

2004 No. 1072

TRANSPORT

**The Greater Manchester (Light Rapid Transit System)
(Exemptions) Order 2004**

Made - - - - - 5th April 2004

Laid before Parliament 16th April 2004

Coming into force - - 10th May 2004

The Secretary of State for Transport, in exercise of the powers conferred upon him by sections 7(1), (2) and (9), 20(1), (2) and (8), 24(1), (2) and (8), 49(2), (3), (4) and (5) and 151(5) of the Railways Act 1993(a), and after the consultation required by sections 7(1) and 20(1) of that Act, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Greater Manchester (Light Rapid Transit System) (Exemptions) Order 2004 and shall come into force on 10th May 2004.

Interpretation

2. In this Order—

“the Act” means the Railways Act 1993;

“the Concessionaire” means

- (a) the person providing all of the railway passenger services on the Metrolink Light Rail Network pursuant to an agreement with the GMPTE for the time being, and
- (b) any person operating railway facilities (but not providing railway passenger services) on the Metrolink Light Rail Network pursuant to an agreement with the GMPTE for the time being,

and includes any third parties acting on behalf of those persons;

“the GMPTE” means the Greater Manchester Passenger Transport Executive;

“the Metrolink Light Rail Network” means Metrolink Phase 1 and Metrolink Phase 2;

“Metrolink Phase 1” means the light rail track constructed on the route shown on the map titled “Manchester Metrolink Network—Railways Act Exemptions” in Schedule 1 to this Order identified in the legend to that map as “Metrolink Phase 1”, together with any network installations associated with any of that track;

“Metrolink Phase 2” means the light rail track constructed on the route shown on the map titled “Manchester Metrolink Network—Railways Act Exemptions” in Schedule 1 to this Order identified in the legend to that map as “Metrolink Phase 2”, together with any network installations associated with any of that track;

(a) 1993 c. 43; section 7 was amended by the Transport Act 2000 (c. 38), sections 216, 252 and 274 and Schedules 17 (paragraphs 1 and 2), 27 (paragraphs 17 and 18) and 31 (Part IV); section 20 was amended by the Transport Act 2000, sections 252 and 274 and Schedules 27 (paragraphs 17 and 23) and 31 (Part IV).

“network depot” means a light maintenance depot which is used for the provision of light maintenance services which relate to locomotives and other rolling stock used in connection with railway passenger services provided on the Metrolink Light Rail Network;

“network installation” means any installation (other than track) which is comprised in a network;

“network station” means a station at which the only regular railway passenger services which are provided operate on the Metrolink Light Rail Network;

“network trains” means trains being used on the Metrolink Light Rail Network for the purpose of carrying passengers or for engineering or maintenance purposes; and

“railway passenger service” has the meaning given in section 83(1) of the Act.

Licence Exemption

3.—(1) Subject to article 10, exemption is hereby granted to the GMPTE and to the Concessionaire from the requirement in section 6 of the Act (prohibition on unauthorised operators of railway assets) to be authorised by licence to be the operator of the Metrolink Light Rail Network and such network depots, network stations, network interchanges and network trains as are used predominantly in connection with the provision of railway passenger services on that network.

(2) In determining the predominant use of a railway asset for the purposes of this article, temporary use for any purpose and any use for emergency purposes shall be disregarded.

(3) In this article, “network interchange” means, in relation to a station which is not a network station, such part of that station as is operated by the GMPTE or the Concessionaire in connection with the provision of regular railway passenger services on the Metrolink Light Rail Network.

Facility Exemption

4.—(1) Subject to article 10, exemption is hereby granted to the GMPTE and to the Concessionaire from the provisions of sections 17, 18 and 22A(a) of the Act (access agreements) in respect of the Metrolink Light Rail Network and such network depots and network stations as are used predominantly in connection with the provision of railway passenger services on that network.

(2) In determining the predominant use of a railway facility for the purposes of this article, temporary use for any purpose and any use for emergency purposes shall be disregarded.

(3) Subject to article 10, exemption is hereby granted from the provisions of sections 17, 18 and 22A of the Act (access agreements) in respect of network interchanges.

(4) In this article, “network interchange” means, in relation to a station which is not a network station, such part of that station as is used exclusively in connection with the provision of railway passenger services on the Metrolink Light Rail Network.

