

STATION LICENCE

granted to

Network Rail Infrastructure Limited
(formerly Railtrack PLC)

as amended by paragraph 4, Schedule 3 of
the Railways and Transport Safety Act 2003
and the Railways Act 2005 (Licensing
Modification) Scheme No 1

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Part I – Scope of the Licence

1. The Secretary of State, in exercise of the powers conferred by section 8 of the Railways Act 1993 (as amended) ("the Act"), hereby grants to Railtrack PLC¹ ("the licence holder") a licence authorising the licence holder to be the operator of stations, as provided in paragraphs 2 and 3 below, subject to the Conditions set out in Part III hereof ("the Conditions").
2. The licence holder is authorised by this licence to be the operator of:
 - a. the stations listed in Schedule 2 hereto; and
 - b. any such other station as the licence holder specifies in a notice given to the Office of Rail Regulation and in respect of which the Office of Rail Regulation does not give to the licence holder, within a period of 30 days beginning with the day on which the licence holder gives that notice, a notice objecting to the licence holder being so authorised.
3.
 - a. This licence, so far as relating to the stations listed in Schedule 2 hereto, shall come into force on 1 April 1994; and, so far as relating to any station referred to in sub-paragraph 2(b) above, shall come into force at the end of the period of 30 days there mentioned, or on such other date as the Office of Rail Regulation may specify by notice given to the licence holder within that period.
 - b. This licence shall continue in force unless and until revoked in accordance with the provisions of Schedule 1 hereto or by not less than 10 years' notice given to the licence holder by the Secretary of State, such notice not to be given earlier than 25 years after the date first mentioned in sub-paragraph (a).

31 March 1994

Signed by authority of the
Secretary of State for Transport

¹ Network Rail Infrastructure Limited since 3 February 2003

Part II – Interpretation

1. In this licence

"control"	shall be construed in accordance with sub-sections (2) and (4) to (6) of section 416 of the Income and Corporation Taxes Act 1988 with the following modifications namely: (a) for the words "the greater part" wherever they occur in the said sub-section (2) there shall be substituted the words "30 per cent or more"; and (b) in the said sub-section (6), for the word "may" there shall be substituted the word "shall", the words from "and such attributions" onwards shall be omitted and in the other provisions of that sub-section any reference to an associate of a person shall be construed as including only a relative of his (as defined by section 417(4) of that Act), a partner of his and a trustee of a settlement (as defined by section 681(4) of that Act) of which he is a beneficiary;
"licensed activities"	means things authorised to be done by the licence holder in its capacity as operator of stations pursuant to this licence;
"LTUC"	means the London Transport Users' Committee and any successor to LTUC which performs the same functions;
"ORR"	means the Office of Rail Regulation;
"RPC"	means the Rail Passengers' Council and any successor or delegated body which performs the function of the RPC;
"RSSB"	means the Rail Safety and Standards Board Limited (a company limited by guarantee and registered in England and Wales under number 04655675), and its successors and assigns; and
"TfL"	means Transport for London.

2. Any reference in this licence to a numbered paragraph is a reference to the paragraph bearing that number in the Condition in which the reference occurs.
3. In interpreting this licence, headings shall be disregarded.
4. Where in this licence the licence holder is required to comply with any obligation within a specified time limit, that obligation shall be deemed to continue after that time limit if the licence holder fails to comply with that obligation within that time limit.

5. The provisions of section 149 of the Act shall apply for the purposes of the service of any document pursuant to this licence.
6. Unless the context otherwise requires, terms and expressions defined in the Act and the Railways Act 2005 shall have the same meanings in this licence.
7. Where in this licence there is a provision for ORR or the Secretary of State to give consent, such consent may be given subject to conditions.
8. The Interpretation Act 1978 shall apply to this licence as if it were an Act.

