
STATUTORY INSTRUMENTS

1987 No. 75

TRANSPORT

**The Derwent Valley Railway
(Transfer) Light Railway Order 1987**

Made - - - - *21st January 1987*

Coming into Operation *22nd January 1987*

The Secretary of State for Transport on the application of the Yorkshire Museum of Farming and in exercise of powers conferred by sections, 7, 9 to 12 and 24 of the Light Railways Act 1896⁽¹⁾, as amended by the Light Railways Act 1912⁽²⁾ and Part V of the Railways Act 1921⁽³⁾, and now vested in him⁽⁴⁾ 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 Derwent Valley Railway (Transfer) Light Railway Order 1987 and shall come into operation on 22nd January 1987.

Interpretation

2. In this Order:—

“the Company” means the Derwent Valley Railway Company whose principal office is at 18 St Saviourgate, York, North Yorkshire;

“the existing Orders” means the Derwent Valley Light Railway Orders 1902 to 1973;

“the Museum” means the Yorkshire Museum of Farming Limited, a company incorporated under the Companies Acts 1948 to 1976 whose registered office is at 92 Micklegate, York, North Yorkshire;

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

“the railway” means the railway described in Schedule 1 to this Order and includes all the lands and works relating thereto;

(1) 1896 c. 48.

(2) 1912 c. 19.

(3) 1921 c. 55.

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

“the transfer date” means the day on which the railway or any part thereof is vested in the Museum by virtue of an agreement made under article 3 (Transfer of railway to museum) of this Order.

Transfer of railway to Museum

3.—(1) The Company and the Museum may enter into and carry into effect agreements providing for the transfer to and vesting in the Museum of the railway or any part thereof on such terms and conditions as may be agreed between the Company and the Museum.

(2) Subject to the provisions of this Order and in particular to article 4 below, as from the transfer date the Museum shall to the exclusion of the Company be entitled to the benefit of, and to exercise, all the rights, powers and privileges and be subject to all obligations of the Company, whether statutory or otherwise, for the time being in force in respect of the railway or such part thereof as is transferred as aforesaid, and may operate the railway or such parts thereof accordingly.

Application of existing Orders

- 4.** Subject to the provisions of this Order, as from the transfer date—
- (a) the provisions of the existing Orders mentioned in Schedule 2 to this Order shall apply to the railway with any necessary modification as if for references to the Councils (as therein defined) or to the Company there were substituted references to the Museum; and
 - (b) the remaining provisions of the existing Orders shall cease to apply to the railway.

Amendment of 1902 Order

5. In its application to the railway, article 6 (Gauge of railway and motive power) of the Derwent Valley Light Railway Order 1902⁽⁵⁾ shall have effect as if after the word “steam” there were inserted the words “diesel-electric, diesel, internal combustion or electric” and as if the proviso thereto added by article 14(1) of the Derwent Valley Light Railway (Transfer, &c.) Order 1907⁽⁶⁾ were omitted and the following provisos were substituted therefor:

Provided that nothing in this Order shall authorise the Museum 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 further 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⁽⁷⁾ or with telecommunication by means of such apparatus.

Restrictions and conditions as to working of railway

6.—(1) The Museum 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 Museum 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 Museum contravene any of the provisions of this article, they shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.

⁽⁵⁾ S.R. & O. 1902/168.

⁽⁶⁾ S.R. & O. 1907/353.

⁽⁷⁾ 1984 c. 12.

Conveyance of passengers

7.—(1) No part of the railway shall be used by the Museum for the conveyance of passengers without the prior consent of the Secretary of State and the Museum shall comply with any conditions which the Secretary of State may from time to time prescribe for the safety of persons using the railway.

(2) If the Museum 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

8.—(1) In this article—

“insurer” means any insurer or insurers authorised under the Insurance Companies Act 1982⁽⁸⁾ to carry on in Great Britain or in Northern Ireland insurance business of a relevant class or who has corresponding permission under 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.

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

(ii) In default of compliance with the provisions of this article the Museum 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 Museum.

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 Museum.

Signed by authority of the Secretary of State

21st January 1987.

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

⁽⁸⁾ 1982 c. 50.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

THE RAILWAY

So much of the railway authorised by the Derwent Valley Light Railway Orders 1902 to 1915 in the district of Ryedale and in the County of North Yorkshire as lies between a point on the western boundary of Murton Lane, Murton, and a point 206 feet to the east of the eastern boundary of Murton Way, Murton.

SCHEDULE 2

PROVISIONS OF EXISTING ORDERS APPLIED TO THE MUSEUM

Derwent Valley Light Railway Order 1902—

Article 1 (Short title)

Article 2 (Interpretation)

Article 3 (Incorporation of Acts)

Article 5 (Power to make railways)

Article 6 (Gauge of railway and motive power)

Article 7 (Power to take lands)

Article 13 (Lands for extraordinary purposes)

Article 20 (as to fencing of railway)

Article 26 (For the protection of sewers and drains of sanitary authorities)

Article 35 (Saving for Postmaster-General)

Article 36 (Provisions as to motive powers other than steam)

Article 61 (As to Schedules)

Article 62 (Provisions as to general Acts relating to light railways)

Article 64 (Penalties and expenses)

First Schedule

Derwent Valley Light Railway (Transfer, &c.) Order 1907

Article 16 (Agreements with adjoining owners, etc.)

EXPLANATORY NOTE

(This Note is not part of the Order.)

The Derwent Valley Light Railway Orders 1902 to 1973 (“the existing Orders”) authorised the Derwent Valley Railway Company to operate a line of railway from York to Cliffe Common in the County of North Yorkshire. Following the closure of the line (other than a short section in the City of York) by the Company the present Order provides for the transfer from the Company to the Yorkshire Museum of Farming of a short length of the railway at Murton in the district of Ryedale. The Order

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

also transfers from the Company to the Museum such of the provisions of the existing Orders as are required by the Museum to maintain and operate the railway so transferred and disappplies the remaining provisions thereof in relation to the transferred railway. In addition, the Order regulates the operation of the railway by the Museum and makes incidental and other provisions.