
STATUTORY INSTRUMENTS

1996 No. 1829

TRANSPORT

The South Tynedale Railway (Light Railway) Order 1996

Made - - - - - *9th July 1996*

Coming into force - - - - - *10th July 1996*

The Secretary of State for Transport, on the application of Northumberland County Council and the South Tynedale Railway Preservation Society 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, and in exercise of powers conferred by sections 3, 7, and 10 to 12, of the Act, 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.—(1) This Order may be cited as the South Tynedale Railway (Light Railway) Order 1996 and shall come into force on 10th July 1996.

(2) The South Tynedale Railway (Light Railway) Order 1987⁽⁴⁾ and this Order may be cited together as the South Tynedale Railway (Light Railway) Orders 1987 and 1996.

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 the railway or former railway of the Board described in Schedule 1 to this Order together with all lands and works relating thereto;

(1) 1896 c. 48; section 3 was amended by the Light Railways Act 1912 (c. 19), section 5(1); sections 7 and 9 were repealed in part by the Railways Act 1921 (c. 55), section 86(2) and Schedule 9; section 10 was repealed in part by the Statute Law (Repeals) Act 1986 (c. 12), Schedule 1; section 11 was amended by the Light Railways Act 1912, section 5(3), and the Railways Act 1921, section 73(1), and was repealed in part and further amended in respects not relevant to this Order; section 12 was repealed in part by the Finance Act 1929 (c. 21), section 6 and Schedule.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

(4) S.I. 1987/1984.

“the Company” means the South Tynedale Railway Preservation Society incorporated under the Companies Acts 1948 and 1981 and having its registered office at the Railway Station, Alston, Cumbria;

“the Council” means the Northumberland County Council;

“the lease” means any lease granted under paragraph (1) of article 6 (Leasing of railway to Company) of this Order, any extension of the same or any new lease granted under any statutory powers or provisions;

“the railway” means the railway authorised to be constructed and maintained by the undertakers 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;

“the undertakers” means the Council or, during the currency of the term created by the lease, the Company.

(2) All directions, distances and reference points stated in any description of works, powers or lands shall be construed as if the words “or thereabouts” were inserted after any such direction, distance and reference point.

Incorporation and modification of enactments

3.—(1) The following enactments, 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:—

Railways Clauses Consolidation Act 1845(5)

Section 16 (works to be executed);

Section 24 (penalty for obstructing construction of railway);

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);

Sections 77 to 85E and the First, Second and Third Schedule (provisions with respect to mines lying under or near the railway);

Section 103 (penalty on persons refusing to quit carriage at destination);

Section 105 (carriage of dangerous goods on railway);

Section 145 (penalties to be summarily recovered before two justices);

Section 154 (transient offenders).

Railways Clauses Act 1863(6)

Section 5 (Trains not to be shunted, etc. over level crossings).

(2) The following provisions of the Regulation of Railways Act 1889(7) shall apply to the railway—

Section 1 (power to order certain provisions to be made for public safety); and

Section 5 (penalty for avoiding payment of fare).

(5) 1845 c. 20.

(6) 1863 c. 92.

(7) 1889 c. 57.

(3) 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 undertakers.

Transfer of rights, etc. from Board

4. Except as may be otherwise provided in this Order, as from the coming into force of 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 Council shall (subject to article 6(2) below) 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).

Power to construct railway

5.—(1) The undertakers may on the line of the Board's railway construct and maintain a railway with all the necessary works and conveniences connected therewith and work the same as a light railway under the 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 of railway to Company

6.—(1) The Council may lease to the Company the railway or any part thereof together with the rights, interests, powers, privileges and obligations vested in the Council by article 4 above (Transfer of rights, etc. from Board) on such terms and conditions as may be agreed between the Council and the Company.

(2) During the continuance of the lease 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.

Gauge of railway and motive power

7.—(1) The railway shall be constructed and operated on a nominal gauge of 610 millimetres (2 feet) 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.

(2) Nothing in this Order shall authorise the use of 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.

(3) 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)(8) or with telecommunication by means of such apparatus.

Level crossings

8.—(1) The undertakers may in the construction of the railway make level crossings across the road and footpaths mentioned in column 1 of Schedule 2 to this Order at the locations mentioned

(8) 1984 c. 12.

in column 2 of that Schedule with a double line of rails or (in the case of Footpath No. 12) a single line of rails.

(2) The undertakers shall provide and maintain at the level crossings mentioned in paragraphs 1 and 3 of the said Schedule 2 the signs specified in Schedule 3 to this Order.

(a) (3) (a) The undertakers shall provide, maintain and operate at or near the level crossing mentioned in paragraph 2 of the said Schedule 2 such barriers, gates or other protective equipment as the Secretary of State may from time to time approve in writing, and subject to such requirements as he may from time to time lay down.

(b) In this paragraph “protective equipment” includes lights, traffic signs, (within the meaning of section 64(1) of the Road Traffic Regulation Act 1984⁽⁹⁾), as prescribed in Schedule 3 of the Traffic Signal Regulations and General Directions 1994⁽¹⁰⁾) manual, mechanical, automatic, electrical or telephonic equipment or other devices.

(4) Where the undertakers are authorised by this Order to carry the railway across a footpath on the level, it shall not be lawful for the undertakers to shunt any train over the level crossing.

(5) The Council and the Company may enter into agreements with respect to the construction and maintenance of the level crossings mentioned in Schedule 2 to this Order; and such an agreement may contain such terms as to payment or otherwise as the parties consider appropriate.

