
STATUTORY INSTRUMENTS

1983 No. 1955

TRANSPORT

The Gloucestershire Warwickshire Light Railway Order 1983

Made - - - - - 23rd December 1983
Coming into Operation 24th December 1983

The Secretary of State for Transport, on the application of the Gloucestershire Warwickshire Steam Railway, Public Limited Company and in exercise of powers conferred by sections 7, 9, 10, 11 and 12 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 section 121(2) of the Transport Act 1968 (d) and now vested in him (e) and all other powers enabling him in that behalf, hereby makes the following Order—

Citation and commencement.

1. This Order may be cited as the Gloucestershire Warwickshire Light Railway Order 1983 and shall come into operation on 24th December 1983.

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 Board’s railway” means the railway or former railway of the Board described in the Schedule to this Order and includes all the lands and works relating thereto;

“the Company” means the Gloucestershire Warwickshire Steam Railway, Public Limited Company incorporated under the Companies Acts 1948 to 1980 and having its registered office at 20–21 Princes Street, Hanover Square, London, W1R 8PX;

“the Company’s railway” means the railway authorised to be constructed, made and maintained by the Company pursuant to article 5 of this Order;

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

“the transfer date” means the day on which the Board’s railway or any part thereof is vested in the Company by virtue of an agreement made under article 4 (Transfer of Board’s railway to Company) of this Order.

Incorporation and application of enactments.

3.—(1) The following provisions of the Railways Clauses Consolidation Act 1845 (f), so far as the same are applicable for the purposes and are not inconsistent with, or varied by, the provisions of this Order, are incorporated

(a) 1896 c.48.

(b) 1912 c.19.

(c) 1921 c.55.

(d) 1968 c.73.

(e) S.I. 1970/1681, 1979/571 and 1981/238.

(f) 1845 c.20.

with, and form part of, this Order:—

Section 16 (works to be executed);

Sections 18 to 23 (protection of gas and water mains);

Section 61 (provisions in respect of level crossings on highways other than public carriage roads);

Section 68 (maintenance of gates, bridges, fences, drains, watering places);

Section 75 (penalty on persons omitting to fasten gates); and

Sections 77 to 85 (provisions with respect to mines lying under or near the railway).

(2) Notwithstanding the provisions of subsection (1) of section 12 of the Light Railways Act 1896, the following enactments shall apply to the Company's railway:—

The Regulation of Railways Act 1868 (a)—

Section 22 (means of communication between passengers and the Company's servants to be provided);

The Regulation of Railways Act 1889 (b)—

Section 1 (power to order certain provisions to be made for public safety); and

Section 5 (penalty for avoiding payment of fare):

Provided that, in its application to the Company's railway, section 22 of the said Act of 1868 shall have effect as if the words "and travels more than twenty miles without stopping" were omitted therefrom.

(3) Without prejudice to the generality of the foregoing, sections 116 to 118 of the Transport Act 1968 shall apply to the Company's railway as if for the references therein to Board there were substituted references to the Company.

Transfer of Board's railway to Company.

4. The Board and the Company may enter into and carry into effect agreements providing for the transfer to and the vesting in the Company of the Board's railway or any part thereof on such terms and conditions as may be agreed between the Board and the Company.

Power to make Company's railway.

5.—(1) The Company may on the line of the Board's railway or such part as is transferred pursuant to this Order construct, make and maintain a railway with all necessary works and conveniences connected therewith and work the same as a light railway under the principal Act and in accordance with the provisions of this Order.

(2) The Company's railway 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 Company shall to the exclusion of the Board 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) to the intent that the Board shall be released from all such obligations.

(a) 1868 c.119.

(b) 1889 c.57.

(3) Paragraph (2) of this article shall have effect as from the transfer date.

(4) The Company's railway will be laid on the same levels and within the existing formation of the Board's railway.

Gauge of Company's railway and motive power.

6. The Company's railway shall be constructed and operated on a gauge of 1435 millimetres (4 feet 8½ inches) and the motive power shall be diesel or steam or internal combustion or such other motive power as the Secretary of State may approve:

Provided that nothing in this Order shall authorise the Company to use electrical power as motive power on the Company's railway unless such power is obtained from storage batteries or from a source of generation entirely contained in and carried along with the engines and carriages:

Provided also that, if electrical power is used as motive power on the Company's railway, such electrical power shall not be used in such a manner as to cause or be likely to cause any interference with any telegraphic line (as defined by the Telegraph Act 1878 (a)) belonging to or used by British Telecommunications or with telegraphic communication by means of such line.

Restriction of weight on rails and of speed; conveyance of passengers.

7.—(1) The Company shall not use upon the Company's 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 Company shall not run any train or engine upon any part of the Company's 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 Company's railway shall be used for the conveyance of passengers without the prior written permission of the Secretary of State and the Company shall comply with any conditions which the Secretary of State may from time to time prescribe for the safety of persons using the Company's railway.

(4) If the Company contravene any of the provisions of this article they shall for each offence be liable on summary conviction to a fine not exceeding £50.

Public liability insurance.

8.—(1) In this article—

"insurer" means any insurer or insurers authorised under the Insurance Companies Act 1974 (b) 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;

"policy" means 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 £1,000,000.

(2) (i) The Company shall not work the Company's railway unless there is in force a policy in accordance with the provisions of this article.

(a) 1878 c.76.

(b) 1974 c.49.

(ii) In default of compliance with the provisions of this article the Company shall be liable on summary conviction to a fine not exceeding £1,000 and on conviction on indictment to a fine.

(3) The adequacy of the cover provided by a policy maintained in accordance with this article shall be regularly reviewed by the Company.

For protection of British Gas Corporation.

9. Nothing in this Order shall prejudice or affect the rights of the British Gas Corporation in any apparatus belonging to the Corporation, or for the maintenance of which they are responsible or any structure for the lodging therein of apparatus, being any apparatus or structure situate under, over or upon lands in or upon which the Company's railway may be constructed.

Cost of Order.

10. 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 Secretary of State

E. B. C. Osmotherly,
An Under Secretary in the
Department of Transport.

23rd December 1983.

SCHEDULE

So much of the former Cheltenham and Honeybourne railway of the Board as comprises such part of the railway (No. 1) described in, and authorised by, section 5 (Power to make new railways deviations and works) of the Great Western Railway Act 1899 (a) (as altered in levels pursuant to section 5 (Power to make new railways deviations and alteration of railways) of the Great Western Railway Act 1901 (b)) as lies between a point 25 metres south-west of the centre of the bridge carrying Springfield Lane (public road) over the railway in the parish of Broadway in the district of Wychavon in the county of Hereford and Worcester, passing through the parishes of Buckland, Stanton, Stanway, Winchcombe, Prescott, Alderton, Gotherington, Woodmancote and Southam and a point 438 metres south of the centre of the bridge carrying Swindon Lane (public road) over the railway in the parish of Prestbury in the borough of Tewkesbury in the county of Gloucestershire.

(a) 1899 c. clxxxvii.

(b) 1901 c. cxxiii.

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