Part III - Conditions

Condition 1: Insurance

1. The licence holder shall, in respect of licensed activities, maintain insurance against third party liabilities in accordance with any relevant ORR general or specific approval, as amended from time to time.

Condition 2: Claims Allocation and Handling

1. The licence holder shall, except in so far as ORR may otherwise consent, at all times be a party to such agreements or arrangements relating to:

- (a) the handling of claims against operators of railway assets; and
- (b) the allocation of liabilities among operators of railway assets

as may have been approved by ORR.

2. Except with the consent of ORR, the licence holder shall not, in relation to any of the agreements or arrangements described in paragraph 1 (the “relevant claims handling arrangements”), enter into any agreement or arrangement with any other party to the relevant claims handling arrangements:

- (a) under which the licence holder agrees not to exercise any rights which it may have under any of the relevant claims handling arrangements; or
- (b) varying the relevant claims handling arrangements,

other than as provided for under the terms of the relevant claims handling arrangements.

Condition 3: Deleted

Condition 4: Provision of Services for Disabled People

1. The licence holder shall by 1 October 1994 establish and thereafter comply with:

- (a) a statement of policy; and
- (b) a detailed body of arrangements, procedures, services and other benefits to be implemented or provided by the licence holder,

designed to protect the interests of people who are disabled in their use of stations of which the licence holder is the operator pursuant to this licence and to facilitate such use (together “the Disabled People’s Protection Policy”).

2. In establishing the Disabled People's Protection Policy and in making any alteration to it, the licence holder shall have due regard to the code of practice published by the Secretary of State pursuant to section 70 or section 71B of the Act.
3. The licence holder shall not establish, or make any material alteration to, the Disabled People's Protection Policy unless and until:
 - (a) the RPC and, where appropriate, LTUC has been consulted; and
 - (b) the licence holder has submitted the Disabled People's Protection Policy or (as the case may be) any material alteration, to the Secretary of State and the Secretary of State has approved it.
4. Where the Secretary of State requires the licence holder to carry out a review of the Disabled People's Protection Policy or any part of it or the manner in which it has been implemented, with a view to determining whether any alteration should be made to it, the licence holder shall promptly carry out a review and shall submit a written report to the Secretary of State setting out the results or conclusions.
5. The licence holder shall:
 - (a) send a copy of the Disabled People's Protection Policy and of any alteration to it approved by the Secretary of State under sub-paragraph 3(b) to the Secretary of State and the RPC;
 - (b) in a place of reasonable prominence at each station of which the licence holder is the operator pursuant to this licence, display a notice giving the address from which a current copy of the statement may be obtained;
 - (c) give or send free of charge a current copy of the statement to any person who requests it.
6. Nothing in this Condition shall oblige the licence holder to undertake any action that entails excessive cost taking into account all the circumstances, including the nature and scale, of licensed activities.

Condition 5: Complaints Handling Procedure

1. The licence holder shall comply with a procedure ("Complaints Procedure") approved by the Secretary of State for handling complaints relating to licensed activities from its customers and potential customers.
2. Subject to paragraph 6, the licence holder shall not make any material alteration to the Complaints Procedure unless and until:
 - (a) the RPC and, where appropriate, LTUC has been consulted; and
 - (b) the licence holder has submitted the proposed alteration to the Secretary of State and the Secretary of State has approved it.
3. The licence holder shall send a copy of the Complaints Procedure and of any material alteration to it approved by the Secretary of State to the Secretary of State and the RPC and, where appropriate, LTUC.

4. Where the Secretary of State requires the licence holder to carry out a review of the Complaints Procedure or any part of it and the manner in which it has been operated, with a view to determining whether any alterations should be made to it, the licence holder shall promptly carry out such review and shall submit a written report to the Secretary of State setting out the results or conclusions.
5. The licence holder shall make such alterations to the Complaints Procedure, or the manner in which it is operated, as the Secretary of State may reasonably require after the Secretary of State has received a report under paragraph 4 and consulted the licence holder.
6. Paragraph 2 does not apply to any alteration made pursuant to paragraph 5.