Franchise Exemption

5. Subject to article 10, exemption from designation under section 23(1) of the Act (passenger services to be subject to franchise agreements) is hereby granted to the GMPTE and to the Concessionaire in respect of railway passenger services provided exclusively on the Metrolink Light Rail Network.

Disapplication of closure provisions

6. Every railway passenger service which operates wholly or substantially on Metrolink Phase 2 is hereby designated as a service in relation to which section 37 of the Act (proposals to discontinue non-franchised etc. passenger services) is not to have effect.

7. Subject to article 11, the Metrolink Light Rail Network is hereby designated as a network in relation to which section 39 of the Act (notification of proposals to close operational passenger networks) is not to have effect.

(a) section 22A was inserted by the Transport Act 2000, section 232.

8. Every station listed in Schedule 2 is hereby designated as a station in relation to which section 41 of the Act (notification of proposals to close railway facilities used in connection with passenger services) is not to have effect.

Application of alternative closure provisions

9. Every railway passenger service which operates wholly or substantially on Metrolink Phase 2 is hereby designated as a service in relation to which Schedule 5 to the Act (alternative closure procedure) is to have effect.

Existing Exemptions

10. Articles 3, 4 and 5 of this Order shall not apply to Metrolink Phase 1 to the extent that Metrolink Phase 1, and railway assets associated with Metrolink Phase 1, have the benefit of a licence exemption, facility exemption and franchise exemption by virtue of articles 3, 5 and 6 respectively of the Railways (Class and Miscellaneous Exemptions) Order 1994(a) at the date of this Order.

11. Article 7 of this Order shall not apply to the Metrolink Light Rail Network to the extent that article 7(2) of the Railways (Class and Miscellaneous Exemptions) Order 1994 provides that section 39 of the Act is not to have effect in relation to that network.

Revocation of Exemptions

12.—(1) Subject to paragraph (2), the Secretary of State may revoke an exemption conferred by this Order under article 3, 4 or 5 in relation to any person or railway assets to whom or to which the exemption applies.

(2) Before exercising the power conferred by paragraph (1) the Secretary of State shall:

- (a) serve notice in writing on the relevant person, or on the operator of the railway asset in question, as the case may be, and on the GMPTE, informing them of the intention to revoke the exemption in respect of that person or asset, and inviting them to make representations in writing to the Secretary of State within such period, not being less than 28 days from the service of the notice, as may be specified in the notice; and
- (b) consider any representations so made.

