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STATUTORY INSTRUMENTS

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1979 No. 1270

TRANSPORT

**The Yorkshire Dales Light Railway Order 1979**

*Made* - - - 4th October 1979

*Coming into Operation* 14th October 1979

The Minister of Transport on the application of the Yorkshire Dales Railway Museum Trust (Holdings) Limited and in exercise of powers conferred by sections 7, 9, 10 and 18 of the Light Railways Act 1896(a) and now vested in him(b) 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 Yorkshire Dales Light Railway Order 1979 and shall come into operation on 14th October 1979.

*Interpretation*

2. 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 Company” means the Yorkshire Dales Railway Museum Trust (Holdings) Limited, incorporated under the Companies Act 1948(c) and having its Registered Office at the University of Leeds, Leeds 2;

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

“the railway” means the railway more particularly described in the Schedule to this Order including all lands and works relating thereto;

“the transfer date” means the day on which the railway, or any part thereof, is vested in the Company by virtue of Article 3(1) of this Order.

*Transfer of the 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.

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(a) 1896 c. 48; as amended by the Light Railways Act 1912 (c. 19) and Part V of the Railways Act 1921 (c. 55).

(b) S.I. 1970/1681 and 1979/571.

(c) 1948 c. 38.

(2) As from the transfer date the Company shall to the exclusion of the Board be entitled to the benefit of, and to exercise all rights, powers, 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.

(3) As from the transfer date the Company may work the railway as a light railway, under the principal Act.

#### *Application of enactments*

4.—(1) Subject to the provisions of this Order such of the enactments set out in the Second Schedule to the Light Railways Act 1896 as are still in force shall cease to apply to the railway except for section 22 (Means of communication between the passengers and the Company's servants to be provided) of the Regulation of Railways Act 1868(a) and section 1 (Power to order certain provisions to be made for public safety) and section 5 (Penalty for avoiding payment of fare) of the Regulation of Railways Act 1889(b).

(2) In its application to the railway the said section 22 of the Regulation of Railways Act 1868 shall be read, construed and have effect as if the words "and travels more than twenty miles without stopping" had been omitted.

#### *Restrictions of weight on rails and of speed; conveyance of passengers*

5.—(1) The Company 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 Minister may allow.

(2) The Company 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 Minister for such part.

(3) No part of the railway shall be used for the conveyance of passengers without prior written permission by the Minister and the Company shall comply with any conditions which the Minister may from time to time prescribe for the safety of the public using the railway.

(4) If the Company contravenes any of the provisions of this Article it shall for each offence be liable, on summary conviction, to a penalty not exceeding fifty pounds.

#### *Public liability insurance*

6.—(1) In this Article "insurer" means any insurer or insurers permitted under the Insurance Companies Act 1974(c) or the corresponding provision for the time being in force in Northern Ireland to carry on in Great Britain or in Northern Ireland insurance business of a relevant class or who has corresponding permission under the law of another member state of the European Economic Community.

(2) The Company shall at all times maintain a public liability policy with an insurer providing maximum cover in respect of any one accident on or occasioned by the operation of the railway of not less than one million pounds and the adequacy of the cover provided by the policy shall be regularly reviewed by the Company.

(3) The Company shall not work the railway unless there is in force such a public liability policy as is referred to in paragraph (2) of this Article.

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(a) 1868 c. 119.

(b) 1889 c. 57.

(c) 1974 c. 49.

(4) If the Company shall fail to comply with the provisions of this Article it shall be liable on summary conviction to a fine not exceeding one hundred pounds, or on conviction on indictment to a fine.

*Recovery of penalties*

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

*Costs of Order*

8. 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 Company and may in whole or in part be defrayed out of revenue.

Signed by authority of  
the Minister of Transport  
4th October 1979.

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

**THE SCHEDULE**

**THE RAILWAY**

So much of the Board's Skipton and Ilkley Railway in the County of North Yorkshire described in and authorised by section 4 of the Midland Railway (Additional Powers) Act 1883(b) as extends in an easterly direction for 1967 yards from the fence 70 yards east of the junction with the Board's Skipton to Grassington Railway to the point where the railway crosses the stream known as Kempley Beck.

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(a) 1952 c. 55.

(b) 1883 c. cxi.