

SCHEDULE 1

Article 2(2)

NON-EXEMPT OPERATORS

Interpretation

1. In this Schedule—

“concession operator” has the meaning given in article 2 of the Merseyrail Electrics Network Order 2003⁽¹⁾;

“Group Company” means a company which is a member of the same group of companies within the meaning of section 42(1) of the Landlord and Tenant Act 1954⁽²⁾; and

“a Transport for London company” means Transport for London or a subsidiary of Transport for London, and “Transport for London companies” shall be construed accordingly.

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⁽³⁾;

(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⁽⁴⁾; 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

(1) S.I.2003/1696.

(2) 1954 c. 56. Section 42(1) was amended by the Regulatory Reform (Business Tenancies) (England and Wales) Order 2003 (S.I. 2003/3096), articles 1, 2, 16 and 28 and Schedule 6.

(3) 1991 c.vii.

(4) 1987 c. 53.

Status: This is the original version (as it was originally made).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

(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.