

2009 No. 3335

TRANSPORT

**The Railways (East London Railway Services) Exemption Order
2009**

<i>Made</i>	- - - -	<i>15th December 2009</i>
<i>Laid before Parliament</i>		<i>21st December 2009</i>
<i>Coming into force</i>	- -	<i>12th January 2010</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 24(1) and (2) of the Railways Act 1993(a).

Citation and commencement

1. This Order may be cited as the Railways (East London Railway Services) Exemption Order 2009 and comes into force on 12th January 2010.

Interpretation

2. In this Order—

“concession agreement” means an agreement entered into by a TfL company, pursuant to which another person, not being a TfL company, agrees to provide a railway passenger service for that TfL company;

“TfL company” means Transport for London or any of its subsidiaries; and

“TfL concessionaire” means, in respect of a railway passenger service provided for a TfL company, the person who has agreed by a concession agreement for the time being to provide that service.

Franchise exemption

3. This Order grants an exemption from designation under section 23(1) of the Railways Act 1993(b) (passenger services to be subject to franchise agreements) to each TfL concessionaire in respect of any railway passenger service provided by that concessionaire on a route specified in the Schedule or part of that route.

(a) 1993 c. 43; section 24(1) and (2) was amended by the Railways Act 2005 (c. 14), Schedule 1, Part 1, paragraph 14(1) and (2). See section 23(3) of the Railways Act 1993 (as amended by the Railways Act 2005, Schedule 1, Part 1, paragraph 13(4)(a)) for the definition of “the appropriate designating authority” in section 24(1) and (2).

(b) Section 23(1) was amended by the Railways Act 2005, Schedule 1, paragraph 13(1) and the Transport Act 2000 (c. 38), section 212(1).

Signed by authority of the Secretary of State for Transport

15th December 2009

C.D. Mole
Parliamentary Under Secretary of State
Department for Transport

SCHEDULE

Article 3

The specified routes

Between Highbury & Islington station and West Croydon station via New Cross Gate station and Norwood Junction station.

Between Highbury & Islington station and Crystal Palace station via New Cross Gate station.

Between Surrey Quays station and Clapham Junction station via Denmark Hill station.

Between Surrey Quays station and New Cross station.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the grant of exemption from the franchising provisions in section 23 of the Railways Act 1993 to concessionaires of Transport for London or of Transport for London's subsidiaries. This exemption relates to any railway passenger service which a concessionaire operates on a route specified in the Schedule.

An impact assessment has not been produced, because no impact on the costs of business, the public sector, third sector organisations, regulators or consumers is foreseen. An Explanatory Memorandum has been prepared and is available alongside the instrument on the OPSI website at www.opsi.gov.uk.

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STATUTORY INSTRUMENTS

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£4.00