(6) Notwithstanding anything in any enactment the undertakers shall not be required to erect or maintain a station or lodge at any of the level crossings mentioned in Schedule 2 to this Order or to provide keepers.

(7) Section 30 (Company to erect stations or lodges and gates at level crossings) of the Newcastle-upon-Tyne and Carlisle Branch Railway Act 1846⁽¹¹⁾ shall not apply to any of the level crossings mentioned in Schedule 2 to this Order.

Conveyance of passengers

9. No part of the railway shall be used for the conveyance of passengers without the prior written permission of the Secretary of State.

For protection of Environment Agency

10.—(1) For the protection of the Environment Agency (in this article referred to as “the Agency”) the following provisions shall, unless otherwise agreed in writing between the undertakers and the Agency apply and have effect.

(2) Nothing in this Order or in any enactment incorporated with or applied by this Order shall prejudice or affect the operation of section 109 of the Water Resources Act 1991⁽¹²⁾ or any byelaws made under that Act or the Land Drainage Act 1991⁽¹³⁾ in relation to anything done under or in pursuance of this Order.

(a) (3) (a) Before carrying out any works involving the erection or raising of any obstruction to the flow of any watercourse which is not part of a main river within the meaning of section 113 of the Water Resources Act 1991 or the construction, alteration or replacement of any culvert or any structure designed to contain or divert the flow of any such watercourse in, under or through any land held for the purposes of or in connection with the railway the undertakers shall furnish to the Agency proper and sufficient plans thereof for the approval of the Agency and shall not carry out the said works until the

(9) 1984 c. 27.

(10) S.I. 1994/1519.

(11) 1846 c. ccxciv.

(12) 1991 c. 57.

(13) 1991 c. 59.

said plans have been approved in writing by the Agency:PROVIDED that approval of plans furnished under this paragraph shall not be unreasonably withheld and, if within two months after such plans have been supplied to the Agency the Agency shall not have intimidated its disapproval thereof and the grounds of its disapproval it shall be deemed to have approved the plans as supplied.

(b) For the purposes of this article, “plans” includes sections, drawings, specifications, calculations and descriptions.

(a) (4) (a) Any culvert or any structure designed to contain or divert the flow of any watercourse situated within any land held for the purpose of or in connection with the railway whether constructed under the powers of this Order or in existence prior to the making hereof, shall be maintained by the undertakers in good repair and condition and free from obstruction.

(b) Nothing in this paragraph shall have the effect of requiring the undertakers to carry out works of maintenance in respect of any culvert or structure which the Agency or any other person is liable to maintain.

(5) If any obstruction is erected or raised or any culvert is constructed, altered or replaced in contravention of this article the undertakers shall upon receiving notice from the Agency take such action as may be necessary to remedy the effect of the contravention to the Agency’s satisfaction and in default the Agency may itself take such action as may be necessary and recover the expenses reasonably incurred by it in doing so from the undertakers as a debt due from them to the Agency.

(6) Any dispute or difference which may arise between the Agency and the undertakers under this article shall be referred to and determined by a single arbitrator to be agreed upon between the parties or, failing such agreement, to be appointed by the President for the time being of the Institution of Civil Engineers on application of either party (after notice in writing to the other of them).

(7) 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 transporters

11. Nothing in this Order shall prejudice or affect the statutory or other rights of any public gas transporter within the meaning of Part I of the Gas Act 1986(14) 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 railway or any part thereof is constructed.

Signed by authority of the Secretary of State for Transport

9th July 1996

R. A. Allan
An Under Secretary,
Department of Transport

(14) 1986 c. 44; the term “public gas transporter” is defined in section 7(1) as substituted by section 5 of the Gas Act 1995.

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(1)

So much of the Alston branch railway of the Board as authorised by the Newcastle-upon-Tyne and Carlisle Branch Railway Act 1846 and altered pursuant to the Newcastle-upon-Tyne and Carlisle, Alston, Branch Railway Act 1849⁽¹⁵⁾ in the parish of Knarsdale with Kirkhaugh in the district of Tynedale in the county of Northumberland as extends from a point on the boundary between the counties of Northumberland and Cumbria at the centre of the bridge over Gilderdale Burn (being the point of commencement of the railway authorised by the South Tynedale Railway (Light Railway) Order 1987) to the point where the said branch railway crosses footpath no. 14 approximately 100 metres north of the road level crossing at the former Slaggyford Station.

SCHEDULE 2

Article 8(1)

PARTICULARS OF LEVEL CROSSINGS

NOTE: References in this Schedule to footpaths identified by numbers are references to footpath so numbered on the definitive map maintained in accordance with section 53 of the Wildlife and Countryside Act 1981 (1981 c. 69.)

(1) Road or footpath	(2) Location of crossing
1. Footpath No. 12	91.44 metres to the south-west of the farmhouse known as Greenend
2. Unclassified road from Slaggyford to Knar	Immediately to the south of the station house at Slaggyford
3. Footpath No. 14	82.30 metres to the north-west of the station house at Slaggyford

SCHEDULE 3

Article 8(2)

PARTICULARS OF SIGNS TO BE PROVIDED AT LEVEL CROSSINGS OF FOOTPATHS

A sign bearing the wording “Stop, look, listen, beware of trains” shall be provided on both sides of the railway and shall face towards persons approaching the level crossing on the left-hand side of the footpath.

(15) 1849 c.xiii.