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STATUTORY INSTRUMENTS

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**2002 No. 1997**

**The Wear Valley Railway Order 2002**

**PART III**

**MISCELLANEOUS**

**Power to operate and use railway**

5. Subject to article 8, on and after the transfer date the Company may operate and use the railway as a system, or part of a system, of transport for the carriage of passengers and goods.

**Safety of approved works, etc.**

6.—(1) Where pursuant to regulations made under section 41 of the Transport and Works Act 1992 (approval of works, plant and equipment) approval has been obtained from the Health and Safety Executive with respect to any works, plant or equipment (including vehicles) forming part of the railway, such works, plant and equipment shall not be used in a state or condition other than that in which they were at the time that the approval was given unless any change thereto does not materially impair the safe operation of the said railway.

(2) If without reasonable cause the provisions of paragraph (1) are contravened on or after the transfer date, the Company shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) No proceedings shall be instituted in England and Wales in respect of an offence under this article except by or with the consent of the Health and Safety Executive or the Director of Public Prosecutions.

**Level crossings**

7.—(1) On and after the transfer date the provisions set out in Part II of Schedule 1 to this Order shall apply to the level crossings mentioned in Part I of that Schedule.

(2) On and after the transfer date the provisions set out in Part II of Schedule 2 to this Order shall apply to the level crossings mentioned in Part I of that Schedule.

**Restrictions as to the conveyance of passengers**

8. No part of the railway shall be used for the conveyance of passengers without the prior written permission of the Health and Safety Executive.

### **Provisions as to bridges**

**9.**—(1) Without prejudice to the generality of article 4(3), sections 116 to 118 of the Transport Act 1968<sup>(1)</sup> shall, on and after the transfer date, apply to the railway or the relevant part thereof as if references to the British Railways Board were references to the Company.

(2) On and after the transfer date Durham County Council shall be responsible (to the exclusion of the Company) for the structure of any bridge carrying a highway over the railway or the relevant part thereof.

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(1) 1968 c. 73.