

1987 No. 1984

TRANSPORT

The South Tynedale Railway (Light Railway) Order
1987

Made - - - - 11th November 1987

Coming into force 12th November 1987

The Secretary of State for Transport, on the application of the Cumbria County Council and the South Tynedale Railway Preservation Society and in exercise of powers conferred by sections 3, 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. This Order may be cited as the South Tynedale Railway (Light Railway) Order 1987 and shall come into force on 12th November 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 Board’s 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 Company” means the South Tynedale Railway Preservation Society incorporated under the Companies Acts 1948 and 1981 and having its registered office at the Railway Station, Alston, Cumbria;

“the Council” means the Cumbria County Council;

“the lease” means any lease granted under paragraph (1) of article 6 (Leasing of railway to Company) of this Order, any extension of the same or any new lease granted under any statutory powers or provisions;

“the operators” means the Council or, during the currency of the term created by the lease, the Company;

“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 by the operators pursuant to article 5 of this Order together with all lands and works relating thereto and, where any part of the said railway and works remains uncompleted, includes the site of that part.

(a) 1896 c. 48.

(b) 1912 c. 19.

(c) 1921 c. 55.

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

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 of the Regulation of Railways Act 1889(b) shall apply to the railway:—

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

Section 5 (penalty for avoiding payment of fare).

Transfer of rights, etc. from Board

4.—(1) Except as may be otherwise provided in this Order, as from the coming into force of this Order the railway or any part thereof 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 Council 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.

(2) Section 30 (Company to erect stations or lodges and gates at level crossings) of the Newcastle-upon-Tyne and Carlisle Branch Railway Act 1846(c) shall not apply to the railway.

Power to make railway

5.—(1) The operators may on the line of the Board's 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.

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

Leasing of railway to Company

6.—(1) The Council may lease to the Company the railway or any part thereof together with the rights, interests, powers, privileges and obligations vested in the Council by article 4 (Transfer of rights, etc. from Board) on such terms and conditions as may be agreed between the Council and the Company.

(2) During the continuance of the lease the Company shall to the exclusion of the Council be entitled to the benefit of and to exercise all rights, powers and privileges and be subject to all obligations statutory or otherwise as are transferred to or conferred on the Council by this Order and are for the time being in force in respect of the railway or such part thereof as is comprised in the lease.

Gauge of railway and motive power

7. The railway shall be constructed and operated on a nominal gauge of two feet (610 millimetres) 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:

(a) 1845 c. 20.

(b) 1889 c. 57.

(c) 1846 c. cccxciv.

Provided that nothing in this Order shall authorise the use of 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

8.—(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

9.—(1) In this article—

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

Costs 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
11th November 1987

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

(a) 1984 c. 12.
(b) 1982 c. 50.

SCHEDULE

So much of the Alston branch railway of the Board as authorised by the Newcastle-upon-Tyne and Carlisle Branch Railway Act 1846 and altered pursuant to the Newcastle-upon-Tyne and Carlisle, Alston, Branch Railway Act 1849(a) in the parish of Alston Moor in the district of Eden in the county of Cumbria as extends from the point where the said railway crosses the boundary between the counties of Cumbria and Northumberland at the centre of the bridge over Gilderdale Burn to the point of termination at the former Alston station.

(a) 1849 c. xliii.

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