapted to run on flanged wheels over or along track;

“relevant contract” means a contract for the transport of a loading unit—

- (a) by railway; or
- (b) by sea to a destination outside the British Islands;

“relevant receptacle” means a receptacle (not being a vehicle) having a length of at least 6.1m designed and constructed for repeated use for the carriage of goods on, and for transfer between, road vehicles and railway vehicles or sea-going vessels;

“road-rail semi-trailer” means a semi-trailer constructed or adapted so as to be capable of being both used as a semi-trailer on roads and carried on a railway vehicle;

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

“road friendly suspension” and “twin tyres” have the meanings given by regulation 87;

“track” means any land or other property comprising the permanent way of any railway, taken together with the ballast, sleepers and metals laid thereon, whether or not the land or other property is also used for other purposes; and any reference to track includes a reference to—

- (a) any level crossings, bridges, viaducts, tunnels, culverts, retaining walls, or other structures used or to be used for the support of, or otherwise in connection with, track; and
- (b) any walls, fences or other structures bounding the railway or bounding adjacent or adjoining property; and

“train” means—

- (a) two or more items of rolling stock coupled together, at least one of which is a locomotive; or
- (b) a locomotive not coupled to any other rolling stock.

(2) In these Regulations, a reference to a combined transport operation is a reference to the transport of a loading unit on a journey where—

- (a) part of the journey is either—
  - (i) by railway operated by the Northern Ireland Railways Company Limited or on a network operated by the British Railways Board or under a network licence; or
  - (ii) by sea to or from a destination outside the British Islands.
- (b) part of the journey is by road; and
- (c) no goods are added to or removed from the loading unit between the time when the journey begins and the time when it ends.

(3) Subject to sub-paragraph (4), for the purposes of this Schedule—

- (a) a bi-modal vehicle shall be regarded as being transported by railway in a relevant manner if and only if the vehicle in its railway vehicle mode is travelling by railway as part of a train;
- (b) a relevant receptacle shall be regarded as being transported by railway in a relevant manner if and only if it is being carried on a railway vehicle which forms part of a train.

(4) A relevant receptacle shall be regarded, for the purposes of this Schedule, as not being transported by railway in a relevant manner at any time when—

- (a) the relevant receptacle is in or on a motor vehicle or trailer; and
- (b) the motor vehicle or trailer is being carried on a railway vehicle; and
- (c) a road-rail semi-trailer shall be regarded as being transported by railway in a relevant manner if and only if it is being carried on a railway vehicle which forms part of a train.

(5) A road-rail semi-trailer shall be regarded as being transported by railway in a relevant manner if and only if it is being carried as a railway vehicle which forms part of a train.

(6) In this Schedule any reference to harbour means a harbour in Northern Ireland or the Republic of Ireland.