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STATUTORY INSTRUMENTS

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**1991 No. 2210**

**TRANSPORT**

**The Grimsby and Louth Light Railway Order 1991**

*Made - - - - 27th September 1991*

*Coming into force - - 28th September 1991*

The Secretary of State for Transport on the application of the Great Northern and East Lincolnshire Railway Company Limited and in exercise of powers conferred by sections 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 Grimsby and Louth Light Railway Order 1991 and shall come into force on 28th September 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 or so much as is transferred pursuant to article 4 of this Order and includes all lands and works relating thereto;

“the Company” means the Great Northern and East Lincolnshire Railway Company Limited incorporated under the Companies Acts 1948 to 1980 and having their registered office at 55 Eastfield Road, Louth, Lincolnshire LN11 7AL;

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

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

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(1) 1896 c. 48; sections 7 and 9 were repealed in part by the Railways Act 1921 (c. 55), section 86(2) and Schedule 9; section 10 was repealed in part by the Statute Law (Repeals) Act 1986 (c. 12), Schedule 1; section 11 was amended by the Light Railways Act 1912 (c. 19), section 5(3) and the Railways Act 1921, section 73(1), and was repealed in part and further amended in respects not relevant to this Order; section 12 was repealed in part by the Finance Act 1929 (c. 21), section 6 and Schedule.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

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

3.—(1) The following provisions of the Railways Clauses Consolidation Act 1845<sup>(4)</sup>, 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);
- sections 18 to 23 (protection of gas and water mains);
- section 46 (crossing of roads—level crossings);
- section 47 (provision in cases where roads are crossed on a level);
- section 49 (construction of bridges carrying railway over roads);
- section 50 (construction of bridges carrying roads over railway);
- section 51 (the width of the bridges need not exceed the width of the existing roads in certain cases), other than the proviso;
- 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):

Provided that—

- (a) the said section 20, as so incorporated, shall have effect as though for the words “eighteen inches” there were substituted the words “three feet”;
- (b) notwithstanding anything in the said section 46, as so incorporated, or in any other enactment the Company may carry the Company’s railway across and on the level of any highway, other than a public carriage road, without obtaining the consent of two or more justices.

(2) Notwithstanding the provisions of subsection (1) of section 12 of the principal Act, the following enactments shall apply to the Company’s railway:—

Regulation of Railways Act 1868<sup>(5)</sup>—

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

Regulation of Railways Act 1889<sup>(6)</sup>—

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 apply to the Company’s railway as if references therein to the Board were references to the Company.

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(4) 1845 c. 20.  
(5) 1868 c. 119.  
(6) 1889 c. 57.

### **Transfer of Board's railway to Company**

4. The Board and the Company may enter into and carry into effect agreements providing for the conveyance 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 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 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 Company's railway or any part thereof shall as from the date of any conveyance under article 4 of this Order 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 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 (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.

### **As to level crossings**

6.—(1) Subject to the provisions of this Order, the Company may in the construction of the Company's railway carry the same with a single line across and on the level of the roads described in column (1) of Schedule 2 to this Order at the locations specified in column (2) of that Schedule.

(2) The Company shall not at the said crossings obstruct or hinder traffic or persons passing along the said roads for longer than is reasonably necessary in taking any train, engine, carriage or truck across the said roads.

(3) Section 25 (Company to erect station or lodge at points where certain roads crossed on a level) of the East Lincolnshire Railway Act 1846(7) shall not apply to the Company's railway or to the level crossings mentioned in Schedule 2 to this Order.

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

7. The Company's railway shall be constructed and operated on a gauge of 1435 millimetres (4 feet 8½ 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—

- (a) 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;
- (b) 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 telecommunication apparatus as defined in the telecommunications code contained in Schedule 2 to the Telecommunications Act 1984(8) or with telecommunication by means of any such apparatus.

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(7) 1846 c.lxxxviii.

(8) 1984 c. 12.

### **Restrictions and conditions as to working of railway**

8.—(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 level 2 on the standard scale.

### **Public liability insurance**

9.—(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) If the Company contravene the provisions of this article they shall be liable on summary conviction to a fine not exceeding the statutory maximum 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 who are required to effect and maintain the policy.

### **For protection of National Rivers Authority**

10. For the protection of the National Rivers Authority (in this article referred to as “the Authority”) the following provisions shall, unless agreed in writing between the Company and the Authority, apply and have effect:—

(1) In this article—

“the Act of 1976” means the Land Drainage Act 1976<sup>(10)</sup>;

“watercourse” means any watercourse within the meaning of section 116 of the Act of 1976 vested in or under the jurisdiction or control of the Authority.

(2) Nothing in this Order shall prejudice or affect the operation of—

(a) section 28 of the Act of 1976, in relation to the erection or alteration of any culvert or of any obstruction whatsoever, in connection with or forming part of the Company’s railway, which may affect the flow of any watercourse not forming part of a main river; or

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

<sup>(10)</sup> 1976 c. 70.

(b) section 29 of that Act, in relation to the erection or alteration of any structure in, over or under a watercourse which is part of the main river; or

(c) the Authority's land drainage byelaws made under the Act of 1976.

(3) Any difference between the Authority and the Company with reference to the provisions of this article or to any works to which this article applies shall be referred to and settled by arbitration.

(4) The provisions of the Railways Clauses Consolidation Act 1845 applied by this Order shall be subject to the provisions of this article.