Condition 6: Rail Passengers' Council and London Transport Users' Committee

1. Whenever reasonably requested to do so in connection with its licensed activities by either the RPC and LTUC (where relevant) in respect of their statutory functions, the licence holder shall attend and participate in any meeting between the RPC and, where relevant LTUC (on the one hand) and (on the other hand) any passenger service operator who may be or may have been affected by licensed activities. The licence holder shall not under this Condition be obliged to attend more than 2 meetings with the RPC and LTUC (as relevant) in any calendar year.
2. The licence holder shall provide the RPC and LTUC (as relevant) with such information as satisfies all the following conditions:
 - (a) the RPC and LTUC (as relevant) reasonably requests the information for the purpose of the proper performance of their respective statutory functions;
 - (b) no undue burden is imposed on the licence holder in procuring or furnishing the information;
 - (c) unless the RPC and LTUC (as relevant) considers the information essential to enable them to exercise their relevant statutory functions, the information would normally be available to the licence holder.
3. In every year in which the licence holder meets with the RPC and LTUC (separately or jointly) pursuant to paragraph 1, the licence holder shall be represented by one or more senior executives of the licence holder in at least one meeting with the RPC and LTUC (separately or jointly).
4. Where the licence holder holds another licence, the number specified as a maximum in this Condition shall apply jointly to meetings under this Condition and to meetings under any corresponding condition of that other licence.
5. Where:
 - (a) the licence holder and the RPC or LTUC or both disagree as to the reasonableness of a request made to the licence holder by the RPC or LTUC (as relevant) under paragraph 1 or paragraph 2;

- (b) any party refers the dispute to ORR and ORR determines that the request is reasonable,

the licence holder shall promptly comply with the request.

Condition 7: Railway Group Standards

1. The licence holder shall comply with the Railway Group Standards applicable to its licensed activities.
2. In this Condition:

"Railway Group Standards" means standards authorised pursuant to the Railway Group Standards Code.

Condition 8: Deleted

Condition 9: Non-Discrimination

1. Except in so far as ORR may otherwise consent, the licence holder shall not in its licensed activities, or in carrying out any other function contemplated by this licence, unduly discriminate between particular persons or between any classes or descriptions of person.

Condition 10: Environmental Matters

1. The licence holder shall, taking due account of any relevant guidance issued to it by ORR, have a written policy designed to protect the environment from the effect of licensed activities, together with operational objectives and management arrangements to give effect to the policy. The licence holder shall review the policy, the operational objectives and the management arrangements periodically and otherwise as appropriate. Nothing contained in this paragraph shall oblige the licence holder to undertake any action that entails excessive cost taking into account all the circumstances, including the nature and scale, of operations of the type carried out by the licence holder.
2. The licence holder shall, upon any material modification of them, promptly send ORR a copy of the policy together with a general description of the operational objectives and management arrangements.
3. The licence holder shall act with regard to the policy and operational objectives and use its reasonable endeavours to operate the management arrangements effectively.

Condition 11: Deleted

Condition 12: Payment of Fees

1. In respect of each year beginning on 1 April, the licence holder shall render to ORR a payment which is the aggregate of the following amounts:

- (a) the annual fee applicable to this licence, as determined by ORR; and
- (b) an amount which shall represent a fair proportion as determined by ORR of the amount estimated by ORR (in consultation with the Competition Commission) as having been incurred in the calendar year immediately preceding the 1 April in question by the Competition Commission in connection with references made to it under section 13 of the Act with respect to this licence or any class of licence of which ORR determines that this licence forms part;

and the payment shall be rendered by the licence holder within such time as ORR may require, being not less than 30 days beginning with the day on which ORR gives notice to the licence holder of its amount.

