

1987 No. 1088

TRANSPORT

The Yorkshire Dales Light Railway Order 1987

Made - - - - 23rd June 1987

Coming into force 24th June 1987

The Secretary of State for Transport, on the application of Tilcon Holdings Limited, and the Yorkshire Dales Railway Museum Trust (Holdings) Limited, and in exercise of powers conferred by sections 7, and 9 to 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 now vested in him (d), and of all other powers enabling him in that behalf, hereby makes the following Order—

Citation and commencement

1.—(1) This Order may be cited as the Yorkshire Dales Light Railway Order 1987 and shall come into force on 24th June 1987.

(2) The Yorkshire Dales Light Railway Orders 1979(e) and 1983(f) and this Order may be cited together as the Yorkshire Dales Light Railway Orders 1979 to 1987.

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

“the lease” means any lease granted under paragraph (1) of article 7 (Sale or lease of railway to Railway Company) of this Order, any extension of the same or any new lease granted under any statutory powers or provisions;

“the operators” means Tilcon Holdings Limited;

Provided that—

(a) during the currency of the lease and subject to the terms thereof “the operators” in respect of so much of the railway as is so demised shall include the Railway Company; and

(b) if the freehold of any part of the railway is at any time vested in the Railway Company pursuant to article 7 of this Order “the operators”, in respect of so much of the railway as is so vested, shall thereafter mean the Railway Company and not Tilcon Holdings Limited;

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

“the railway” means the railway authorised to be constructed, made and maintained pursuant to article 5 of this Order together with all lands and works relating thereto

(a) 1896 c.48.

(b) 1912 c.19.

(c) 1921 c.55.

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

(e) S.I. 1979/1270.

(f) S.I. 1983/1229.

and, where any part of the said railway and works remains uncompleted, includes the site of that part;

“the Railway Company” means the Yorkshire Dales Railway Museum Trust (Holdings) Limited incorporated under the Companies Act 1948 and having its registered office at Albion House, Rope Walk, Otley Street, Skipton, North Yorkshire; and

“Tilcon Holdings Limited” means the company of that name (originally known as A. Braithwaite & Co. Limited and incorporated under the Companies Acts 1908 to 1917) having its registered office at Conyngham Hall, Knaresborough, North Yorkshire.

Incorporation and modification of enactments

3.—(1) The following provisions 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—

Section 16 (works to be executed);

Section 61 (Company to make sufficient approaches and fences to such highways crossing on the level);

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 provisions shall apply to the railway—

Regulation of Railways Act 1868(b)—

Section 22 (means of communication between passengers and railway servants);

Regulation of Railways Act 1889 (c)—

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

Section 5 (penalty for avoiding payment of fare).

(3) In its application to the railway, section 22 of the Regulation of Railways Act 1868 shall have effect as if the words “and travels more than twenty miles without stopping” were omitted therefrom.

Disapplication of provisions

4. Section 6 (For protection of the Duke of Devonshire) of the Midland Railway (Additional Powers) Act 1883 (d), shall not apply to the railway or to the former railway.

Power to make railway

5. The operators may on the line of the former railway construct, make and maintain a railway with all the 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.

Transfer of rights, etc. from Board

6. Except as may be otherwise provided in this Order, the railway or any part thereof shall be subject to all statutory and other provisions applicable to the former railway (insofar as the same are still subsisting and capable of taking effect) and the operators 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 former 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.

Sale or lease of railway to Railway Company

7.—(1) Tilcon Holdings Limited may lease to the Railway Company the railway or

(a) 1845 c.20.

(b) 1868 c.119.

(c) 1889 c.57.

(d) 1883 c.cxi.

any part thereof, together with all the rights, powers, privileges and obligations vested in Tilcon Holdings Limited by article 6 of this Order, on such terms and with such conditions as may be agreed between the two parties. Tilcon Holdings Limited and the Railway Company may also enter into and carry into effect agreements providing for the subsequent transfer to and vesting in the Railway Company of the railway or any part thereof.

