
STATUTORY INSTRUMENTS

1997 No. 2262

**TRANSPORT AND WORKS
TRANSPORT**

The Mid-Norfolk Railway Order 1997

Made - - - - *16th September 1997*
Coming into force - - *23rd September*
1997

Whereas an application has been made to the Secretary of State for Transport (“the Secretary of State”), in accordance with the Transport and Works (Applications and Objections Procedure) Rules 1992(1) made under section 6 of the Transport and Works Act 1992(2), for an Order under section 1 of that Act;

And whereas the Secretary of State received no objections to that application;

And whereas the Secretary of State has determined to make an Order giving effect to the proposals comprised in the application with modifications which in his opinion do not make any substantial change in the proposals;

And whereas notice of the Secretary of State’s determination was published in the London Gazette on 15th September 1997;

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 1 and 5 of, and paragraphs 1 and 15 of Schedule 1 to, that Act and of all other powers enabling him in that behalf, hereby makes the following Order:—

PART I

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Mid-Norfolk Railway Order 1997 and shall come into force on 23rd September 1997.

Interpretation

2. In this Order, unless the context otherwise requires—

(1) S.I.1992/2902.
(2) 1992 c. 42.

“the Board” means the British Railways Board;

“the Board’s railway” means so much of the railway of the Board (including the site of the railway) in the County of Norfolk described in and authorised by the Norwich and Brandon Railway Act 1845⁽³⁾ or the Norfolk Railway Extensions, Dereham, Wells and Blakeney Branch Act 1846⁽⁴⁾, and works relating thereto, as lies between a point immediately west of the junction of the said railway and the main Thetford to Norwich railway at Wymondham, in the District of South Norfolk at reference point TG 1130 0090 and a point immediately south of Norwich Road at East Dereham in the District of Breckland at reference point TF 9935 1320 and includes all lands held by the Board relating to the said railway or to any stations or other works connected therewith, and lying between those points;

“protective equipment” includes gates, barriers, lights, traffic signs (within the meaning of section 64 of the Road Traffic Regulation Act 1984⁽⁵⁾), manual, mechanical, automatic, electronic or telephonic equipment or other devices;

“reference point” means Ordnance Survey National Grid reference point;

“the transfer date” means the date on which the Board’s railway or any part thereof is vested in the Trust by virtue of an agreement made between the Board and the Trust; and

“the Trust” means the Mid-Norfolk Railway Preservation Trust (Registered Charity No. 1046931) incorporated under the Companies Act 1985⁽⁶⁾ as a company limited by guarantee and whose registered office is at Railway Station, Station Road, Yaxham, East Dereham, Norfolk NR19 1RD.

Disapplication of certain enactments relating to level crossings

3. Section 47 of the Railways Clauses Consolidation Act 1845⁽⁷⁾ (roads crossed on a level) and section 6 of the Railways Clauses Act 1863⁽⁸⁾ (lodges at level crossings) shall on the transfer date cease to apply to the Board’s railway or the relevant part thereof.

PART II

TRANSFER OF BOARD'S RAILWAY

Transfer of Board’s railway

4.—(1) Subject to the following provisions of this article, the Board may transfer the whole or any part of the Board’s railway to the Trust on such terms and conditions as may be agreed between the Board and the Trust.

(2) On and after the transfer date the Trust shall to the exclusion of the Board be entitled to the benefit of and to exercise all rights, powers and privileges and be subject to all obligations of the Board whether statutory or otherwise relating to the Board’s railway or the relevant part thereof, with the intent that the Board shall be released from all such obligations.

(3) Without prejudice to the generality of paragraph (2) above sections 116, 117 and 118 of the Transport Act 1968 shall, on and after the transfer date, apply to the Board’s railway or the relevant part thereof as if references to the Board were references to the Trust.

(3) 1845 c. cliv.
(4) 1846 c. clxix.
(5) 1984 c. 27.
(6) 1985 c. 6.
(7) 1845 c. 20.
(8) 1863 c. 92.

