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STATUTORY INSTRUMENTS

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**1990 No. 2350**

**TRANSPORT**

**The Peak Rail Light Railway Order 1990**

*Made* - - - - *5th November 1990*

*Coming into force* - - *6th November 1990*

The Secretary of State for Transport, on the application of Peak Rail plc and in exercise of powers conferred by sections 7, 9, 10, 11 and 12 of the Light Railways Act 1896<sup>(1)</sup> and now vested in him<sup>(2)</sup> 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 Peak Rail Light Railway Order 1990 and shall come into force on 6th November 1990.

**Interpretation**

2.—(1) 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 Company” means Peak Rail plc, a company incorporated under the Companies Act 1985<sup>(3)</sup> and having its registered office at the Midland Station, Buxton, Derbyshire;

“the Company’s railway” means the railway authorised to be constructed, made and maintained by the Company pursuant to article 4 of this Order;

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

“the principal Act” means the Light Railways Act 1896.

(2) Except in relation to article 4(2) of this Order, all distances, lengths, measurements and directions stated in any description of works, powers or lands shall be construed as if the words “or thereabouts” were inserted after each such distance, length, measurement and direction, and distances between points on a railway shall be taken to be measured along the railway.

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(1) 1896 c. 48; sections 7 and 9 were repealed in part by the Railways Act 1921 (c. 55), section 86(2) and Schedule 9; section 10 was repealed in part by the Statute Law (Repeals) Act 1986 (c. 12), Schedule 1; section 11 was amended by the Light Railways Act 1912, section 5(3), and the Railways Act 1921, section 73(1) and was repealed in part and further amended in respects not relevant to this Order; section 12 was repealed in part by the Finance Act 1929 (c. 21), section 6 and Schedule.

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

(3) 1985 c. 6.

### **Incorporation and application of enactments**

3.—(1) Subject to the provisions of this Order, the provisions of the Railway Clauses Consolidation Act 1845<sup>(4)</sup> (except sections 8, 17, 47, 48, 50 and 59 to 64) are incorporated with, and form part of, this Order.

(2) In the construction of the provisions of the Railway Clauses Consolidation Act 1845 as incorporated with this Order:—

- (a) Sections 7, 9, 10 and 162 shall be read, construed and have effect as if the “proper officer of the County Council of the County of Derbyshire” had been referred to therein instead of the “Clerks of the Peace”;
- (b) Sections 78 to 85 shall have effect as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923<sup>(5)</sup>.

(3) 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<sup>(6)</sup>—

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

The Regulation of Railways Act 1889<sup>(7)</sup>—Section 1 (power to order certain provisions to be made for public safety);

Section 5 (penalty for avoiding payment of fare).

(4) 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.

### **Power to make Company’s Railway**

4.—(1) The Company may on the line and to the extent of the former railway 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 Company’s railway shall be laid on the same level as, and within the existing formation of, the former railway with the exception of the section of the Company’s railway at Bridge Street, Buxton, where the Company’s railway will be laid within the existing formation but at a maximum level of 300 centimetres above the former railway to permit the construction of a new bridge with a minimum headroom of 4.496 metres and a clear span of 9.600 metres.

### **Transfer of rights etc. in former railway**

5. Subject to the provisions of this Order the Company’s railway or any part thereof shall be subject to all statutory and other provisions applicable to the former railway or any part thereof (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 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.

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(4) 1845 c. 20.

(5) 1923 c. 20.

(6) 1868 c. 119.

(7) 1889 c. 57.

### **Gauge of the Company's railway and motive power**

6. The Company's railway shall be constructed and operated on a gauge of 1435 millimetres 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<sup>(8)</sup>) or with telecommunication by means of 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 prior written permission of the Secretary of State and the Company shall comply with the conditions (if any) that the Secretary of State may from time to time prescribe for the safety of persons 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 level 2 on the standard scale.

### **Public liability insurance**

8.—(1) In this article—

“insurer” means any insurer or insurers authorised under the Insurance Companies Act 1982<sup>(9)</sup> to carry on in the United Kingdom 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 £1 million.

(a) (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 level 5 on the standard scale 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 Company.

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<sup>(8)</sup> 1984 c. 12.

<sup>(9)</sup> 1982 c. 50.

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

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Signed by authority of the Secretary of State for Transport

5th November 1990

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

## SCHEDULE

So much of the Rowsley and Buxton railway of the Board in the County of Derbyshire described in and authorised by the Midland Railway (Rowsley and Buxton) Act 1860<sup>(10)</sup> as extends from a point 100 metres east of the Buxton Terminus of the said railway for a distance of 300 metres to a point 54 metres east of the bridge (Bridge Number 16) over Bridge Street.

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<sup>(10)</sup> 1860 c. lxvi.