Signed by authority of the Secretary of State for Transport

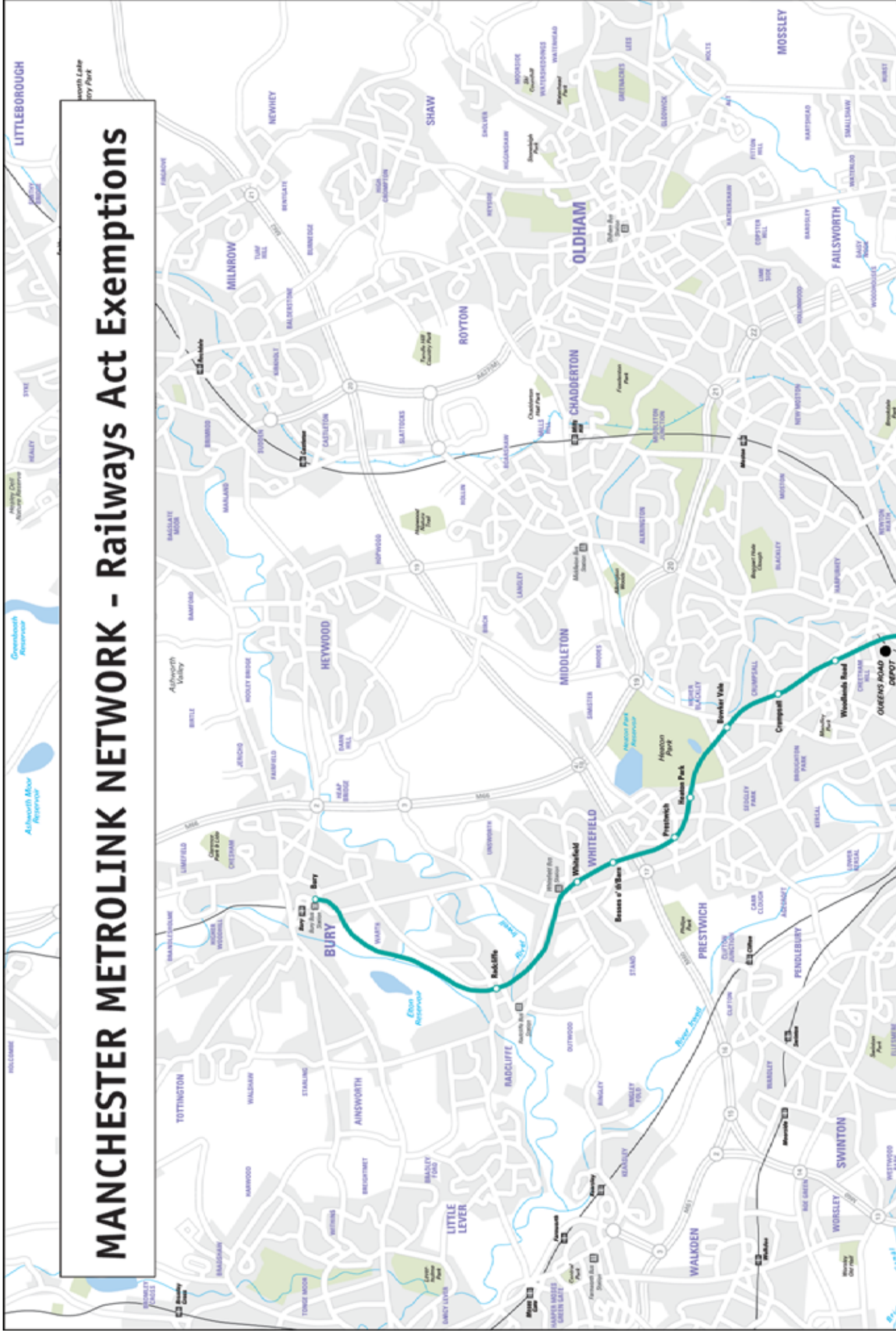
5th April 2004

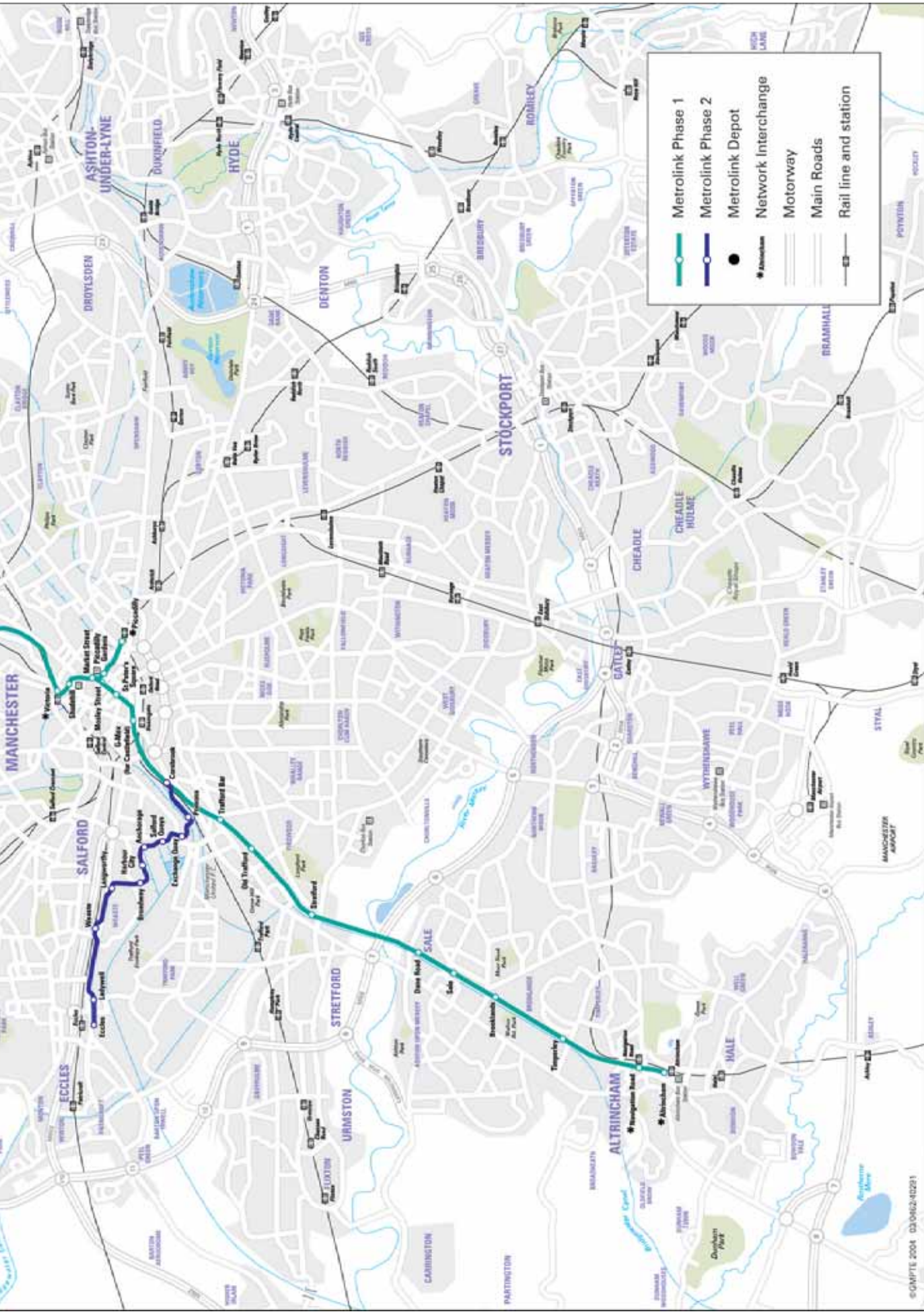
Kim Howells
Minister of State
Department for Transport

