
STATUTORY INSTRUMENTS

1995 No. 1300

TRANSPORT

The Northampton and Lamport Light Railway Order 1995

Made - - - - - *9th May 1995*

Coming into force - - - - - *10th May 1995*

The Secretary of State for Transport, on the application of the Northamptonshire County Council and Northampton Steam Railway Limited for an Order under the Light Railways Act 1896⁽¹⁾ (hereinafter referred to as “the Act”), being satisfied in accordance with section 7 of the Act that its requirements in relation to the publication and service of notices, and consideration of objections, have been satisfied, and having considered the Order as required by section 9 of the Act, in exercise of the powers conferred on him by sections 7, 10, 11, 12 and 18 of the Act and 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 Northampton and Lamport Light Railway Order 1995 and shall come into force on 10th May 1995.

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 Board’s railway” means so much of the former railway of the Board in the district of Daventry in the County of Northamptonshire authorised by the enabling Act as is co-extensive with the railway described in Schedule 1 to this Order including all lands and works relating thereto;

(1) 1896 c. 48; sections 7 and 9 were repealed in part by the Railways Act 1921 (c. 55), section 86(2) and Schedule 9; section 10 was repealed in part by the Statute Law (Repeals) Act 1986 (c. 12), Schedule 1; section 11 was amended by the Light Railways Act 1912 (c. 19), section 5(3), and the Railways Act 1921, section 73(1), and was repealed in part and further amended in respects not relevant to this Order; section 12 was repealed in part by the Finance Act 1929 (c. 21), section 6 and Schedule.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) Railways Act 1921, section 68(1), and S.I.1970/1681, 1979/571 and 1981/238.

“the Company” means Northampton Steam Railway Limited incorporated under the Companies Act 1985⁽⁴⁾ and whose registered offices is at 6 Hazelwood Road, Northampton, NN1 1LM;

“the Company’s railway” means the railway authorised to be constructed, made and maintained by the Company pursuant to article 4 of this Order and such parts thereof as shall have been constructed for the time being;

“the County Council” means the Northamptonshire County Council;

“the enabling Act” means the London and North Western Railway (Northampton and Market Harborough &c Branches) Act 1853⁽⁵⁾;

“Merry Tom Crossing” means the site of the former crossing whereby the bridleway from Hoe Hill to Brixworth designated CG14 on the definitive map is crossed by the Board’s railway on the level and, when the crossing authorised by article 8 of this Order has been constructed, that crossing;

“train” means—

- (a) 2 or more items of rolling stock coupled together at least one of which is a locomotive; or
- (b) a locomotive not coupled to any other rolling stock.

(2) All directions and distances stated in the descriptions of the Board’s railway shall be construed as if the words “or thereabouts” were inserted after each direction and distance, and distances between points on the railway shall be taken to be measured along the railway.

Incorporation and application of enactments

3.—(1) The provisions of the Railways Clauses Consolidation Act 1845⁽⁶⁾, except sections 8, 9, 11 to 15, 32 to 44, 53 to 57, 59 and 60, 94, 95, 97 and 115 to 124, are incorporated with and form part of this Order, so far as they are applicable for the purposes and are not inconsistent with or varied by the provisions of this Order, and this Order shall be deemed to be the special Act for the purposes of the said incorporated provisions.

(2) Subject to the provisions of this Order such of the enactments mentioned in the Second Schedule to the Act as are still in force shall not apply to the Company’s railway except for section 22 of the Regulation of Railways Act 1868⁽⁷⁾ (Means of communication between passengers and 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⁽⁸⁾.

(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” had been omitted.

(4) Without prejudice to the foregoing provisions of this article, sections 116 to 118 of the Transport Act 1968 shall apply to bridges over the Company’s railway as if references in those sections to the Board were references to the County Council.

Power to construct railway

4.—(1) Subject to and in accordance with the provisions of this Order, the Company may on lands leased from the County Council and on the same line and levels as the Board’s railway construct

(4) 1985 c. 6.
(5) 1853 c.clx.
(6) 1845 c. 20.
(7) 1868 c. 119.
(8) 1889 c. 57.

and maintain the railway described in Schedule 1 to this Order together with all necessary works and conveniences connected therewith, including stations, premises, workshops and facilities, and work it as a light railway under the Act.

