

1980 No. 1660

**TRANSPORT**

**The Cowes and Newport Light Railway Order 1980**

*Made - - - - 26th October 1980*

*Coming into Operation 14th November 1980*

The Minister of Transport on the application of the Isle of Wight County Council and the Medina Valley Railway Company Limited and in the exercise of powers conferred by sections 3, 7, 9, 10 and 11 of the Light Railways Act 1896(a) and section 121(2) of the Transport Act 1968(b) and now vested in him(c) 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 Cowes and Newport Light Railway Order 1980 and shall come into operation on 14th November 1980.

*Interpretation*

2. 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 Council” means the Isle of Wight County Council;

“the Company” means the Medina Valley Railway Company Limited;

“the deposited plans” and “the deposited sections” mean respectively the plans and sections deposited in respect of the application for this Order with the Department of Transport;

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

“the Board’s railway” means so much of the railway or former railway of the Board described in and authorised by the Cowes and Newport Railway Act 1859(d) as lies between reference points SZ501902 and SZ497948 in the Borough of Medina on the 1/50000 Ordnance Survey Map, Sheet 196 in the County of Isle of Wight including all lands and works relating thereto;

“the new railway” means the railway authorised to be constructed made and maintained by the Council pursuant to article 4 hereof.

---

(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) 1968 c. 73.

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

(d) 1859 c. xciv.

*As to the transfer of the rights etc. in the Board's railway to the Council*

3. As from the date this Order comes into operation the Council 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 Board's railway.

*Power for the Council to make new railway*

4.—(1) Subject to the provisions of this Order the Council may construct, make and maintain the new railway in the lines and according to the levels and within the limits of deviation shown on the deposited plans and the deposited sections and with all proper rails, plates, sidings, junctions, bridges, culverts, drains, approaches, roads, yards, buildings and other works and conveniences connected therewith including station premises, workshops and facilities and work the same as a light railway under the principal Act and in accordance with the provisions of this Order.

(2) Except as may be otherwise provided herein the new railway or any part thereof shall be subject to all statutory and other provisions applicable to the Board's railway (insofar as the same are still subsisting and capable of taking effect) and the Council shall be entitled to the benefit of and to exercise all rights, powers and privileges and be subject to all obligations statutory or otherwise relating to the Board's railway (insofar as the same are still subsisting and capable of taking effect).

(3) 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 new railway except for 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(a).

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

5.—(1) The Council shall not use upon the new 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 Council shall not run any train or engine upon any part of the new railway at a rate of speed exceeding at any time that fixed by the Minister for such part.

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

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

*Gauge of new railway and motive power*

6. The new railway shall be constructed on a nominal gauge of 381 millimetres and the motive power on the new railway shall be steam, diesel-electric, diesel or internal combustion or such other motive power as the Minister may approve.

---

(a) 1889 c. 57.

### *As to leasing of new railway to Company*

7.—(1) The Council may agree with the Company to lease to it the new railway and such rights and obligations, conferred on them by this Order, as may be provided in the agreement for such period and on such terms and conditions as may be agreed.

(2) During the continuance of the lease the Company shall to the exclusion of the Council be entitled to the benefit of, and to exercise all the rights, powers and privileges and be subject to all the obligations of the Council whether statutory or otherwise for the time being in force in respect of the new railway or such part thereof as is comprised in the lease, excluding powers of acquisition of land otherwise than by agreement and then only with the consent of the Council.

### *Provisions as to bridges*

8. Without prejudice to the generality of the foregoing during the continuance of the lease sections 116, 117 and 118 of the Transport Act 1968 shall apply to the new railway as if references therein to the Board were references to the Company and during such time as there is no lease continuing the said sections shall apply as if references therein to the Board were references to the Council.

### *As to public liability insurance*

9.—(1) (a) In this article—

“approved” means approved by the Council ;

“insurer” means any insurer or insurers permitted under the Insurance Companies Act 1974(a) 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.

(b) The Company shall at all times during the continuance of the lease granted under article 7(1) hereof maintain an approved public liability policy in the joint names of the Company and the Council 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 £1 million and in default thereof the Council may (without prejudice to any other powers granted under this Order) effect and maintain such policy and pay the premiums payable in respect thereof so that the premiums so paid and all incidental expenses shall be repaid by the Company to the Council on demand.

(c) The Company shall at the request of the Council produce to the Council such evidence as may be requisite for the purpose of proving compliance with the foregoing provisions of this paragraph.

(d) The Company shall not work the new railway unless there is in force such a public liability policy as is hereinbefore referred to.

(e) If the Company shall fail to comply with the provisions of subparagraphs (b) or (d) of this paragraph they shall be liable on summary conviction to a fine not exceeding £100 and on conviction on indictment to a fine.

(2) Notwithstanding and without prejudice to the provisions of the foregoing paragraph of this article the Council may effect and maintain a public liability policy in its own name with an insurer providing such cover for

---

(a) 1974 c. 49.

such period or periods and generally in such manner as the Council may from time to time determine.

(3) During such times as the Company are not operating the new railway under the lease granted under article 7(1) hereof the Council shall not work the new railway unless there is in force such a public liability policy as is referred to in paragraph (1) of this article and the Council shall on those occasions be liable for failure to comply with this provision on the terms referred to in sub-paragraph (e) of that paragraph.

(4) The adequacy of the cover provided by a public liability policy maintained in accordance with this article shall be regularly reviewed by the body who is required to effect and maintain the said policy.

*For protection of British Gas Corporation*

10. Nothing in this Order shall affect the rights and obligations of the British Gas Corporation in respect of any apparatus belonging to them under, in, on, over, along or across the land within the limits of deviation shown on the deposited plans.

*Costs of Order*

11. 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

26th October 1980.

*J. Palmer,*

An Under Secretary in the  
Department of Transport.