(a) S.I. 1994/606.

SCHEDULE 1

MANCHESTER METROLINK NETWORK - Railways Act Exemptions





SCHEDULE 2

Article 8

STATIONS

Anchorage

Broadway

Cornbrook

Eccles (Regent Street Metrolink Terminus)

Exchange Quay

Harbour City

Ladywell

Langworthy

Pomona

Salford Quays

Shudehill

Weaste

EXPLANATORY NOTE

(This note is not part of the Order)

This Order relates to the Greater Manchester Light Rapid Transit System, also known as Metrolink (“Metrolink”).

Article 3 exempts certain persons operating railway assets used predominantly in connection with Metrolink from the requirement in section 6 of the Railways Act 1993 (“the Act”) that they be licensed to do so.

Article 4 exempts certain railway facilities used in connection with Metrolink from being subject to sections 17, 18 and 22A of the Act, which relate to the role of the Rail Regulator in respect of access agreements.

Article 5 exempts railway passenger services provided exclusively on Metrolink from the scope of section 23 of the Act, under which the Strategic Rail Authority could otherwise designate such services as services which that Authority considers ought to be provided under franchise agreements.

Article 6 disapplies, in relation to railway passenger services operating wholly or substantially on Phase 2 of Metrolink, section 37 of the Act which makes provision for the discontinuance of non-franchised and other railway passenger services.

Article 7 disapplies, in relation to Metrolink, section 39 of the Act which makes provision for the closure of operational passenger networks.

Article 8 disapplies, in relation to stations specified in Schedule 2 to the Order, section 41 of the Act which makes provision for the closure of stations and light maintenance depots used in connection with railway passenger services.

Article 9 applies to railway passenger services operating wholly or substantially on Phase 2 of Metrolink the provisions of Schedule 5 to the Act, which establishes an alternative procedure making provision for the discontinuance of railway passenger services.

Articles 10 and 11 provide that the exemptions granted by the Order do not apply to those parts of Phase 1 of Metrolink which are currently exempt under equivalent exemptions contained in the Railways (Class and Miscellaneous Exemptions) Order 1994.

Article 12 reserves to the Secretary of State an express power to revoke the exemptions granted by articles 3, 4 and 5 of the Order, subject to consultation.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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**The Greater Manchester (Light Rapid Transit System)
(Exemptions) Order 2004**

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