

1988 No. 725

TRANSPORT

The Kinneil and Manuel Light Railway Order 1988

Made - - - - - 5th April 1988

Coming into force 6th April 1988

The Secretary of State for Transport on the application of The Bo'ness and Kinneil Railway Company Limited and The Scottish Railway Preservation Society and in exercise of the powers conferred by sections 7, 9, 10, 11 and 18 of the Light Railways Act 1896(a) and section 121 (2) and (4) of the Transport Act 1968(b) and now vested in him 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 Kinneil and Manuel Light Railway Order 1988 and shall come into force on 6th April 1988.

Interpretation

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

“the Board” means the British Railways Board;

“the Board’s railways” means those parts of the railways or former railways of the Board described as Railway No. 1, Railway No. 2 and Railway No. 3 respectively in the Schedule hereto including all lands and works relating thereto;

“the Company” means The Bo’ness and Kinneil Railway Company Limited incorporated under the Companies Act 1948(c) and having its Registered Office at 57 Queen Street, Edinburgh.

“the Company’s railways” means the railways authorised to be constructed and maintained by the Company in accordance with article 4 of this Order and any parts of the Board’s railways vested in the Company by virtue of an agreement made in accordance with article 3(1) of this Order;

“the enabling Acts” means the Slamannan and Borrowstounness Railway Act 1846(d) as amended by the Monkland Railways (Slamannan and Borrowstounness Deviation) Act 1851(e);

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

(a) 1896 c.48, as amended by the Light Railways Act 1912 (c.19) and the Railways Act 1921 (c.55). (b) 1968 c.73.
(c) 1948 c.38. (d) 1846 c.cvii. (e) 1851 c.clxii.

“Railway No. 1” means the Railway No. 1 described in the Schedule hereto;

“Railway No. 2” means the Railway No. 2 described in the Schedule hereto;

“Railway No. 3” means the Railway No. 3 described in the Schedule hereto;

“Railway No. 4” means the Railway No. 4 described in the Schedule hereto;

“the Society” means The Scottish Railway Preservation Society incorporated under the Companies Act 1948 and having its Registered Office at 57 Queen Street, Edinburgh;

“transfer date” means the day on which the Board’s railways or any part thereof is vested in the Company by virtue of an agreement under article 3(1) of this Order.

References in this Order to reference points shall be construed as references to National Grid reference points.

Transfer of the Board’s railways to the Company

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

(2) As from the transfer date the Company shall to the exclusion of the Board be entitled to the benefit of and to exercise all the rights, powers and privileges and be subject to all obligations of the Board whether statutory or otherwise relating to the Board’s railways or such part as is transferred as aforesaid (in so far as the same are still subsisting and capable of taking effect) to the intent that the Board shall be released from all such obligations.

(3) As from the transfer date the Company may work Railway No. 1 as a light railway under the Principal Act.

Power to make Company’s railways

4.—(1) The Company may on the lands taken for and on the lines of Railway No. 2, Railway No. 3 and Railway No. 4 respectively construct and maintain railways with all necessary works and conveniences connected therewith and work the same as light railways under the Principal Act and in accordance with the provisions of this Order.

(2) Except as otherwise provided in this Order the respective railways authorised under paragraph (1) of this article shall be subject to all statutory and all other provisions applicable to Railway No. 2, Railway No. 3 and Railway No. 4 as the case may be (in so far as the same are still subsisting and capable of taking effect) and the Company shall be entitled to exercise all rights, powers and privileges and shall be subject to all obligations statutory or otherwise relating to Railway No. 2, Railway No. 3 and Railway No. 4 as the case may be (in so far as the same are still subsisting and capable of taking effect) to the intent that the Board shall be released from all such obligations.

Application and incorporation of enactments

5.—(1) Subject to the provisions of this Order such of the enactments set out in the Second Schedule to the Light Railways Act 1896 as are still in force shall cease to apply to Railway No. 1 except for section 22 of the Regulation of Railways Act 1868(a) (means of communication between passengers and the Company’s servants to be provided) and section 1 (power to order certain provisions to be made for public safety) and section 5 (penalty for avoiding payment of fare) of the Regulation of Railways Act 1889(b).

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

(2) Sections 16, 60, 68, 79, 80, 105 and 106 of the Railway Clauses Consolidation (Scotland) Act 1845(a) (Works to be executed: gates, bridges, etc., fences, drains and watering places; Penalty on persons omitting to fasten gates; Company to employ locomotive power, carriages, etc.; Company empowered to contract with other companies; Exercise of power to lease the railway; Powers vested in company to be exercised by lessees) are incorporated and applied to Railway No. 2, Railway No. 3 and Railway No. 4 and form part of this Order as far as the same are applicable for the purposes and are not inconsistent with or varied by the provisions of this Order. Section 22 of the Regulation of Railways Act 1868 (means of communication between passengers and the Company's servants to be provided) and section 1 (power to order certain provisions to be made for public safety) and section 5 (penalty for avoiding payment of fare) of the Regulation of Railways Act 1889 are also incorporated and applied to Railway No. 2, Railway No. 3 and Railway No. 4.

