

1973 No. 302

TRANSPORT

**The British Railways Board (Whitby and Pickering)
Light Railway (Transfer) Order 1973**

Made - - - 23rd February 1973

Coming into Operation 24th February 1973

The Secretary of State for the Environment on the application of The North York Moors Historical Railway Trust Limited and in exercise of powers conferred by section 24 of the Light Railways Act 1896(a) as amended by the Light Railways Act 1912(b) and Part V of the Railways Act 1921(c) and now vested in him(d) and of all other powers him enabling in that behalf hereby makes the following Order:—

Citation and commencement

1. This Order shall come into operation on 24th February 1973 and may be cited as the British Railways Board (Whitby and Pickering) Light Railway (Transfer) Order 1973.

Interpretation

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

“the Board” means the British Railways Board;

“the Company” means The North York Moors Historical Railway Trust Limited;

“the County Council” means the County Council of the Administrative County of the North Riding of Yorkshire;

“the principal Act” means the Light Railways Acts 1896 & 1912 as amended by the Railways Act 1921;

“the principal Order” means The British Railways Board (Whitby and Pickering) Light Railway Order 1971(e);

“the railway” means the railway authorised by the principal Order to be worked as a light railway under the principal Act;

“approved” means approved by the County Council.

(2) The Interpretation Act 1889(f) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(a) 1896 c. 48.

(c) 1921 c. 55.

(e) S.I. 1971/1129.

(b) 1912 c. 19.

(d) S.I. 1970/1681 (1970 III, p. 5551).

(f) 1889 c. 63.

As to transfer of railway to the Company

3.—(1) The Board and the Company may enter into and carry into effect agreements providing for the transfer to and vesting in the Company of the railway or any part thereof on such terms and conditions as may be agreed between the Board and the Company.

(2) As from the date upon which such transfer takes effect the Company 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 for the time being in force in respect of the railway or such part thereof as is transferred as aforesaid.

As to Public Liability Insurance

4.—(1) The Company shall at all times maintain an approved public liability policy with an approved insurance company providing cover in respect of any accident on or occasioned by the operation of the railway of not less than five hundred thousand pounds.

(2) The Company shall at the request of the County Council produce to the County Council such evidence as may be requisite for the purpose of proving compliance with subsection (1) of this section.

(3) The Company shall not work the railway unless there is in force such a public liability policy as is referred to in subsection (1) of this section.

(4) If the Company shall fail to comply with the provisions of subsection (1) or subsection (3) of this section they shall be liable on summary conviction to a fine not exceeding one hundred pounds or on conviction on indictment to a fine.

Costs of Order

5. All costs charges and expenses of and incident to the preparing for obtaining and making of this Order or otherwise in relation thereto shall be paid by the Company and may in whole or in part be defrayed out of revenue.

Signed by authority of the Secretary of State

23rd February 1973.

W. J. Sharp,
An Under Secretary in
the Department of the Environment.