Condition 13: Accounting Separation

1. The licence holder shall, in respect of each station of which it is the operator pursuant to this licence and at which the trains of more than one passenger service operator are scheduled to stop, maintain sufficient accounting records to enable calculation of the charges payable by such operators for permission to use such stations.
2. Any such accounting records shall conform to such accounting policies as ORR may reasonably require.
3. The licence holder shall, when ORR reasonably requires, allow such accounting records to be audited at the licence holder's expense, by a person approved by ORR, for the purpose of assessing the allocation of costs as between different passenger service operators.
4. Where the licence holder carries on any business other than licensed activities, the licence holder shall keep its accounting records for licensed activities separate from its accounting records for such other business.

Condition 14: Change of Control

1. The licence holder shall, if any person obtains control of the licence holder, notify the Secretary of State as soon as practicable thereafter.

Condition 15: Emergency Access

1. During any emergency affecting the railway, the licence holder shall, to the extent that it is legally entitled to do so, grant to any person requiring it, such permission to use any station of which the licence holder is the operator pursuant to this licence as is necessary or expedient to alleviate the effects of the emergency.

Condition 16: Co-operation with TfL

1. The licence holder shall co-operate with TfL for the purpose of:

- (a) ensuring the efficient operation of railway services and the provision of railway facilities; and
- (b) co-ordinating, where possible, anticipated investment projects,

to the extent that such matters affect or may affect both the licence holder's and TfL's provision of railway services.

Condition 17: Stations of which the Licence Holder is the Operator

1. If the licence holder, having commenced to be the operator of any station of which it is authorised by this licence to be the operator, ceases to be the operator, it shall within one month notify ORR of such cessation.

SCHEDULE 1 - Terms as to Revocation

1. The Secretary of State may, after having consulted the Office of Rail Regulation, revoke this licence by not less than 3 months' notice to the licence holder:
 - a) if the licence holder agrees in writing with the Secretary of State that this licence should be revoked;
 - b) if a final order has been made, or a provisional order has been confirmed under section 55 of the Act, in respect of any contravention or apprehended contravention by the licence holder of any Condition of this licence, and the licence holder does not comply with the order within a period of 3 months beginning with the day on which the Secretary of State gives notice to the licence holder stating that this licence will be revoked pursuant to this term if the licence holder does not so comply; provided that the Secretary of State shall not give any such notice before the expiration of the period within which an application could be made under section 57 of the Act in relation to the order in question or before any proceedings relating to any such application are finally determined; or
 - c) if a person obtains control of the licence holder and:
 - (i) the Secretary of State has not approved such obtaining of control;
 - (ii) within one month of that obtaining of control coming to the notice of the Secretary of State, the Secretary of State serves notice on the licence holder stating that the Secretary of State proposes to revoke this licence in pursuance of this paragraph unless the person who has obtained control of the licence holder ceases to have control of the licence holder within the period of 3 months beginning with the day of service of the notice; and
 - (iii) that cessation of control does not take place within that period.
2. The Secretary of State may, after having consulted the Office of Rail Regulation, revoke this licence forthwith by notice to the licence holder if the licence holder commits a serious breach of the Railways (Safety Case) Regulations 2000.

SCHEDULE 2 - Subject Matter of Licence²

Glasgow Central Station

Edinburgh Waverley Station

Leeds Station

Manchester Piccadilly Station

Birmingham New Street Station

London Bridge Station

King's Cross Station

Liverpool Street Station

Paddington Station

Waterloo Station (excluding Waterloo International Terminal and Waterloo East Station)

Euston Station

Victoria Station

Charing Cross Station

² This is the original form of Schedule 2, but through the procedure under paragraph 2(b) of Part 1 of this licence, the following stations have been added:

Gatwick Airport Station (added by notice 29 March 1995)

Fenchurch Street (added by notice 14 March 2002)

Cannon Street (added by notice 4 November 2002)

Liverpool Lime Street (added by notice 6 June 2003)