

**TRAIN MAINTENANCE DEPOT AT KINGS HEATH, NORTHAMPTON**  
**SIEMENS LEASE**

The property is a regulated railway facility and includes a Light Maintenance Depot (“LMD”) as defined in the Railways Act 1993 as amended by the Transport Acts 2000 and 2005 (“the Act”).

The Lease incorporates the Depot Access Conditions (“DACs”) which are standard conditions imposed by the Office of Rail Regulation (“ORR”) and the Department of Transport (“DfT”) regulating the use of an LMD as a railway facility.

The DACs are attached and incorporated into the Lease and regulate the landlord’s (currently BRB (Residuary) Limited (“BRB”)), and the tenant’s (Siemens) responsibilities to each other in terms of the day to day operation of the LMD. Whilst they are in standard format, approved by the ORR, they cannot be varied without ORR approval. There is a consultation process involved in any proposal to vary the DACs.

Siemens is a “facility owner” (as defined in the Act) in respect of the LMD. The LMD cannot be used for any other purpose without the consent of the DfT and cannot be closed without an application being made to the ORR under Sections 41 and 43 of the Act. There is a consultation process to be undertaken before a closure can be certified under the Act. This process involves giving at least three months notice of the proposed closure to the Director of Passenger Rail Franchising (“Franchising Director”) of the proposed closure together with detailed reasons for the proposed closure and details of any alternative available facilities.

The Franchising Director then publishes a notice of the proposed closure along with his recommendations in respect of any conditions to consent to the closure. The notice provides the Franchising Director’s reasons for his decision and must be advertised in both national and local newspapers. A copy of the notice is then sent to the ORR and the Rail Users Consultation Committee (“RUCC”).

Once the closing date for objections is reached, the RUCC has a further 12 weeks to consider whether the proposed closure would cause any hardship and make a written report to the ORR. The RUCC may hold public hearings. A further period may be granted by the ORR is appropriate.

The ORR considers the RUCC report before making its decision on the application.

The ORR makes its decision within 26 weeks after receiving notice from the Franchising Director – an extension to this timescale may only be granted by the DfT.

There is provision under the Network Modifications (Closures) Regime contained in the Railways Act 2005 for certain closure proposals to be treated as “Minor Modifications” under Sections 34 and 35 of that Act. This is only available in very limited circumstances.

**LEE BOLTON MONIER-WILLIAMS**

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1<sup>st</sup> December 2008

*This explanatory note is given on behalf of BRB (Residuary) Limited without responsibility on our part and no warranty is given as to its accuracy or correctness and no reliance may be placed on it by any prospective buyer of the property. Any prospective buyer must rely on its own legal advice regarding the regulatory process referred to above.*