
STATUTORY INSTRUMENTS

1981 No. 62

TRANSPORT

**The Blaenau Ffestiniog (Central Station) Light Railway
Order 1981**

Made - - - - 20th January 1981

Coming into Operation 30th January 1981

The Minister of Transport on the application of the British Railways Board, the Festiniog Railway Company and the Gwynedd County Council and in exercise of powers conferred by sections 7, 9, 10, 11 and 24 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:—

PART I—PRELIMINARY

Citation and commencement

1.—(1) This Order may be cited as the Blaenau Ffestiniog (Central Station) Light Railway Order 1981 and shall come into operation on 30th January 1981.

(2) This Order (other than Part II) and the Festiniog Light Railway Orders 1923 to 1975 may be cited together as the Festiniog Light Railway Orders 1923 to 1981.

Interpretation

2.—(1) Unless the context otherwise requires the words and expressions (except expressions to which meanings are by this article expressly assigned) to which the Light Railways Act 1896 or by any enactment wholly or partially incorporated with this Order meanings are assigned have in this Order the same respective meanings and in this Order—

“the Act of 1845” means the Railways Clauses Consolidation Act 1845(c);

“the Board” means the British Railways Board;

“the Board’s work” means the railway and works authorised by article 4 of this Order or (as the case may be) any part thereof;

“the Company” means the Festiniog Railway Company;

“the Company’s work” means the railway and works (together designated by the Company “railway (No. 5)”) authorised by article 8 of this Order or (as the case may be) any part thereof;

“the Council” means the Gwynedd County Council;

(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) 1845 c. 20.

“the deposited plan” and “the deposited sections” means respectively the plan and sections deposited in respect of the application for this Order with the Minister;

“the Minister” means the Minister of Transport;

“the Order of 1923” means the Festiniog Railway (Light Railway) Order 1923(a);

“the undertaking” means the undertaking of the Company as for the time being authorised by any enactment.

(2) All directions, distances and lengths stated in any description of works powers shall be construed as if the words “or thereabouts” were inserted after each such direction, distance and length and distances between points on a railway shall be taken to be measured along the railway.

PART II—PROVISIONS APPLICABLE TO THE BOARD’S WORK

Incorporation and application of enactments

3.—(1) The Act of 1845 (except sections 7 to 9 and 17 thereof) is incorporated with this Order and forms part of this Order so far as the same is applicable for the purposes and is not inconsistent with or varied by the provisions of this Order and this Order shall be deemed to be the special Act for the purposes of the enactments so incorporated:

Provided that for the purposes of the said incorporated enactments the expression “the Company” means the Board.

(2) Such of the enactments set out in the Second Schedule to the Light Railways Act 1896 as are still in force shall apply to the Board’s work.

Power to make the Board’s work

4.—(1) Subject to the provisions of this Order, the Board may, on lands in the ownership of or to be conveyed to the Board pursuant to agreements made under article 14 of this Order, make and maintain the railway hereinafter described in the line or situation and within the limits of deviation shown on the deposited plan and according to the levels shown on 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.

(2) The said railway is situate at Blaenau Ffestiniog in the community of Ffestiniog in the district of Meirionnydd in the county of Gwynedd and is—

A railway 482 metres in length commencing by a junction with the Trawsfynydd branch railway of the Board at a point level with the eastern face of the bridge (called Benar Road Bridge) carrying Benar Road over the said railway and terminating by a junction with the said railway at a point level with the western abutment of the bridge carrying that railway over the Afon Bowydd.

Power to deviate

5. In the construction of the Board’s work or any part thereof the Board may deviate from the line or situation thereof shown on the deposited plan to the

(a) S.R. & O. 1923/301.

extent of the limits of deviation shown on the deposited plan and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding 3 metres upwards and 3 metres downwards.

PART III—PROVISIONS APPLICABLE TO THE COMPANY

Application of parts of Order of 1923

6.—(1) Except for Part II of this Order or as otherwise by this Order expressly provided the provisions of the Order of 1923 including the Schedule thereto and the provisions of the enactments incorporated therewith or applicable thereto or to the railway as therein defined shall, so far as they may be applicable, apply to the Company's work and to the Company and shall apply to, or as the case may be shall be deemed to be incorporated with, this Order.

(2) The provisions of the Order of 1923 which are specified in column (1) of the Schedule to this Order as so applied shall have effect subject to the modifications set out in column (2) of the said Schedule.

