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STATUTORY INSTRUMENTS

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**1998 No. 1312**

**TRANSPORT**

**The Strathspey Light Railway Order 1998**

*Made* - - - - - *12th May 1998*

*Coming into force* - - - - - *13th May 1998*

The Secretary of State for the Environment, Transport and the Regions, on the application of Strathspey Railway Company Limited for an Order under the Light Railways Act 1896(1), being satisfied in accordance with section 7 of that Act that its requirements in relation to the publication and service of notices have been satisfied and having considered the draft Order as required by section 9 of that Act and in exercise of the powers conferred by sections 7 and 10 to 12 of the Act and now vested in him(2) 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 Strathspey Light Railway Order 1998 and shall come into force on 13th May 1998.

(2) The Strathspey Light Railway Order 1978(3) and this Order may be cited together as the Strathspey Light Railway Orders 1978 and 1998.

**Interpretation**

2. In this Order the following expressions have the meanings hereby respectively assigned to them:—

“the Company” means Strathspey Railway Company Limited, incorporated under the Companies Acts and having its registered office at Aviemore (Speyside) Station, Dalfaber Road, Aviemore;

“the Company’s Railway” means the railway authorised to be constructed and maintained by the Company in accordance with article 4(1) of this Order and any part of Railtrack’s Railway leased to the Company by virtue of an agreement made in accordance with article 3(1) of this Order;

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(1) 1896 c. 48; sections 7 and 9 were repealed in part by the Railways Act 1921 (c. 55) section 86(2) and Schedule 9; section 10 was repealed in part by the Statute Law (Repeals) Act 1986 (c. 12), Schedule 1; section 11 was amended by the Light Railways Act 1912 (c. 19), section 5(3), and the Railways Act 1921, section 73(1), and was repealed in part and further amended in respects not relevant to this Order; section 12 was repealed in part by the Finance Act 1929 (c. 21), section 6 and Schedule.

(2) Railways Act 1921, section 68(1) repealed in part and S.I.1970/1681, 1979/571 and 1981/238.

(3) S.I. 1978/871.

“entry date” means the day on which a lease to the Company of Railtrack’s Railway or any part thereof by virtue of article 3(1) hereof commences;

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

“Railtrack” means Railtrack plc, incorporated under the Companies Acts and having its registered office at 40 Bernard Street, London, WC1N 1BY;

“Railtrack’s Railway” means so much of the railway or former railway of Railtrack as is described in the Schedule to this Order including all lands and works relating thereto.

### **Lease of Railtrack’s Railway to the Company**

**3.**—(1) Railtrack and the Company may enter into and carry into effect agreements providing for the Lease to the Company of Railtrack’s Railway or any part thereof on such terms and conditions as may be agreed between Railtrack and the Company.

(2) As from the entry date, subject to the terms of the Lease, the Company shall to the exclusion of Railtrack be entitled to the benefit of, and to exercise all the rights, powers and privileges and to be subject to all obligations of, Railtrack whether statutory or otherwise for the time being in force in respect of the Railtrack’s Railway or such part thereof as is leased as aforesaid.

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

**4.**—(1) The Company may on the lands taken on lease for and on the line of Railtrack’s Railway construct (so far as necessary) 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) Except as otherwise provided in this Order the Company’s Railway shall be subject to all statutory and other provisions applicable to Railtrack’s Railway (in so far as the same are still subsisting and capable of taking effect) and the Company shall be entitled to exercise all rights, powers and privileges and shall be subject to all obligations statutory or otherwise relating to Railtrack’s Railway (in so far as the same are still subsisting and capable of taking effect).

### **Application of enactments**

**5.** Subject to the provisions of this Order such of the enactments set out in the Second Schedule to the principal Act as are still in force shall cease to apply to the Company’s Railway except for section 5 (penalty for avoiding payment of fare) of the Regulation of Railways Act 1889(4).

### **Gauge of railway and motive power**

**6.** The Company’s Railway shall be constructed and operated on a gauge of 1,435 millimetres (four feet eight and one half inches) and the motive power shall be diesel or steam or internal combustion or such other motive power as the Health and Safety Executive may approve.

### **Conveyance of passengers**

**7.** No part of the Company’s Railway shall be used for the conveyance of passengers without the prior written permission of the Health and Safety Executive.

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(4) 1889 c. 57. Section 5 was repealed in part by the Police and Criminal Evidence Act 1984 (c. 60) section 119 and Schedule 7 and amended by S.I. 1994/857 and, in respects not relevant to that Order, by the Channel Tunnel Rail Link Act 1996 (c. 61) Schedule 9 para. 8.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

12th May 1998

*A S D Whybrow*  
Head of Traffic Policy Division,  
Department of the Environment, Transport and  
the Regions

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

## SCHEDULE

Article 2

### RAILTRACK'S RAILWAY

Such part of Railtrack's Aviemore to Inverness (via Forres) Railway described in and authorised by section 30 of the Inverness and Perth Junction Railway Act 1861<sup>(5)</sup> as extends from a point 281.70 metres (307 yards) south of Aviemore Station to a point 260.60 metres (285 yards) north of Aviemore Station (measured in each case from the central point of the east side of the island platform thereof) in the Parish of Duthil and Rothiemurchus in the County of Inverness.

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<sup>(5)</sup> 1861 c clxxxvi.