

1987 No. 950

TRANSPORT

The North Norfolk (Extension and Amendment)
Light Railway Order 1987

Made - - - - - 13th May 1987

Coming into force 14th May 1987

The Secretary of State for Transport on the application of the North Norfolk Railway Public Limited Company and in exercise of powers conferred by sections 7, 9 to 12 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 section 121(4) of the Transport Act 1968(d) and now vested in him(e) 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 North Norfolk (Extension and Amendment) Light Railway Order 1987 and shall come into force on 14th May 1987.

Interpretation

2. In this Order, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them—

“the 1976 Order” means the British Railways Board (Sheringham and Weybourne) Light Railway (Transfer) Order 1976(f);

“the Board” means the British Railways Board;

“the Board’s railway” means the railway or former railway of the Board described in Schedule 1 to this Order and includes all lands and works relating thereto;

“the Company” means the North Norfolk Railway Public Limited Company incorporated under the Companies Acts 1948 to 1967 and having its registered office at Sheringham Station, Sheringham, Norfolk;

“the Company’s railway” means the railway authorised to be constructed, made and maintained by the Company pursuant to article 5 of this Order;

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

“the Secretary of State” means the Secretary of State for Transport;

“the transfer date” means the day on which the Board’s railway or any part thereof is vested in the Company by virtue of agreements made pursuant to article 4 of this Order.

(a) 1896 c.48.

(b) 1912 c.19.

(c) 1921 c.55.

(d) 1968 c.73.

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

(f) S.I. 1976/702.

Incorporation and application 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 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 enactments shall apply to the Company's railway:—

The Regulation of Railways Act 1868(b)—

Section 22 (means of communication between passengers and the Company's servants to be provided);

The 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 Company's 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.

(4) Without prejudice to the generality of the foregoing, sections 116, 117 and 118 of the Transport Act 1968 shall from the transfer date apply to the Company's railway as if references therein to the Board were references to the Company.

Transfer of Board's railway to Company

4. 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 Board's railway or any part thereof on such terms and conditions as may be agreed between the Board and the Company.

Power to make Company's railway

5.—(1) The Company may on the line of the Board's railway or such part thereof as is transferred pursuant to this Order construct, make and maintain a railway with all 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 said railway will be laid on the same levels as, and within the existing formation of, the Board's railway.

(3) Except as may be otherwise provided herein the said railway or any part thereof shall be subject to all statutory and other provisions applicable to the Board's railway or such part thereof as is transferred pursuant to this Order (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 Board's railway or such part thereof as is so transferred (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.

(4) Paragraph (3) of this article shall have effect as from the transfer date.

(a) 1845 c.20.
(b) 1868 c.119.
(c) 1889 c.57.

Gauge of Company's railway and motive power

6. The Company's railway shall be constructed and operated on a gauge of 1.435 metres (4 feet 8½ inches) and the motive power shall be diesel or steam 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 also 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 telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act 1984(a) or with telecommunication by means of any such apparatus.

Restrictions and conditions as to working of Company's railway

7.—(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 prior written permission of the Secretary of State 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 the public using the Company's railway.

(4) 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.

Fire Precautions

8.—(1) The Company shall not operate any steam locomotive on any part of the Company's railway—

- (a) so as to contravene any of the conditions set out in Schedule 2 to this Order; or
- (b) after the Company have been notified by the fire authority of the existence of a high risk of fire in the area where the Company's railway is situated, until the fire authority have notified the Company that such high risk no longer exists.

(2) It shall be the duty of the Company

- (a) as often as may be necessary, but in any case at intervals of not longer than one month, to request the advice of the fire authority as to the level of risk of fire in the area where the Company's railway is situated;
- (b) at intervals of not longer than one year, and in any event before 1st March in any year, to request the advice of the fire authority as to the adequacy of the measures taken by the Company for fire prevention and for restricting the spread of fires.

(3) In this article, "the fire authority" has the meaning given by the Fire Services Act 1947(b).

(4) For the purposes of this article and of Schedule 2 to this Order, "steam locomotive" does not include any locomotive burning liquid fuel or any other locomotive of a design which does not emit sparks so as to give rise to a substantial risk of lineside fires.

(a) 1984 c.12.

(b) 1947 c.41.

Public liability insurance

9.—(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 £5 million.

(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 who are required to effect and maintain the policy.

(4)(a) Paragraphs (1) to (3) of this article shall also apply to the railway as defined in the 1976 Order.

(b) Article 5 (As to public liability insurance) of the 1976 Order is hereby revoked.

(c) The Company shall at the request of the Council of the County of Norfolk produce to them such evidence as may be requisite for the purpose of proving compliance with paragraph (2)(a) of this article.

Amendment of Schedule to 1976 Order

10. The 1976 Order shall be amended by the substitution of Schedule 3 hereto for the Schedule to the 1976 Order but the provisions of this article shall not come into effect without the prior written permission of the Secretary of State, which permission shall not be withheld if the Secretary of State is satisfied that compliance with the provisions of the said Schedule 3 will not be attended with danger to the public, 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 the public using the railway or the level crossing.

Costs of Order

11. 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
13th May 1987

J R Coates
An Under Secretary
in the Department of Transport

(a) 1982 c.50.

SCHEDULE 1

THE BOARD'S RAILWAY

So much of the Melton Constable and Cromer branch railway of the Board in the parishes of Weybourne, Kelling and Holt in the district of North Norfolk in the County of Norfolk as comprises—

- (a) Such part of the railway (Railway Number 3) secondly described in and authorised by section 6 of the Lynn and Fakenham Railway Act 1881(a) as extends from the western termination of the railway authorised to be worked as a light railway by the British Railways Board (Sheringham and Weybourne) Light Railway Order 1973(b) in the parish of Weybourne; and
- (b) such part of the railway (Railway Number 4) described in and authorised by section 5 of the Lynn and Fakenham Railway (Extensions) Act 1880(c) as extends from its junction with that part of railway Number 3 hereinbefore described at the south-western termination thereof to a point approximately 20 metres north of the Cromer road (formerly A.148) in the parish of Holt.

