
STATUTORY INSTRUMENTS

1995 No. 2501

TRANSPORT

The Low Moor Tramway Light Railway Order 1995

Made - - - - - *20th September 1995*

Coming into force - - - *21st September 1995*

The Secretary of State for Transport, on the application of West Yorkshire Transport Trust Limited for an Order under the Light Railways Act 1896⁽¹⁾, being satisfied in accordance with section 7 of that Act that its requirements in relation to the publication and service of notices, have been satisfied, and having considered objections as required by that section and the Order as required by section 9 of that Act, in exercise of the powers conferred on him by sections 7, 10, 11, 12 and 18 of that Act and by section 121(4) of the Transport Act 1968⁽²⁾, and now vested in him⁽³⁾, and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Low Moor Tramway Light Railway Order 1995 and shall come into force on 21st September 1995.

Interpretation

2.—(1) In this Order unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

“the Board” means the British Railways Board;

“the deposited plans” and “the deposited sections” mean respectively the plans and sections deposited in respect of the application for this Order with the Secretary of State for Transport, Great Minster House, 76 Marsham Street, London SW1P 4DR, and at the registered office of the Trust, and marked as those plans and sections respectively;

“the former railway” means the former railway of the Board described in the Schedule to this Order and includes all the lands and works relating thereto;

“the principal Act” means the Light Railways Act 1896;

(1) 1896 c. 48; sections 7 and 9 were repealed in part by the Railways Act 1921 (c. 55), section 86(2) and Schedule 9; section 10 was repealed in part by the Statute Law (Repeals) Act 1986 (c. 12), Schedule 1; section 11 was amended by the Light Railways Act 1912 (c. 19), section 5(3), and the Railways Act 1921, section 73(1), and was repealed in part and further amended in respects not relevant to this Order; section 12 was repealed in part by the Finance Act 1929 (c. 21), section 6 and Schedule.

(2) 1968 c. 73.

(3) Railways Act 1921, section 68(1) and S.I. 1970/1681, 1979/571 and 1981/238.

“the Railway” means the railway authorised to be constructed and maintained by the Trust pursuant to article 4 of this Order;

“the Trust” means West Yorkshire Transport Trust Limited, a company incorporated under the Companies Acts 1948 to 1981 and having its registered office at Ludlam Street Depot, Mill Lane (Off Manchester Road), Bradford BD5 0HG.

(2) In this Order, all distances, lengths, measurements and directions stated in any description of works, powers or lands shall be construed as if the words “or thereabouts” were inserted after each such distance, length, measurement and direction, and distances between points on the Railway shall be taken to be measured along the Railway.

Incorporation of Railways Clauses Consolidation Act 1845

3.—(1) The following provisions of the Railways Clauses Consolidation Act 1845(4) shall be incorporated in this Order:—

Section 18 (alteration of water and gas pipes, etc);

Section 24 (penalty for obstructing construction of railway);

Section 58 (company to repair roads used by them), except for the words from “and if any question” to the end;

Section 61 (company to make sufficient approaches and fences to highways crossing on the level);

Section 68 (accommodation works by company);

Section 105 (carriage of dangerous goods on railway);

Section 145 (recovery of penalties); and

Section 154 (transient offenders).

(2) In those provisions, as incorporated in this Order—

“the Company” means the Trust;

“prescribed”, in relation to any such provision, means prescribed by this Order for the purposes of that provision;

“the railway” means any railway authorised to be constructed by this Order and, except where the context otherwise requires, any other authorised works;

“the special Act” means this Order.

Power to construct and maintain railway

4.—(1) Subject to the provisions of this Order, the Trust may construct and maintain the Railway hereinafter described on the line and according to the levels and within the limits of deviation shown on the deposited plans and the deposited sections and with all proper rails, plates, sidings, junctions, bridges, culverts, drains, approaches, roads, yards, buildings and other works and conveniences connected therewith including station premises, workshops and facilities; and may enter into agreements with any other person or body for such purposes.

(2) The Railway shall be a passenger carrying tramway 1.5 kilometres in length commencing at a point at the proposed West Yorkshire Transport Centre at Low Moor 410 metres east of the bridge of Railtrack PLC (No. 48) in the City of Bradford carrying Cleckheaton Road and terminating at a point 200 metres south of the Wyke Lane road crossing in the Metropolitan Borough of Kirklees.

(3) Subject to the provisions of this Order the Railway may be worked as a light railway under the principal Act.

(4) 1845 c. 20.

Power to deviate

5. In the construction of the Railway or any part thereof the Trust may deviate from the line or situation thereof shown on the deposited plans to the extent of the limits of deviation shown thereon and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding 3 metres upwards or downwards or to such further extent as may be found necessary or convenient and as may be sanctioned by the Secretary of State.

Transfer of rights, etc. in former railway

6. Subject to the provisions of this Order the Railway or any part thereof shall be subject to all statutory and other provisions applicable to the former railway or any part thereof (insofar as the same are still subsisting and capable of taking effect) and the Trust shall to the exclusion of the Board be entitled to the benefit of and exercise all rights, powers and privileges and be subject to all obligations, statutory or otherwise, relating to the former railway (insofar as the same are still subsisting and capable of taking effect) to the intent that the Board shall be released from all such obligations.

Gauge of the Railway and motive power

7.—(1) The Railway shall be constructed and operated on a gauge of 1435 millimetres and the motive power shall be electric or internal combustion or steam or horse or such other motive power as the Secretary of State may in writing approve.

(2) If electrical power is used as motive power on the Railway such electrical power shall not be used in such a manner as to cause, or be likely to cause, any interference with telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act 1984⁽⁵⁾ or with telecommunications by means of such apparatus.