(3) In its application to the Company's railways the said section 22 of the Regulation of Railways Act 1868 shall be read and construed to have effect as if the words "and travels more than twenty miles without stopping" were omitted therefrom.

(4) Sections 116, 117, 118 and 119 of the Transport Act 1968 shall apply to the Company's railways, provided that references therein to the Board shall, during the currency of any lease granted under article 6 of this Order and in respect of any part of the Company's railways subject to such a lease, be construed as references to the Society, and during such time as any part of the Company's railways is not subject to such a lease and in respect of any part of the Company's railways not so subject to such a lease, be construed as references to the Company.

As to leasing of the Company's railways to the Society

6.—(1) On or after the transfer date the Company may lease to the Society the Company's railways or any part thereof on such terms and conditions as may be agreed between the Company and the Society.

(2) During the continuance of any such lease the Society 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 the obligations of the Company whether statutory or otherwise as are transferred to or conferred on the Company in accordance with articles 3 and 4 of this Order for the time being in force in respect of such parts of the Company's railways as are comprised in the lease.

Gauge of railways and motive power

7. The Company's railways shall be constructed and operated on a nominal gauge of 1435 millimetres (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:

Providing that nothing in this Order shall authorise the use of electrical power as motive power on the Company's railways 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 on the Company's railways 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 the Telecommunications Code contained in Schedule 2 to the Telecommunications Act 1984(b), or with telecommunication by means of any such apparatus.

Restriction of weight on rails and of speed and as to conveyance of passengers

8.—(1) No 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 may be used on the Company's railways.

(a) 1845 c.33. (b) 1984 c.12.

(2) No train or engine shall be run upon any part of the Company's railways 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 railways shall be used for the public conveyance of passengers without the permission in writing of the Secretary of State being first had and obtained and the conditions (if any) which the Secretary of State may from time to time prescribe for the safety of persons using the Company's railways shall at all times be complied with.

(4) If any person operating the Company's railways acts in contravention of any of the provisions of this article that person shall for each offence be liable on summary conviction to a penalty not exceeding £100.

As to public liability insurance

9.—(1) In this article

“insurer” means any insurer or insurers authorised under the Insurance Companies Acts 1982(a) to carry on in Great Britain insurance business of a relevant class or who has corresponding authorisation 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 railways or any part thereof of not less than £2,000,000.

- (2) (i) Neither the Company nor the Society shall work the Company's railways or any part thereof unless there is in force a policy.
- (ii) In default of compliance with the provisions of this paragraph the Company or the Society as the case may be shall be liable on summary conviction to a fine not exceeding £2,000.
- (iii) The adequacy of the cover provided by a policy maintained in accordance with this article shall be regularly reviewed by the body which is required to effect and maintain the policy.

For protection of public gas suppliers

10. Nothing in this 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 Company's railways may be constructed.

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
5th April 1988

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

(a) 1982 c.50. (b) 1986 c.44.

SCHEDULE

RAILWAY NO. 1

That part of the Railway described in and authorised by the enabling Acts which commences at reference point NS 98488122 lying generally to the north or northwest of Snab Lane, Kinneil, where Railway No. 1 adjoins the railway authorised to be constructed, made and maintained by the Bo'ness and Kinneil Light Railway Order 1986(a), and terminates at reference point NS96277966 lying generally to the northwest of Birkhill, where Railway No. 1 adjoins Railway No. 3 all wholly within the Parish of Bo'ness and Carriden and County of West Lothian (District of Falkirk in the Central Region), being a distance of about two kilometres nine hundred metres.

RAILWAY NO. 2

That part of the Railway described in and authorised by the enabling Acts which commences at reference point NS 98488122 lying generally to the north or north west of Snab Lane, Kinneil where Railway No. 2 adjoins Railway No. 1 and terminates at reference point NS 98728133 lying generally to the north of the site of the former Kinneil Colliery, Kinneil, all wholly within the Parish of Bo'ness and Carriden and County of West Lothian (District of Falkirk in the Central Region), being a distance of about three hundred and twenty four metres.

RAILWAY NO. 3

That part of, firstly, the Railway described in and authorised by the enabling Acts and secondly, the Branch Railway or Branch Railways described in and authorised by the enabling Acts which commences at reference point NS 96277966 where Railway No. 3 adjoins Railway No. 1 lying generally to the north west of Birkhill in the Parish of Bo'ness and Carriden in the County of West Lothian (District of Falkirk in the Central Region) and terminates alongside the Board's Edinburgh to Glasgow (via Falkirk) Railway at reference point NS 96797729 in the vicinity of the former Bo'ness High Junction lying in the Parish of Muiravonside in the County of Stirling (District of Falkirk in the Central Region), being a distance of about two kilometres six hundred and thirty metres.

RAILWAY NO. 4

That part of the Railway described in and authorised by the enabling Acts which commences at reference point NS 97037747 in the vicinity of the former Bo'ness Low Junction where Railway No. 4 adjoins Railway No. 3 and terminates at reference point NS 97027723 immediately to the north of the Board's Edinburgh to Glasgow (via Falkirk) Railway in the vicinity of the former Manuel Station, all lying in the Parish of Muiravonside and County of Stirling (District of Falkirk in the Central Region), being a distance of about two hundred and thirty metres.

(a) S.I. 1986/174.