

## SCHEDULE 1

### NON-EXEMPT OPERATORS

#### *Non-exempt Operators*

2. Network Rail Infrastructure Limited.
3. Any franchise operator.
4. A concession operator.
5. Any operator who holds a station licence other than an operator who is:
  - (1) providing railway services all of which are provided by, for or on behalf of one or more Transport for London companies;
  - (2) providing railway services on the network constructed in consequence of the making of any of the works authorised by section 5 of the Heathrow Express Railway Act 1991<sup>(1)</sup>;
  - (3) providing railway services on the network constructed in the tunnel system within the meaning of section 1(7) of the Channel Tunnel Act 1987<sup>(2)</sup>; or
  - (4) providing railway passenger services.
- 6.—(1) Any operator who holds a light maintenance depot licence other than an operator who:
  - (a) is providing light maintenance services—
    - (i) all of which are provided by, for or on behalf of one or more Transport for London companies;
    - (ii) for rolling stock used on the network constructed in consequence of the making of any of the works authorised by section 5 of the Heathrow Express Railway Act 1991;
    - (iii) for rolling stock used on the network constructed in the tunnel system within the meaning of the Channel Tunnel Act 1987; or
    - (iv) wholly or predominantly for rolling stock used for passenger services which are not franchised services; or
  - (b) is a person—
    - (i) who holds a licence to operate trains, or who is a Group Company of a person who holds a licence to operate trains; and
    - (ii) who operates light maintenance depots which are used, when all of those depots are considered in aggregate, wholly or predominantly for freight purposes.
- (2) In determining the predominant use of a light maintenance depot for the purposes of this paragraph, temporary use, use for locomotive refuelling and use for emergency purposes shall be disregarded.

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(1) 1991 c.vii.  
(2) 1987 c. 53.