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S T A T U T O R Y I N S T R U M E N T S

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**1986 No. 2150**

**TRANSPORT**

**The Vickers Shipbuilding and Engineering Limited  
(Barrow-in-Furness) Light Railway Order 1986**

*Made* - - - - - *5th December 1986*

*Coming into Operation* *8th December 1986*

The Secretary of State for Transport, on the application of Vickers Shipbuilding and Engineering Limited, and in exercise of powers conferred by sections 7, 9 to 12 and 18 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 may be cited as the Vickers Shipbuilding and Engineering Limited (Barrow-in-Furness) Light Railway Order 1986 and shall come into operation on 8th December 1986.

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

“the Company” means Vickers Shipbuilding and Engineering Limited (originally known as Jack Olding and Company Limited) incorporated under the Companies Acts 1908 to 1917 and having its registered office at Barrow Engineering Works, Barrow-in-Furness, Cumbria LA14 1AF;

“the railway” means the railway of the Board described in the Schedule to this Order or so much as is transferred pursuant to article 4 of this Order and includes all lands and works relating thereto.

*Incorporation and application of enactments*

3.—(1) The provisions of section 16 (Works to be executed) (other than so much of that section as relates only to the original construction of any railway), sections 18 to 23 (Protection of gas and water mains) and section 87 (Company

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(a) 1896 c. 48.

(c) 1921 c. 55.

(b) 1912 c. 19.

(d) S.I. 1970/1537, 1979/571 and 1981/238.

empowered to contract with other Companies) of the Railways 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.

(2) Notwithstanding the provisions of section 12 of the Light Railways Act 1896, section 1 of the Regulation of Railways Act 1889 **(b)** (Power to order certain provisions to be made for public safety) shall apply to the railway.

*Transfer of railway to company*

4.—(1) The Board and the Company may enter into and carry into effect agreements providing for the conveyance 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.

(2) As from the conveyance to and vesting in the Company of the railway under paragraph (1) of this article, the Company may work the railway as a light railway under the principal Act and this Order.

(3) Except as may be otherwise provided herein the railway or any part thereof shall as from the date of any conveyance under paragraph (1) of this article continue to be subject to all statutory and other provisions applicable to the railway before that date (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 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.

*Gauge and Motive Power*

5. The railway shall be operated on a gauge of four feet eight and one half inches (1435 millimetres) and the motive power used on the railway shall be diesel-electric, diesel, internal combustion, electric-battery 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 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 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 Schedule 2 to the Telecommunication Act 1984 **(c)** or with telecommunication by means of any such apparatus.

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**(a)** 1845 c. 20.  
**(c)** 1984 c. 12.

**(b)** 1889 c. 57.

*Restrictions and conditions as to working of railway*

6.—(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 Secretary of State 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 Secretary of State for such part.

(3) 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 £100.

*Public liability insurance*

7.—(1) In this article—

“insurer” means any insurer or insurers authorised under the Insurance Companies Act 1982(a) or the corresponding provisions 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;

“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 million.

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

(b) If the Company contravene the provisions of this article they shall be liable on summary conviction to a fine not exceeding £1,000 or, 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 public gas suppliers*

8. Nothing in the Order shall prejudice or affect the rights of any public gas supplier, within the meaning of Part I of the Gas Act 1986(b), in any apparatus belonging to them 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 railway is constructed.

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(a) 1982 c. 50.

(b) 1986 c. 44.

*Costs of Order*

9. 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

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

5th December 1986.

SCHEDULE

So much of the railway of the Board known as the Barrow Docks Branch in the Borough of Barrow-in-Furness in the County of Cumbria as commences five metres west of the junction of the said railway with the Hawcoat branch railway of the Board to the north of the former Devonshire Dock and terminates at the point on the north side of Stanley Road where the said railway passes through the works gates of the premises of the Company.