(2) During the continuance of the lease, or after the operative date of any transfer under the provisions of this article, the Railway Company shall to the exclusion of Tilcon Holdings Limited be entitled to the benefit of and to exercise all such rights, powers and privileges and be subject to all such obligations statutory or otherwise as are transferred to or conferred upon Tilcon Holdings Limited by this Order.

As to levels and formation of railway

8. The railway shall be laid on the same levels as, and within the existing formation of, the former railway with the exception of the section of the railway between the culvert over the Berry Ground Beck and the termination of the railway, where the railway shall be laid within the existing formation but at a maximum level of 60 centimetres below the former railway.

Gauge of railway and motive power

9. The railway shall be constructed and operated on a nominal gauge of 1.435 metres (4 feet 8½ inches) and the motive power shall be steam, 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 operators 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 telecommunications apparatus (as defined in Schedule 2 to the Telecommunications Act 1984(a)) or with telecommunication by means of such apparatus.

Restrictions and conditions as to working of railway

10.—(1) The operators 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 operators 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) No part of the railway shall be used for the conveyance of passengers without the prior written permission of the Secretary of State and the operators shall comply with the conditions (if any) which the Secretary of State may from time to time prescribe for the safety of the public using the railway.

(4) If the operators contravene any of the provisions of this article, they shall be liable on summary conviction to a fine not exceeding £100.

Public Liability insurance

11.—(1) In this article—

“insurer” means any insurer or insurers authorised under the Insurance Companies Act 1982(b) 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

(a) 1984 c.12.

(b) 1982 c.50.

respect of any one accident on or occasioned by the operation of the railway of not less than £1 million.

- (2) (a) The operators shall not work the railway unless there is in force a policy in accordance with the provisions of this article.
- (b) If the operators contravene the provisions of this article they shall be liable on summary conviction to a fine not exceeding £2,000 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 operators.

For protection of Trustees of Chatsworth Settlement

12. For the protection of the Trustees of the Chatsworth Settlement or other owner for the time being ("the owner") of any lands adjoining the railway ("the estate") which, at the date of the coming into force of this Order, are vested in the said Trustees the following provisions shall, unless agreed in writing between the operators and the owner, apply and have effect—

(1) The operators shall erect and maintain to the reasonable satisfaction of the owner sufficient stockproof fences or other adequate barriers along the boundary between the estate and the lands held by the operators for the purpose of the railway;

(2) The operators shall maintain the slopes of all embankments and cuttings on the railway where the same adjoins the estate and shall keep the same neatly trimmed and soiled or covered with sods of turf in every case to the reasonable satisfaction of the owner;

(3) The operators shall maintain to the reasonable satisfaction of the owner all arches, tunnels, culverts, drains or other passages for water over, under or by the sides of the railway which are in existence at the date of the coming into force of this Order except so far as the same are the responsibility of any other authority, body or person;

(4) Any obligation imposed on the operators by this article shall be in addition to and not in substitution for any obligations imposed on them by the Railways Clauses Consolidation Act 1845 or any other enactment;

(5) Any dispute or difference between the operators and the owner under this article (other than a difference as to the construction of this article) shall be determined by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party, after notice in writing to the other, by the President of the Institution of Civil Engineers.

Costs of Order

13. 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 Railway Company and may in whole or in part be defrayed out of revenue.

Signed by authority of the Secretary of State.

23rd June 1987

J. R. Coates
An Under Secretary in
the Department of Transport

SCHEDULE

So much of the Skipton and Ilkley railway of the Board in the county of North Yorkshire described in and authorised by section 4 of the Midland Railway (Additional Powers) Act 1883 as extends from the eastern terminus of the portion of the said railway described in the Schedule to the Yorkshire Dales Light Railway Order 1983 in the parish of Skipton to the west side of the bridge known as Holywell Bridge in the parish of Halton East.