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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order exempts certain operators and railway facilities from the provisions of section 16A(1) and (2) of the Railways Act 1993 (which empowers the Office of Rail Regulation to direct the owner or operator of a railway facility to provide new railway facilities or to improve or develop an existing railway facility).

In relation to section 16A(1), a general exemption is given to all operators apart from those specified in Schedule 1.

In relation to section 16A(2), the exempted railway facilities are specified in Schedule 2. These are, broadly, the facilities which have been exempted from the licensing, access, franchising and closure provisions of the 1993 Act by orders made by the Secretary of State under sections 7, 20, 24, and 49 of the 1993 Act, or by the Office of Rail Regulation under section 20.

Article 4 provides for exemptions to be revoked in respect of particular operators or facilities.

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