
STATUTORY INSTRUMENTS

1991 No. 134

TRANSPORT

The Bitton Light Railway Order 1991

Made - - - - - *28th January 1991*

Coming into force - - - - - *29th January 1991*

The Secretary of State for Transport, on the application of Kingswood Borough Council and the Bitton Railway Company Limited, and in exercise of powers conferred by sections 3, 7, and 9 to 12 of the Light Railways Act 1896⁽¹⁾, and by section 121(4) of the Transport Act 1968⁽²⁾, and now vested in him⁽³⁾, 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 Bitton Light Railway Order 1991 and shall come into force on 29th January 1991.

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 Schedule 1 to this Order together with all lands and works relating thereto;

“The Company” means the Bitton Railway Company Limited incorporated under the Companies Acts 1948 to 1976 and having its registered office at Bitton Railway Station, Willsbridge, Bristol;

“The Council” means the Kingswood Borough Council;

(1) 1896 c. 48; section 3 was amended by the Light Railways Act 1912 (c. 19), section 5(1); sections 7 and 9 were repealed in part by the Railways Act 1921 (c. 55), section 86(2) and Schedule 9; section 10 was repealed in part by the Statute Law (Repeals) Act 1986 (c. 12), Schedule 1; section 11 was amended by the Light Railways Act 1912, section 5(3), and the Railways Act 1921, section 73(1) and was repealed in part and further amended in respects not relevant to this Order; section 12 was repealed in part by the Finance Act 1929 (c. 21), section 6 and Schedule.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) 1968 c. 73.

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

“the lease” means any lease granted under paragraph (1) of article 6 (Leasing and sale 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;

Provided that—

(a) during the currency of the lease and subject to the terms thereof “the operators” in respect of so much of the railway as is so demised shall include the Company; and

(b) if the freehold of the railway is at any time vested in the Company pursuant to article 6 of this Order “the operators”, in respect of so much of the railway as is so vested, shall thereafter mean the Company and not the Council;

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

“the railway” means the railway authorised to be constructed, made and maintained 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.

Incorporation and modification of enactments

3.—(1) The following provisions of the Railways Clauses Consolidation Act 1845⁽⁴⁾, 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 principal Act, the following provisions shall apply to the railway:—

The Regulation of Railways Act 1868⁽⁵⁾—

Section 22 (means of communication between passengers and railway servants);

The Regulation of Railways Act 1889⁽⁶⁾—

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 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) Sections 116 to 118 of the Transport Act 1968 shall apply to the railway as if for references therein to the Board there were substituted references to the operators.

Transfer of rights, etc. from Board

4. Except as may be otherwise provided in 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 operators shall to the exclusion of the

(4) 1845 c. 20.

(5) 1868 c. 119.

(6) 1889 c. 57.

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.

Power to make a railway

5.—(1) The operators may on the line and to the extent 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 shall be laid on the same levels as, and within the existing formation of, the Board's railway.

Leasing and sale of railway to Company

6.—(1) The Council may lease to the Company the railway or any part thereof together with the rights, powers, privileges and obligations vested in the Council by article 4 (Transfer of rights, etc. from Board) of this Order on such terms and conditions as may be agreed between the Council and the Company. The Council and the Company may also enter into and carry into effect agreements providing for the subsequent transfer to and vesting in the Company of the railway or any part thereof.

(2) During the continuance of the lease, or after the operative date of any transfer under the provisions of this article, 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 or is so transferred, as the case may be.

Gauge of railway and motive power

7. The railway shall be constructed and operated on a nominal gauge of 1.435 metres (4 feet 8 ½ inches) 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:

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

Level crossings

8. The operators shall provide level crossings usable by pedestrians and cyclists at the following locations—

- (a) at Meadowcourt Drive, where the railway crosses footpath No. 15;
- (b) at Bitton North crossing, where the railway crosses the cycle/walkway, approximately 200 metres north of the northern end of the platform of Bitton Station; and
- (b) at Bitton South crossing, where the railway crosses the cycle/walkway, approximately 5 metres south of the southern end of the platform of Bitton Station

(7) 1984 c. 12.

and shall there provide, maintain and operate the gates, signs and other devices and appliances specified in Schedule 2 to this Order:

Provided always that the operators shall be entitled to substitute overbridges or underpasses for the said level crossings.

Restrictions and conditions as to working of railway

9.—(1) The operators shall not use upon the railway any engine, carriage or truck bringing any weight upon the rails by any one pair 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 level 2 on the standard scale.

Public liability insurance

10.—(1) In this article—

“insurer” means any insurer or insurers authorised under the Insurance Companies Act 1982⁽⁸⁾ 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 railway of not less than £2,000,000.

(a) (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 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 operators.

Signed by authority of the Secretary of State for Transport

28th January 1991

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

(8) 1982 c. 50.

SCHEDULE 1

THE BOARD'S RAILWAY

So much of the railway firstly described in and authorised by section 6 of the Midland Railway (Bath and Thornbury Lines) Act 1864⁽⁹⁾ in the parish of Bitton in the Borough of Kingswood as commences at the bridge known as Redfield Edge Footbridge (formerly known as Old Tramway Bridge) and terminates at a point 30 metres north of the river Avon measured horizontally from the mean high water level of the river.

SCHEDULE 2

PARTICULARS OF SIGNS AND OTHER DEVICES AND APPLIANCES TO BE PROVIDED AT LEVEL CROSSINGS

(1) A self-closing wicket gate, opening away from the line, shall be provided on each side of the railway.

(2) A sign bearing the wording

“STOP, LOOK AND LISTEN”

shall be provided on the left hand side of the footpath or cycle/walkway, as the case may be, on both sides of the railway and shall face towards pedestrians approaching the level crossing.

⁽⁹⁾ 1864 c.clxiv.