### **For protection of sewerage undertakers**

**11.** For the protection of the sewerage undertakers (in this article referred to as "the undertakers") the following provisions shall, unless agreed in writing between the Company and the undertaker concerned, apply and have effect:—

(1) In this article—

"sewer" means a public sewer within the meaning of the Public Health Act 1936(11) vested in or under the jurisdiction or control of any of the undertakers.

(2) Where any sewer is situated in or under any land owned or held for the purposes of the Company's railway the Company shall at their own expense maintain all culverts over such sewer which are in existence at the coming into force of this Order so as to leave the sewer accessible for the purposes of repairs.

(3) The Company shall compensate the undertaker responsible for any sewer for any damage done or any disturbance caused to the sewer or any other property of the undertaker (other than mains, pipes or works such as are mentioned in section 21 of the Railways Clauses Consolidation Act 1845) as a result of any works undertaken in connection with the construction or operation of the Company's railway.

(4) The Company shall at all times afford to the undertakers and their agents reasonable facilities for access—

(a) during the construction of any works carried out by the Company under this Order which may affect any sewer or other apparatus of any of the undertakers, to those works and for the purpose of inspecting the works;

(b) at all times, to any such sewer or apparatus and for the purpose of maintaining, repairing, renewing or replacing the same.

(5) Any difference between any of the undertakers and the Company with reference to the provisions of this article or to any works to which this article applies shall be referred to and settled by arbitration.

(6) The provisions of the Railways Clauses Consolidation Act 1845 applied by this Order shall be subject to the provisions of this article.

### **For protection of public gas suppliers**

**12.** Nothing in this Order shall prejudice or affect the rights of British Gas plc 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 railway may be constructed.

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(11) 1936 c. 49.

### **For protection of water undertaker**

13. For the protection of Anglian Water Services Limited (in this article referred to as “the water undertaker”) the following provisions shall, unless otherwise agreed in writing between the Company and the water undertaker, apply and have effect:–

(1) In this article, “apparatus” means mains, pipes or other apparatus belonging to or maintained by the water undertaker for the purposes of water supply, not being apparatus in respect of which the relations between the Company and the water undertaker are regulated by Part II of the Public Utilities Street Works Act 1950(12).

(2) Nothing in section 18 of the Railways Clauses Consolidation Act 1845 as incorporated in this Order shall authorise the Company to raise, sink or otherwise alter the position of, or in any way to interfere with, any apparatus without the consent in writing of the water undertaker, such consent not to be unreasonably withheld.

(3) The Company shall afford reasonable facilities to the water undertaker for the execution and doing of all such works and things as may be reasonably necessary to enable them to inspect, repair, maintain, renew, replace, remove or use any apparatus.

(4) The Company shall make compensation to the water undertaker–

(a) for any damage caused to any apparatus; and

(b) for any other expenses, loss, damages, penalty or costs incurred by the water undertaker, by reason or in consequence of the execution, maintenance, use or failure of any of the works authorised by this Order or otherwise by reason or in consequence of the exercise by the Company of the powers of this Order:

Provided that nothing in this paragraph shall entitle the water undertaker to any payment in respect of damage attributable to the neglect or default of the water undertaker, their servants or agents.

(5) Nothing in this Order shall prejudice or affect the rights of the water undertaker in respect of any apparatus or the provisions of any agreement regulating the relations between the Company and the water undertaker with regard to any apparatus and whether made before or after this Order comes into force.

(6) Any difference arising between the Company and the water undertaker under this article shall be referred to and settled by arbitration.

### **Arbitration**

14. Where under any provision of this Order any difference is to be referred to or settled by arbitration, then such difference shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

Signed by authority of the Secretary of State for Transport

27th September 1991

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

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(12) 1950 c. 39.

SCHEDULE 1

Article 2

THE BOARD'S RAILWAY

Such part of the Grimsby to Louth railway of the Board described in and authorised by sections 20 and 22 of the East Lincolnshire Railway Act 1846 as commences at a point in the parish of New Waltham in the Borough of Cleethorpes in the County of Humberside 20 metres to the south of the carriageway of the A1098 road (Station Road) near the site of the former level crossing, passes through the parishes of Holton-le-Clay, Waithe, Grainsby, North Thoresby, Ludborough, Utterby, Fotherby, Brackenborough and Keddington, all in the District of East Lindsey in the County of Lincolnshire, and terminates on the north side of the roadway at the former Keddington Road level crossing in the town of Louth in the District of East Lindsey in the County of Lincolnshire.

SCHEDULE 2

Article 6

CROSSINGS

(1) Description of Road	(2) Location of Crossing
1. Unclassified road (Tetney Lane) leading from A16 (T) road via Holton-le-Clay to Tetney.	2 metres north of site of end of platform of former Holton-le-Clay halt.
2. Unclassified road (Station Road) leading from A16 (T) road to Tetney.	2 metres north of site of end of platform of former Holton-le-Clay station.
3. Unclassified road (Grainsby Lane) leading from A16 (T) road at Grainsby to A1031 road.	2 metres north of site of end of platform of former Grainsby halt.
4. B1201 road (Station Road) leading from North Thoresby to A1031 road and North Cotes.	2 metres south of end of platform of North Thoresby station.
5. Unclassified road (Station Road) leading from Ludborough to Fulstow.	2 metres north of end of platform of Ludborough station.
6. Unclassified road (Pear Tree Lane) leading from A16 (T) road to Covenham Reservoir.	2 metres south of site of end of platform of former Utterby halt.
7. Unclassified road (Peppin Lane) leading from A 16 (T) road to Hird's Farm.	2 metres north of site of end of platform of former Fotherby station.