(2) Subject to the provisions of this Order, the Company's railway or any part of it shall be subject to all statutory and other provisions applicable to the Board's railway (insofar as they are still subsisting and effective) 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 Board's railway (insofar as aforesaid) with the intent that the Board shall be released from all such obligations.

(3) Upon the expiration or sooner determination of any lease of lands granted by the County Council to the Company for the purposes of paragraph (1) of this article, the County Council shall be subject to all obligations statutory or otherwise relating to the Company's railway (insofar as they are then still subsisting and effective).

Gauge of railway and motive power

5. The Company's railway shall be constructed to a gauge of 1435 millimetres (four feet eight and one half inches) and the motive power shall be 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 unless such power is obtained from storage batteries or from a source of generation entirely contained in and carried along with the engine 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 telecommunication apparatus (as defined in Schedule 2 to the Telecommunications Act 1984(9)) or with telecommunication by means of such apparatus.

Restriction of conveyance of passengers

6. No part of the Company's railway shall be used for the conveyance of passengers without the permission in writing of the Secretary of State.

As to level crossings on the Brampton Valley Way

7.—(1) The Company may construct at Pitsford Siding, at Pitsford and Brampton Station, and at Spratton, and at such other places where the recreation route created by the County Council and known as the Brampton Valley Way crosses the Company's railway, new level crossings of a type similar to those suitable for a footpath and bridleway.

(2) At each such crossing referred to in this article:—

- (i) signs bearing the words "STOP, LOOK AND LISTEN" shall be provided on each side of the railway facing persons approaching the crossing;
- (ii) self-closing gates shall be provided on each side of the railway at each of the said crossings and shall open outwards away from the railway and shall not be latched or bolted shut;
- (iii) a whistle board of standard railway design shall be provided on each of the railway approaches to each of the said crossings not less than 120 metres from the crossing, and drivers of trains passing between 0700 and 2330 hours shall sound the train whistle.

As to Merry Tom Crossing

8.—(1) The Company shall provide at Merry Tom Crossing, and shall so long as this Order remains in force operate and maintain, the protective equipment which is specified in Part I of Schedule 2 to this Order.

(2) The Company shall so long as this Order remains in force cause to be observed the conditions and requirements with regard to the crossing mentioned in paragraph (1) of this article which are specified in Part II of Schedule 2 to this Order.

(3) Nothing contained or incorporated in this Order shall require the provision of any building or keeper at Merry Tom Crossing.

For protection of public gas and electricity suppliers

9. 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(10), or of any public electricity supplier, within the meaning of Part I of the Electricity Act 1989(11), 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 is constructed.

For the protection of Sewerage and Water Undertakers

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

(1) In this article, "relevant pipe" in relation to any of the undertakers has the meaning given in section 158(7) of the Water Industry Act 1991(12);

(2) Nothing in section 18 of the Railways Clauses Consolidation Act 1845 in its application to the Company's railway shall authorise the Company to raise, sink or otherwise alter the position of, or in any way interfere with, any relevant pipe without the consent in writing of the undertaker concerned, such consent not to be unreasonably withheld;

(a) (3) (a) The Company shall not in the construction, making or maintenance of the railway without the consent of the undertakers concerned:—

(i) place or deposit any materials or erect any structure or works other than a single line of rails; or

(ii) make any excavation to a depth of more than 300 millimetres below the surface of the ground,

in so far as the same is or would be carried out or situated within 15 metres (measured in any direction) of any part of a relevant pipe;

(b) The undertakers concerned shall not unreasonably withhold their consent under this paragraph but may grant their consent subject to reasonable conditions for the protection of a relevant pipe;

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

(10) 1986 c. 44.

(11) 1989 c. 29.

(12) 1991 c. 56.