SCHEDULE 2

CONDITIONS TO BE OBSERVED BY THE COMPANY FOR THE PREVENTION OF DANGER FROM FIRES

1. Each steam locomotive shall be fitted with a spark arrester of proven and effective design at all times.
2. At all times when steam locomotives are used on the Company's railway the Company shall ensure that their land on either side of the Company's railway is clear of all vegetation such as may give rise to the risk of danger from lineside fires.
3. The Company shall place and maintain fire beaters at such locations on their land adjoining the Company's railway as may from time to time be necessary having regard to the advice of the fire authority as to measures for restricting the spread of fires.

SCHEDULE 3

LEVEL CROSSING AT SWEET BRIAR LANE, SHERINGHAM

PART I

PARTICULARS OF LIGHTS, TRAFFIC SIGNS AND OTHER DEVICES AND APPLIANCES

- (1) The carriageway shall be approximately 2.9 metres wide at the crossing.
- (2) The ground at the two edges of the carriageway over the crossing shall be made up to the level of the carriageway for a distance of not less than 1 metre beyond each edge.
- (3) A traffic light signal as prescribed by regulation 31(4) of the Traffic Signs Regulations 1981(d) shall be provided as close to the railway as practicable on the nearside of the road on each road approach to the crossing. There shall be an additional traffic light signal of the same type on the offside of the road on each side of the railway so located as to be either in line with or on the railway side of the stop line mentioned in paragraph (5) below. The traffic light signals on each side of the railway shall be so positioned as to face outwards from the crossing towards approaching road traffic. All the signals shall be capable of directional adjustment. An indicator of a design approved by the Secretary of State shall be provided on each railway approach to the crossing which, when displaying a proceed indication, shall indicate to drivers of trains that at least one of the intermittent red lights on each side of the railway is showing and that the main power supply has not failed.
- (4) An audible warning device shall be provided in the immediate vicinity of the crossing.
- (5) A reflectorised stop line of the size, colour and type shown in Diagram 1001 in the said Regulations shall be provided across the full width of the carriageway on each side of the railway at least 1 metre before the nearside traffic light signal.

(a) 1881 c.cxcix.

(b) S.I. 1973/998.

(c) 1880 c.clxv.

(d) S.I. 1981/859; relevant amending instruments are S.I. 1982/1879 and 1984/966.

(6) A reflectorised pedestrian stop line of the size, colour and type shown in Diagram 1003.2 in the said regulations shall be provided across any made-up ground on both sides of the carriageway on both sides of the railway. The line shall be not less than 1 metre before the traffic light signal on the same side of the carriageway, not nearer than 2 metres to the running edge of the nearest rail, and shall be as nearly as possible at right angles to the centre line of the carriageway.

(7) Where the road passes over the crossing reflectorised edge of carriageway road markings of the size, colour and type shown in Diagram 1011 in the said regulations shall be provided along each edge of any made-up ground along each edge of the carriageway.

(8) A traffic sign of the size, colour and type shown in Diagram 542 in the said Regulations shall be provided on each side of the road on each side of the railway mounted immediately above each traffic light signal. Each of the signs shall face outwards from the crossing towards approaching road traffic.

(9) A traffic sign of the size, colour and type shown in Diagram 863 in the said Regulations shall be provided on each side of the road on each side of the railway mounted below or adjacent to the traffic light signal and shall face outwards from the crossing towards approaching road traffic.

(10) A traffic sign of the size, colour and type shown in Diagram 542.2 in the said Regulations shall be provided on or adjacent to each traffic light signal post on both sides of the railway and shall face outwards from the crossing towards approaching road traffic.

(11) A traffic sign of the size, colour and type shown in Diagram 862 in the said Regulations shall be provided mounted below each nearside traffic light signal and shall face outwards from the crossing towards approaching road traffic.

(12) An advance warning board of standard railway design shall be provided on each railway approach to the crossing and shall be provided with Class I retro-reflecting material or shall be self-illuminated.

(13) A standard level crossing speed restriction board for 10 mile/h shall be provided on each railway approach to the crossing approximately 100 metres before the crossing. The board shall be provided with Class I retro-reflecting material or shall be self-illuminated.

PART II

CONDITIONS AND REQUIREMENTS TO BE OBSERVED BY THE COMPANY

(1) The surface of the carriageway over the crossing shall be maintained in good and even condition.

(2) Trains travelling in either direction shall not exceed 10 mile/h from a point approximately 100 metres before the crossing until the front of the train has passed over the crossing until the indicator mentioned in paragraph (3) of Part I of this Schedule shows. If the indicator fails to show, drivers shall proceed with caution after they have brought their trains to a stand short of the crossing.

(3) The audible warning device and the traffic light signals mentioned in Part I of this Schedule shall be activated automatically by the approach of a train as described below.

(4) When the train either occupies a track circuit or operates a treadle, the audible warning devices and the traffic light signals shall begin to operate in accordance with the following sequence:-

- (a) The amber lights shall show and the audible warning shall begin. The lights shall show for approximately 3 seconds.
- (b) Immediately the amber lights are extinguished the intermittent red lights shall begin to show.
- (c) Not less than 27 seconds shall elapse between the time when the amber lights first show and the time when the train reaches the crossing.
- (d) The intermittent red lights shall continue to show and the audible warning devices shall continue to sound until the train has passed clear of the crossing, when both shall stop.

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