

1978 No. 952

TRANSPORT

**The Whitby and Pickering Light Railway (Amendment)
Order 1978**

Made - - - - 6th July 1978
Coming into Operation 16th July 1978

The Secretary of State for Transport on the application of the North York Moors Historical Railway Trust Limited and in exercise of the 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 enabling him in that behalf hereby makes the following Order:—

Citation and commencement

1.—(1) This Order shall come into operation on 16th July 1978 and may be cited as the Whitby and Pickering Light Railway (Amendment) Order 1978.

(2) The principal Orders and this Order may be cited together as the Whitby and Pickering Light Railway Orders 1971 to 1978.

Interpretation

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

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

“The principal Orders” means The British Railways Board (Whitby and Pickering) Light Railway Order 1971(e), The British Railways Board (Whitby and Pickering) Light Railway (Transfer) Order 1973(f), The British Railways Board (Whitby and Pickering) Light Railway Order 1974(g) and The British Railways Board (Whitby and Pickering) Light Railway (Transfer) Order 1975(h);

“the railway” means the railway authorised by the principal Orders to be worked as a light railway under the Light Railways Acts 1896 and 1912 as amended by the Railways Act 1921;

(a) 1896 c. 48.
(d) S.I. 1970/1681.
(g) S.I. 1974/1857.

(b) 1912 c. 19.
(e) S.I. 1971/1129.
(h) S.I. 1975/1125.

(c) 1921 c. 55.
(f) S.I. 1973/302.

“the Regulations” mean the Regulations for the time being in force made or having effect as if made under the Road Traffic Regulation Act 1967(a) or any statutory re-enactment or modification of the same;

“the Act of 1833” means the Whitby and Pickering Railway Act 1833(b);

“High Mill Level Crossing” means the crossing in the Parish of Pickering in the District of Ryedale in the County of North Yorkshire whereby the railway is crossed on the level at a point where the K.E. 237. U. (unclassified urban public road from the C.66. Pickering to Stape Road known as Under Cliffe to a point on the eastern side of the railway approximately 24 metres west of Under Cliffe junction) leads to the junction of a private drive to Mount Terrace (occupied by H. Dove Esq.) and a public footpath known as Old Beck Road leading southwards to Beck Isle and northwards to New Bridge.

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

Alterations to level crossing

3. Notwithstanding anything in the Act of 1833 or any enactment incorporated therewith or anything in the principal Orders and except as hereinafter provided—

(1) The Company shall not be required to erect or maintain a station or lodge at High Mill Level Crossing or be subject to any regulations with regard to the speed of trains thereover except as provided in this Order.

(2) The Company shall provide at High Mill Level Crossing and shall maintain and operate the lights, traffic signs and other devices and appliances as specified in Part I of the Schedule to this Order and the Company shall observe the conditions and requirements specified in Part II of the said Schedule in relation to the said level crossing and the use and operation thereof.

(3) On summary conviction a fine not exceeding £20 may be imposed for failure to comply with the provisions of paragraph (2) of this Article.

Recovery of penalties

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

Costs of Order

5. All costs, charges and expenses of and incidental to the preparing for 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
6th July 1978.

J. Palmer,
An Under Secretary in the
Department of Transport

(a) 1967 c. 76.
(c) 1889 c. 63.

(b) 1833 c. xxxv.
(d) 1952 c. 55.

THE SCHEDULE

PART I

Particulars of lights, traffic signs and other devices and appliances

1. A traffic light signal consisting of a single steady amber and two flashing red lamps together with a backing board as prescribed by the Regulations shall be provided on the nearside of the carriageway and on the offside of the carriageway on each side of the railway not nearer than 2.0 metres before the running edge of the nearest rail. The traffic light signals on the offside of the carriageway shall either be in line with or on the railway side of the stop line mentioned in paragraph 4 below. The traffic light signals shall be so arranged as to face outwards from the level crossing towards approaching road traffic. All the signals shall be capable of directional adjustment. A flashing white light shall also be provided on each railway approach to the crossing which, when illuminated, shall indicate to drivers of trains that the flashing red lamps are illuminated and that the main power supply has not failed.