(3) Without prejudice to the generality of the foregoing provisions of this article, the following provisions that is to say paragraph (c) of section 1 and sections 3 and 5 of the Regulation of Railways Act 1889(a) (which provisions were kept in force for the purposes of the Order of 1923 by article 3(2) of that Order), shall apply both to the railway as defined by that Order and to the Company's work.

(4) The provisions of paragraph (a) of section 1 of the Regulation of Railways Act 1889 shall apply to the Company's work.

(5) Subject to the provisions of this Order and except where the context otherwise requires the Company's work shall in all respects and for all purposes be deemed to be part of the principal railway authorised by the Order of 1923 to be worked and maintained as a light railway under the principal Act.

Amendment of incorporated Acts

7.—(1) In article 3(1) of the Order of 1923 after the words "Railways Clauses Act 1863"(b) there shall be inserted the words "and section 22 of the Regulation of Railways Act 1868"(c).

(2) After article 3(1) of the Order of 1923 there shall be inserted the paragraph—

"(1A) In its application to the railway section 22 of the Regulation of Railways Act 1868 shall be read, construed and have effect as if the words "and travel more than twenty miles without stopping" were omitted therefrom and as if for the words "ten pounds" and the words "five pounds" there were in each case substituted the words "fifty pounds"."

(3) In article 3(2) of the Order of 1923 the reference to section 6 of the Regulation of Railways Act 1889 shall be deleted.

Power to make Company's work

8.—(1) Subject to the provisions of this Order the Company may on the lands in the ownership of or to be conveyed to the Company pursuant to agreements made under article 14 of this Order make and maintain the Company's railway hereinafter described in the line or situation and within the limits of deviation shown on the deposited plan and according to the levels shown on the depo-

(a) 1889 c. 57.

(b) 1863 c. 92.

(c) 1868 c. 119.

sited 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.

(2) The Company's railway is situate at Blaenau Ffestiniog in the community of Ffestiniog in the district of Meirionnydd in the county of Gwynedd and is—

A railway 636 metres in length commencing by a junction with the principal railway of the Company at a point 56 metres west of the embankment carrying the road numbered A496 at its south western approach to the said Benar Road Bridge and terminating at a point 28 metres west of the Afon Bowydd.

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

9. Article 34 of the Order of 1923 is hereby revoked and there shall be substituted therefore the following:

“34.—(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 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 the permission in writing of the Minister first being had and obtained and the Company shall comply with the conditions (if any) which the Minister may from time to time prescribe for the safety of passengers conveyed or to be conveyed on the railway.

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

Motive power

10. In article 9 of the Order of 1923 after the word “electricity” there shall be inserted the words “internal combustion”.

Trespass

11. In article 54 of the Order of 1923 for the words from the beginning to “shall apply to this section:” there shall be substituted the following words “Any person who trespasses upon any line of the railway shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50:”.

Increase in fines

12. The articles hereinafter specified of the Order of 1923 shall be amended as follows:—

(1) In article 31 for the words “twenty pounds” there shall be substituted “£50”;

(2) In article 35 for the words “forty shillings” there shall be substituted “£50”.

Borrowing

13.—(1) Notwithstanding anything contained in any previous enactment, the Company may for the purposes of the undertaking and without obtaining any certificate of a justice under section 40 of the Companies Clauses Consolidation Act 1845(a) borrow by way of mortgage of the undertaking or by the creation and issue of debenture stock or by way of taking any bank or banking company credit on a loan or fluctuating current account kept with such bank or banking company in the name of the Company, or partly by one and partly by any other of those modes, any sum or sums not exceeding in the whole £750,000.

(2) Article 8 of the Festiniog Railway (Light Railway) (Amendment) Order 1975(b) is hereby revoked.

PART IV—PROVISIONS OF GENERAL APPLICATION

Agreements as to lands

14.—(1) The Board, the Company and the Council shall jointly or between any two of them enter into and carry into effect agreements for the conveyance to the Board and to the Company (as the case may be) of the lands within the limits of deviation shown on the deposited plan not already in their respective ownerships which are reasonably required for the purposes of the Board's work and the Company's work respectively and for the grant to the Board or to the Company as the case may be of all necessary easements and rights over such lands in connection therewith, such rights including a right of way on foot for all purposes through the grounds of the property called Isallt as a means of access to and egress from the Board's work and the Company's work from and to Church Street.

(2) Any difference arising between the Board, the Company and the Council under this article shall be settled by arbitration.