PART III

MISCELLANEOUS

Power to operate and use railway

5. Subject to article 8 of this Order, on and after the transfer date the Trust may operate and use the Board's railway as a system, or part of a system, of transport for the carriage of passengers and goods.

Safety of approved works, etc.

6.—(1) Where pursuant to regulations made under section 41 of the Transport and Works Act 1992 (approval of works, plant and equipment) approval has been obtained from the Health and Safety Executive with respect to any works, plant or equipment (including vehicles) forming part of the Board's railway, such works, plant and equipment shall not be used in a state or condition other than that in which they were at the time that the approval was given unless any change thereto does not materially impair the safe operation of the said railway.

(2) If without reasonable cause the provisions of paragraph (1) above are contravened on or after the transfer date the Trust shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) No proceedings shall be instituted in England and Wales in respect of an offence under this article except by or with the consent of the Health and Safety Executive or the Director of Public Prosecutions.

Level crossings

7.—(1) On and after the transfer date the provisions set out in Part II of the Schedule to this Order shall apply to the level crossings mentioned in Part I of that Schedule.

(2) Without prejudice to the generality of article 4(2) of this Order the British Railways Board (Norfolk Railway) (Yaxham Road Level Crossing) Order 1977 and the British Railways Board (Norfolk Railway) (Hall Lane Level Crossing) Order 1977 shall, on and after the transfer date, respectively apply to the level crossings mentioned in Part III of that Schedule as if references to the Board were references to the Trust.

Restrictions as to the conveyance of passengers

8. No part of the Board's railway shall be used for the conveyance of passengers without the prior written permission of the Health and Safety Executive.

Signed by authority of the Secretary of State for Transport

16th September 1997

Richard Bird
Director, Urban and Local Transport Directorate
Department of the Environment, Transport, and
the Regions

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 7

LEVEL CROSSINGS

PART I

LEVEL CROSSINGS TO WHICH PART II APPLIES

<i>Location and reference point</i>	<i>Parish</i>	<i>Road</i>
Wymondham (TG 1045 0140)	Wymondham	Cavick Road
Kimberley Park Station (TG 0675 0365)	Kimberley	Station Road
Thuxton Station (TG 0250 0785)	Garvestone	Station Lane
Garvestone (TG 0250 0785)	Garvestone	Town Lane
Yaxham Station (TG 0025 1020)	Yaxham	Station Road

PART II

CONDITIONS AND REQUIREMENTS TO BE OBSERVED BY THE TRUST

1. Gates shall at all times be maintained across the railway at each side of the highway.
2. The Trust shall provide, maintain and operate at or near the crossing such other protective equipment as the Secretary of State may in writing require.
3. Such gates shall be kept constantly closed and locked across the railway except during the time when trains passing along the railway shall have occasion to cross the highway, and such gates shall be of such dimensions and so constructed as when closed across the railway or across the highway to fence in the railway sufficiently.
4. The Trust shall ensure that after a train has crossed the highway at the crossing the gates shall be closed and locked as soon as reasonably possible, and if without reasonable cause the requirements of this paragraph are contravened the Trust shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
5. Such gates shall be made conspicuous by being periodically painted white and shall be provided with reflectorised red targets, and in the event of rail movements taking place during the hours of darkness the Trust shall cause lamps to be placed on the gates and arrange for such lamps to be lit and maintained.

PART III

LEVEL CROSSINGS REFERRED TO IN ARTICLE 7(2)

<i>Location and reference point</i>	<i>Parish</i>	<i>Road</i>
East Dereham (TF 9955 1235)	East Dereham	Yaxham Road

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<i>Location and reference point</i>	<i>Parish</i>	<i>Road</i>
East Dereham (TF 9955 1245)	East Dereham	Hall Lane (Greens Road)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the transfer to the Mid-Norfolk Railway Preservation Trust (a charitable company limited by guarantee) of the railway line between Wymondham and Dereham, Norfolk, together with certain statutory and other rights and liabilities.

The Order makes provision for the safety of works and equipment and for the safe operation of level crossings.