2. A St. Andrew's Cross traffic sign of the size, colour and type shown in diagram 542 in the Regulations shall be mounted immediately above each of the traffic light signals. The traffic signs shall be so positioned as to face approaching road traffic and shall be provided with reflectors or retro-reflecting material. The advance warning signs shall be of the size, colour and type shown in diagram 538 in the Regulations mounted above a plate of the size, colour and type shown in diagram 537.2 in the Regulations and shall be provided by the Highway Authority.

3. An audible warning device of moderate output shall be provided on or adjacent to the traffic light signals on the nearside of the carriageway on each side of the railway.

4. A reflectorised stop line of the size, colour and type shown in diagram 1001 in the Regulations shall be provided across the nearside of the carriageway on each side of the railway approximately 1.0 metres before the nearside traffic light signal.

5. The carriageways shall be approximately 5.3 metres wide at the level crossing. The centre line of the carriageway shall be marked thereon between the road markings mentioned in paragraph 4 above with a reflectorised warning line marking of the size, colour and type shown in diagram 1004 in the Regulations and for a distance of not less than 15.0 metres on each of its approaches to the level crossing.

6. Reflectorised edge of carriageway road markings of the size, colour and type shown in diagram 1011 in the Regulations shall be provided along the two edges of the carriageway between the traffic light signals on each side of the railway mentioned in paragraph 1 above.

7. A reflectorised pedestrian stop line of the size, colour and type shown in diagram 1003.2 in the Regulations shall be provided across the offside of the carriageway on each side of the railway not less than 1.0 metres before the offside traffic light signal. The pedestrian stop line shall be as nearly as possible at right angles to the centre line of the carriageway and not nearer than 2.0 metres to the running edge of the nearest rail.

8. Cattle-cum-trespass guards of standard British Rail design shall be provided immediately adjacent to the ground which is made up to the level of the carriageway in accordance with paragraph 10 of Part II of this Schedule and shall extend the full width between the protecting fences on both sides of the railway.

PART II

Conditions and requirements to be observed

9. The surface of the carriageway over the level crossing shall be maintained in good and even condition.

10. The ground at the two edges of the carriageway over the level crossing shall be made up to the level of the carriageway for a distance of 1·0 metres beyond each edge.

11. A single power supply shall be provided at the level crossing together with stand-by batteries of sufficient capacity to operate the whole installation for 12 hours in the event of a power supply failure.

12. An advance warning board of standard British Rail design shall be provided on the northern railway approach to the crossing facing southbound rail traffic approaching the level crossing. The warning boards shall be illuminated when trains are operated during the hours of darkness.

13. A combined speed restriction and whistle board of standard British Rail design for 5 mile/h shall be provided on each railway approach to the crossing approximately 46·0 metres before the level crossing facing rail traffic movements approaching the level crossing, and shall be illuminated when trains are operated during the hours of darkness.

14. Trains travelling in either the Up or the Down direction shall not exceed 5 mile/h from the combined speed restriction and whistle board until the front of the train has passed over the crossing. The train whistle shall be sounded when the train is at a point approximately 46·0 metres before the crossing.

15. Trains travelling in either the Up or Down direction shall not proceed over the crossing until the white lamp mentioned in paragraph 1 of Part 1 of this Schedule becomes illuminated. If the white light is not illuminated drivers shall bring their trains to a stand short of the crossing and shall then proceed with caution.

16. The arrangements shall be such that when the train reaches a position which shall not be less than 70 metres before the crossing the amber lamps mentioned in paragraph 1 of Part I of this Schedule shall be illuminated and the audible warning devices shall thereupon commence to sound. The steady amber lamps shall remain illuminated for a period of approximately 5 seconds. Immediately the amber lamps are extinguished the flashing red lamps mentioned in paragraph 1 as aforesaid shall operate. The flashing red lamps and the audible warning devices shall continue to operate until the train has passed clear of the crossing.