Transfer of responsibility for accommodation works

15.—(1) As from the day on which the land of the Board required for the purpose of the Company's work is conveyed by the Board to the Company by virtue of an agreement made pursuant to article 14 of this Order, the Company shall to the exclusion of the Board be subject to all statutory or other obligations for accommodation works upon or relating to the Trawsfynydd branch railway of the Board to the extent that it is co-extensive with the Company's work whether arising under section 68 of the Act of 1845 or under any other provision to the same or similar effect incorporated with, or contained in, any enactment relating to that railway.

(2) As from the day on which the land of the Company required for the purpose of the Board's work is conveyed by the Company to the Board by virtue of an agreement made pursuant to article 14 of this Order, the Board shall to the exclusion of the Company be subject to all statutory or other obligations for accommodation works upon or relating to the principal railway whether arising under section 68 of the Act of 1845 or the Order of 1923 or under any other provision to the same or similar effect incorporated with, or contained in, any enactment relating to the principal railway authorised by the Order of 1923 to the extent that it is co-extensive with the Board's work.

(a) 1845 c. 16.

(b) S.I. 1975/1014.

Agreements as to construction of works and defraying of costs

16. The Board, the Company and the Council may jointly or between any two of them enter into and carry into effect agreements—

(1) for the construction of the Board's work and the Company's work; and

(2) with reference to the defraying or making of contributions towards the cost of construction and maintaining the Board's work and the Company's work and with regard to any other matters relating thereto.

Arbitration

17. Where under article 14 of this Order any question in dispute is to be referred to or determined by arbitration then the reference shall be to a single arbitrator to be appointed by agreement between the parties, or, in default of any agreement, to be appointed by the President of the Institution of Civil Engineers on the application of any party after giving notice in writing to the other party or parties.

Costs of Order

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

Signed by authority of
the Minister of Transport
20th January 1981.

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

THE SCHEDULE
MODIFICATIONS OF PROVISIONS OF THE ORDER OF 1923

(1) <i>Provision</i>	(2) <i>Modification</i>
Article 3 (Incorporation and exception of Acts)	<p>Subsection (2) shall be omitted.</p> <p>In subsection (3)—</p> <p>(a) the words “whether for the purposes of Railway (No. 2) or otherwise” shall be omitted;</p> <p>(b) in paragraph (b) for the words “Clerks of the County Councils of the Counties of Carnarvon and of Merioneth” there shall be substituted the words “proper officer of Gwynedd County Council”;</p> <p>(c) paragraph (c) shall be omitted.</p>
Article 4 (Application to junction railways of Act of 1869)	For the words “the junction railways” wherever those words occur there shall be substituted the words “the Company’s work”.
Article 9 (Gauge of junction railways and motive power)	For the words “The junction railways” there shall be substituted the words “The Company’s work”.
Article 11 (Power to lay down conductors etc.)	For the words “the railway” wherever the words occur there shall be substituted the words “the Company’s work”.
Article 16 (Power to accept lease of lands)	For the words “the junction railways” there shall be substituted the words “the Company’s work”.
Article 20 (Period for completion of works)	For the words “the junction railways” there shall be substituted the words “the Company’s work” and for the word “three” there shall be substituted the word “fifteen”.
Article 21 (Power to deviate)	<p>For the words “the junction railways” wherever those words occur there shall be substituted the words “the Company’s work”.</p> <p>In subsection (2)—</p> <p>(a) the words “With regard to such parts of the junction railways as are not laid on a road” shall be omitted;</p> <p>(b) the words “and of the road authority of any road affected by such deviation as may be approved by the Minister of Transport” shall be omitted from paragraph (a);</p> <p>(c) sub-paragraph (i) of paragraph (b) shall be omitted.</p>

(1) <i>Provision</i>	(2) <i>Modification</i>
	References to the plan and section shall be deemed to be references to the deposited plan and the deposited sections.
Article 31 (Penalty unless junction railways are opened within the time limited)	For the words "the junction railways" wherever those words appear there shall be substituted the words "the Company's work".
Article 33 (Inspection by Minister of Transport)	For the words "the junction railways" wherever those words occur there shall be substituted the words "the Company's work".
Article 41 (For protection of Postmaster-General)	For the words "the railway" wherever those words occur there shall be substituted the words "the Company's work".
Article 49 (As to Schedule)	For the words "the railway except Railway (No. 2)" there shall be substituted the words "the Company's work".
Article 54 (For better prevention of trespass on railway)	For the words "the railway" there shall be substituted the words "the Company's work".