

1974 No. 1857

TRANSPORT

**The British Railways Board (Whitby and Pickering)
Light Railway Order 1974**

Made - - - 31st October 1974

Coming into Operation 11th November 1974

The Secretary of State for the Environment on the application of the British Railways Board and in exercise of the powers conferred by sections 7, 9, 10 and 18 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 enabling him in that behalf hereby makes the following Order:—

Citation and commencement

1. This Order shall come into operation on 11th November 1974, and may be cited as the British Railways Board (Whitby and Pickering) Light Railway Order 1974.

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

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

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

Power to work railway as a light railway

3. Subject to the provisions of this Order—

(a) the Board may work as a light railway under the principal Act the railway more particularly described in the Schedule hereto;

(b) such of the enactments set out in the Second Schedule to the Light Railways Act 1896 as are still in force (except the Highway (Railway Crossings) Act 1839(f), section 9 of the Railway Regulation Act 1842(g) and section 1 of the Regulation of Railways Act 1889(h)) shall cease to apply to the railway.

(a) 1896 c. 48.

(b) 1912 c. 19.

(c) 1921 c. 55.

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

(e) 1889 c. 63.

(f) 1839 c. 45.

(g) 1842 c. 55.

(h) 1889 c. 57.

Restriction of weight on rails and of speed and as to conveyance of passengers

4.—(1) The Board shall not use upon the railway any engine, carriage or truck bringing any weight upon the rails by any one pair of wheels exceeding such weight as the Secretary of State may allow.

(2) The Board shall not run any train or engine upon any part of the railway at a rate of speed exceeding at any time that fixed by the Secretary of State for such part.

(3) No part of the railway shall be used for the public conveyance of passengers without the permission in writing of the Secretary of State first being had and obtained, and the Board shall comply with the conditions (if any) which the Secretary of State may from time to time prescribe for the safety of the public using the railway.

(4) If the Board act in contravention of any of the provisions of this section they shall for each offence be liable on summary conviction to a penalty not exceeding twenty pounds.

Recovery of penalties

5. Any penalty under this Order may be recovered in manner provided by the Magistrates' Courts Act 1952(a).

Costs of Order

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

Signed by authority of the Secretary of State
31st October 1974.

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

SCHEDULE

So much of the Whitby to Pickering railway of the Board described in and authorised by the Act 3 William IV cap. xxxv (an Act for making a railway from Whitby to Pickering in the North Riding of the County of York) and secondly described in and authorised by the Act 7 & 8 Vict. cap. lxi (an Act for enabling the York and North Midland Railway Company to make a Railway from York to Scarborough with a Branch to Pickering) as extends from the southern end at Pickering of the railway authorised to be worked as a light railway by the British Railways Board (Whitby and Pickering) Light Railway Order 1971(b) to the North Eastern boundary of the road known as Bridge Street at Pickering.

(a) 1952 c. 55.

(b) S.I. 1971/1129.