(5) The Company shall afford reasonable facilities to the undertakers 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, alter or use any relevant pipe;

(6) The Company shall compensate the undertakers:—

(a) for any damage done or disturbance caused to any relevant pipe, and

(b) for any other expenses, loss, damage, penalty or costs incurred by the undertakers,

by reason or in consequence of the execution, maintenance, user or failure of any of the works authorised by this Order or otherwise by reason or in consequence of the exercise of the Company of the powers conferred by this Order;

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

(7) Without prejudice to the generality of the foregoing provisions of this article, nothing in this Order shall prejudice or affect the rights of the undertakers in respect of any relevant pipe or the provisions of any agreement regulating the relationship between the Company and the undertakers with regard to any relevant pipe and whether made before or after this Order comes into force;

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

(9) Any dispute or difference arising between the Company and the undertakers under this article 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 for the time being of the Institution of Civil Engineers.

Signed by authority of the Secretary of State for Transport

Department of Transport
9th May 1995

R. A. Allan
An Under Secretary,

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

SCHEDULE 1

Article 2

That length of the Board's railway in the parishes of Boughton, Pitsford, Chapel Brampton, Brixworth and Spratton in the district of Daventry in the County of Northamptonshire which extends from the northern abutment of Bridge No. 11 (south of Pitsford & Brampton Station) in a northerly direction for a distance of 4,800 metres, and terminates at a point immediately to the south of the site of the former Spratton level crossing over the railway by the unclassified public road from Spratton to Brixworth.

SCHEDULE 2

Article 8

Merry Tom Crossing

PART I

particulars of the gates, traffic signs and other protective equipment

1. A gate shall be pivoted as close to the railway as practicable on the near side of the highway on both sides of the railway.
2. When closed to the highway the gates shall extend across the highway. The hinge post of each gate shall be not less than 450 millimetres clear of the edge of the highway and the tip of each gate shall extend to a point not less than 450 millimetres clear of the other edge of the highway on the same side of the railway.
3. The uppermost surfaces of the gates shall be not less than 1450 millimetres above the highway surface and the underclearance between the gates and the highway surface shall not exceed 300 millimetres.
4. The gates shall open inwards towards the railway and, when open to the highway, each gate shall be parallel with the edge of the highway and shall be secured to a latch post.
5. Each gate shall be provided with a suitable mechanism at its tip to secure the gate in either position to a latch post, and this mechanism shall be so arranged that the gates can be locked in either position by padlocks.
6. The gates shall be as light as possible but shall also be strong enough to prevent distortion or fracture likely to be caused by wind pressure.
7. The framework of the gates shall be comprised of parallel horizontal members including not less than four rails in addition to the top and bottom members.
8. The gates shall each display a circular plate of Red Class I retro-reflecting material so arranged that when the gates are closed to the highway each gate shall exhibit a circular plate not less than 750 millimetres in diameter on the faces directed towards highway traffic.
9. A stop board of standard railway design displaying the words "Stop — Close crossing gates before proceeding" shall be provided on each railway approach to the crossing approximately 25 metres before the crossing. The stop boards shall be provided with Class I retro-reflecting material or shall be illuminated.
10. An advance warning board of standard railway design shall be provided on each railway approach to the crossing approximately 150 metres before the crossing and shall be provided with Class I retro-reflecting material or shall be illuminated.

11. In this Part—

“Class I retro-reflecting material” is material which satisfies British Standard 873, Part 6, or is of an equivalent standard.

PART II

conditions and requirements to be observed by the company

12. The surface of the highway over the crossing shall be approximately 3.5 metres wide and shall be maintained in a reasonably good and even condition.

13. The gates shall be kept constantly open to the highway except when trains require to pass over the crossing.

14. The gates shall normally be secured to the relevant latch post on each side of the highway.

15. Drivers shall bring their trains to a halt at the relevant stop board mentioned in paragraph 9 above and the gates shall be unpadlocked and secured across the highway. Trains travelling in either direction shall not proceed over the crossing until the driver has been given a clear handsignal by the person in charge of the train to signify that the gates on both sides of the railway are securely closed and locked against road traffic and that the crossing is clear. The driver shall sound the train whistle before proceeding.

16. The person in charge of the train shall, after giving the handsignal mentioned in paragraph 15 above, remain at the crossing until the whole of the train has passed over the highway and has been brought to a stand clear of the crossing on the other side, when he shall unlock the gates and restore them across the railway and padlock them.

17. The Company shall give notice in writing to the Secretary of State as soon as the construction stage is finished and the railway shall be inspected as soon as possible thereafter.