Provision as to bridges

8. Sections 116, 117 and 118 of the Transport Act 1968⁽⁶⁾ shall apply to the bridges over the Railway (other than Cleckheaton Road bridge (No. 48)) as if references therein to the Board were references to the Trust.

For protection of sewerage and water undertakers

9.—(1) For the protection of sewerage and water undertakers (in this article referred to as “the undertakers”) the following provisions shall, unless otherwise agreed in writing between the Trust and the undertakers concerned, apply and have effect.

(2) In this article, “relevant pipe” in relation to any of the undertakers has the meaning given in section 179(7) of the Water Industry Act 1991⁽⁷⁾.

(3) Nothing in section 18 of the Railways Clauses Consolidation Act 1845 in its application to the Railway shall authorise the Trust to raise, sink or otherwise alter the position of, or in any way interfere with, any relevant pipe without the consent in writing of the undertaker concerned, such consent not to be unreasonably withheld.

(a) (4) (a) The Trust shall not within the limits of deviation and without the consent of the undertakers concerned—

(i) place or deposit any materials or erect any structure or works; or

⁽⁵⁾ 1984 c. 12.

⁽⁶⁾ 1968 c. 73.

⁽⁷⁾ 1991 c. 56.

(ii) make any excavation to a depth of more than 300 millimetres below the surface of the ground,

in so far as the same is or would be carried out or situated within 15 metres (measured in any direction) of any part of a relevant pipe.

(b) The undertakers concerned shall not withhold their consent under this paragraph to the construction of a single or double line of rails and shall not otherwise unreasonably withhold their consent under this paragraph but may grant their consent subject to reasonable conditions for the protection of a relevant pipe.

(5) Where any relevant pipe is situated in or under any land owned or held for the purpose of the Railway the Trust shall at their own expense maintain all culverts over such relevant pipe which are in existence at the coming into force of this Order so as to leave the relevant pipe accessible for the purpose of repairs.

(6) The Trust shall afford reasonable facilities to the undertakers for the execution of all such works and the doing of all such things as may be reasonably necessary to enable them to inspect, repair, maintain, renew, replace, remove, alter or use any relevant pipe.

(a) (7) (a) The Trust shall compensate the undertakers—

(i) for any damage done or disturbance caused to any relevant pipe; and

(ii) or any other expenses, loss, damages, penalty or costs incurred by the undertakers, by reason or in consequence of the execution, maintenance, user or failure of any of the works authorised by this Order or otherwise by reason or in consequence of the exercise by the Trust of the powers of this Order.

(b) Nothing in this paragraph shall entitle the undertakers to any payment in respect of damage attributable to the neglect or default of the undertakers, their servants or agents.

(8) Nothing in this Order shall prejudice or affect the rights of the undertakers in respect of any relevant pipe or the provisions of any agreement regulating the relationship between the Trust and the undertakers with regard to any relevant pipe and whether made before or after this Order comes into force.

(9) The provisions of the Railways Clauses Consolidation Act 1845 applied by this Order shall be subject to the provisions of this article.

(10) Any difference arising between the Trust and the undertakers under this article shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President for the time being of the Institution of Civil Engineers.

For the protection of public gas suppliers

10. Nothing in this Order shall prejudice or affect the statutory or other rights of any public gas supplier within the meaning of Part I of the Gas Act 1986⁽⁸⁾ in or relating to any pipe, main or apparatus belonging to them or for the maintenance of which they are responsible, or any structure for the lodging therein of any pipe, main or apparatus, being any pipe, main or apparatus or structure situate under, over or upon lands in or upon or near to which the Railway or any part thereof is constructed.

Power to lop trees overhanging railway

11.—(1) The Trust may fell or lop any tree or shrub near any part of the Railway, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub—

(8) 1986 c. 44.

- (a) from obstructing or interfering with the construction, maintenance or operation of the Railway or any apparatus used for the purposes of the Railway, or
 - (b) from constituting a danger to passengers or other persons using the Railway.
- (2) In exercising the powers in paragraph (1) above, the Trust shall do no unnecessary damage to any tree or shrub and shall pay compensation to any person for any loss or damage arising from the exercise of those powers.
- (3) Any dispute as to a person's entitlement to compensation under paragraph (2) above, or as to the amount of the compensation, shall be determined under Part I of the Land Compensation Act 1961⁽⁹⁾.

Costs of order

12. All costs, charges and expenses incurred by the Trust in, or incidental to, the preparing for, obtaining and making of this Order or otherwise in relation thereto, shall be paid by the Trust and may in whole or in part be defrayed out of revenue.

Signed by authority of the Secretary of State for Transport

20th September 1995

R. A. Allan
An Under Secretary,
Department of Transport

⁽⁹⁾ 1961 c. 33.

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

SCHEDULE

Article 2(1)

The former railway

So much of the former system of railways of the Board including part of the Spen Valley Branch Railway in the City of Bradford and Metropolitan Borough of Kirklees authorised by the West Riding Union Railways Act 1846⁽¹⁰⁾, the Lancashire and Yorkshire Railway Act 1883⁽¹¹⁾ and the Great Northern Railway Act 1883⁽¹²⁾ as lies between a point at Low Moor in the said city 410 metres north east of the bridge of Railtrack PLC (No. 48) carrying Cleckheaton Road over the former Spen Valley Branch Railway and their Halifax/Bradford railway and a point on that former branch railway 200 metres south east of Wyke Lane road crossing but excluding the said Bridge No. 48.

⁽¹⁰⁾ 1846 c.cccxc.

⁽¹¹⁾ 1883 c.clxix.

⁽¹²⁾ 1883 c.clxxv.