
STATUTORY INSTRUMENTS

1985 No. 810

TRANSPORT

The Alton Station Light Railway Order 1985

Made - - - - - 21st May 1985
Coming into Operation 22nd May 1985

The Secretary of State for Transport, on the application of Mid-Hants Railway Public Limited Company and in exercise of the powers conferred by sections 7, 9, 10, 11, 18 and 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. This Order shall come into operation on 22nd May 1985 and may be cited as the Alton Station Light Railway Order 1985.

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 Company” means Mid-Hants Railway Public Limited Company (formerly called Winchester and Alton Railway Public Limited Company) incorporated under the Companies Acts 1948 to 1981 and having its registered office at Alresford Station, Alresford, Hampshire;

“the Board’s Railway” means the former Alton and Winchester railway of the Board in the parish of Alton in the District of East Hampshire in the County of Hampshire described in and authorised by section 5 of the London and South-western, Farnham and Alton Branch Act 1846 (e) and firstly described in and authorised by the Alton, Alresford and Winchester Railway Act 1861 (f) and includes all the lands and works relating thereto;

“The Board’s No. 1 Railway” means the part of the Board’s Railway specified in Part I of the Schedule to this Order;

“The Board’s No. 2 Railway” means the part of the Board’s Railway specified in Part II of the Schedule to this Order;

“the Lease” means any lease granted under Article 3(2) hereof, any extension of the same or any new lease granted under any statutory powers or provisions;

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

“the Company’s railway” means the railway authorised to be maintained pursuant to Article 4 hereof.

(a) 1896 c.48.

(b) 1912 c.19.

(c) 1921 c.55.

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

(e) 1846 c.clxxiii.

(f) 1861 c.cxi.

Transfer or leasing of Railways to 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 freehold interest of the Board's No. 1 Railway or any part thereof on such terms and conditions as may be agreed between the Board and the Company.

(2) The Board may lease to the Company the Board's No. 2 Railway or any part thereof on such terms and conditions as may be agreed between the Board and the Company.

Power to maintain Company's railway

4.—(1) The Company may on the lands taken for and on the line of the Board's No. 1 Railway and the Board's No. 2 Railway maintain a railway with all proper rails, plates, sidings, junctions, culverts, drains and other 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) Except as otherwise provided herein the Company's railway or any part thereof shall to the exclusion of the Board be subject to all statutory and other provisions applicable to the Board's No. 1 Railway and the Board's No. 2 Railway (insofar as the same are still subsisting and capable of taking effect) and the Company 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 No. 1 Railway and the Board's No. 2 Railway (insofar as the same are still subsisting and capable of taking effect) with the intent that the Board shall be released from all such obligations.

(3) Paragraph (2) of this article shall have effect—

- (a) in relation to the Board's No. 1 Railway, as from the day that such railway or any part thereof is vested in the Company by virtue of an agreement made under Article 3(1) hereof, and
- (b) in relation to the Board's No. 2 Railway, during the continuance of the Lease of such railway or any part thereof.

(4) The Company's railway will be maintained within the existing formation of the Board's No. 1 Railway and the Board's No. 2 Railway.

Incorporation and application of enactments

5.—(1) The following provisions of the Railway Clauses Consolidation Act 1845 (a), 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 with and form part of this Order—

Section 16 (works to be executed);

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

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

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

(2) Such of the enactments set out in the Second Schedule to the Light Railways Act 1896 as are still in force (except section 22 of the Regulation of Railways Act 1868 (b) (means of communication between passengers and railway servants) and sections 1 (power to order certain provisions to be made for public safety) and 5 (penalty for avoiding payment of fare) of the

(a) 1845 c.20.

(b) 1868 c.119.

Regulation of Railways Act 1889 (a)) shall not apply to the Company's railway.

(3) In its application to the Company's 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" were omitted therefrom.

(4) Section 5 of the Regulation of Railways Act 1889 shall apply also to the Company's Railway as such expression is defined in the Alton and Alresford Light Railway Order 1977 (b) and that Order is hereby amended accordingly.

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

6.—(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 permission in writing of the Secretary of State being first had and obtained and the Company shall comply with the conditions (if any) 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 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 £100.

Gauge of Company's Railway and Motive Power

7. The Company's railway shall be maintained and operated on a gauge of a nominal 1435 millimetres (4 feet 8½ inches) and the motive power shall be diesel or steam or electricity 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 FURTHER 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 telecommunication apparatus as defined in the telecommunications code contained in Schedule 2 to the Telecommunications Act 1984 (c) or with telecommunication by means of any such apparatus.

Public Liability Insurance

8.—(1) In this article—

"insurer" means any insurer or insurers authorised under the Insurance Companies Act 1982 (d) to carry on in Great Britain or in Northern Ireland insurance business of a relevant class or who has

(a) 1889 c.57.

(b) S.I. 1977/519.

(c) 1984 c.12.

(d) 1982 c.50.

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 Company’s railway of not less than £1,000,000.

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

(b) In default of compliance with the provisions of this article the Company shall be liable on summary conviction to a fine not exceeding £2,000 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.

(4) Article 8 of the Alresford and Alton Light Railway Order 1977 is hereby revoked and paragraphs (1) to (3) of this article shall apply from henceforth to the Company’s Railway as defined in that Order as well as to the Company’s Railway as defined in this Order.

Cost of Order

9. All charges and expenses of and incidental to the preparing for and 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 capital or of revenue.

Signed by authority of the Secretary of State.

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

21st May 1985.

SCHEDULE

PART I

So much of the Board’s Railway as extends from the north-eastern end of Railway No. 1 as defined in the Alton and Alresford Light Railway Order 1977 to a point 25 yards (22.9 metres) or thereabouts south-west of the south-western end of the island platform at Alton station.

PART II

So much of the Board’s Railway as comprises the part thereof which extends from the north-eastern end of the Board’s No. 1 Railway to a point 164 yards (150.00 metres) or thereabouts north-east of the north-eastern end of the island platform at Alton station and which is served by the south-eastern face of that platform.