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STATUTORY INSTRUMENTS

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**1999 No. 2129**

**The Welsh Highland Railway Order 1999**

**PART I**

**PRELIMINARY**

**Citation and commencement**

1.—(1) This Order may be cited as the Welsh Highland Railway Order 1999 and shall come into force on 21st July 1999.

(2) The Welsh Highland Railway (Light Railway) Orders 1922(1) and 1923(2), the Welsh Highland Railway (Transfer) Light Railway Order 1995(3) and this Order may be cited together as the Welsh Highland Railway Orders 1922 to 1999.

**Interpretation**

2.—(1) In this Order—

“the 1922 and 1923 Orders” means the Welsh Highland Railway (Light Railway) Order 1922 and the Welsh Highland Railway (Light Railway Order) 1923;

“the Act of 1832” means the Festiniog Railway Act 1832(4);

“the Act of 1845” means the Railways Clauses Consolidation Act 1845(5);

“the Act of 1965” means the Compulsory Purchase Act 1965(6);

“the Act of 1984” means the Road Traffic Regulation Act 1984(7);

“the Act of 1991” means the New Roads and Street Works Act 1991(8);

“the Applications Rules” means the Transport and Works (Applications and Objections Procedure) Rules 1992(9);

“the authorised works” means the scheduled works and any other works authorised by this Order;

“the book of reference” means the book of reference described in rule 7(5) of the Applications Rules prepared in connection with the application for this Order and certified by the Secretary of State as the book of reference for the purposes of this Order;

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(1) S.R. & O. 1922/432.  
(2) S.R. & O. 1923/275.  
(3) S.I. 1995/861.  
(4) 1832 c. 48.  
(5) 1845 c. 20.  
(6) 1965 c. 56.  
(7) 1984 c. 27.  
(8) 1991 c. 22.  
(9) S.I. 1992/2902.

“the Caernarfon railway” means the railway authorised by the Caernarfon Railway Light Railway Order 1997<sup>(10)</sup>;

“the deposited plans” means the plans described in rule 7(1)(a) and 7(3) of the Applications Rules deposited in respect of the application for this Order with the Secretary of State and certified by the Secretary of State as the deposited plans for the purposes of this Order;

“the deposited sections” means the sections described in rule 7(2) of the Applications Rules deposited in respect of the application for this Order and certified by the Secretary of State as the deposited sections for the purposes of this Order;

“the Festiniog Order” means the Festiniog Railway (Light Railway) Order 1923<sup>(11)</sup>;

“the Festiniog Railway” is the railway authorised by the Act of 1832;

“the former railway” means the railway authorised by the 1922 and 1923 Orders;

“highway” and “highway authority” have the same meaning as in the Highways Act 1980<sup>(12)</sup>;

“the limits of deviation” means the lines marked “Limit of deviation” shown on the deposited plans;

“the Llyn Bach deviation” is that part of Work No. 3 which is located alongside the western side of Llyn Bach between Snowdon Street and the Britannia Bridge in Porthmadog;

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace and cognate expressions shall be construed accordingly;

“owner”, in relation to land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of land (whether in possession or reversion) and includes a person holding, or entitled to the rents and profits of, the land under a lease or tenancy having an unexpired term exceeding 3 years;

“the railway” means Work No. 1, Work No. 1b, Work No. 1d, Work No. 1f, Work No. 2 and Work No. 3 authorised to be constructed and maintained under the terms of this Order and described in Schedule 1 to this Order, or any of them (as the case may require), together with all lands and works relating thereto, and where any part of the said works remain uncompleted, the expression includes the site of that part;

“the scheduled works” means the works specified in Schedule 1 to this Order;

“street” includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part III of the Act of 1991;

“the undertaker” means The Festiniog Railway Company, whose registered office is at Harbour Station, Porthmadog, Gwynedd LL49 9NF.

(2) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in, on or under land or in the air-space over its surface.

(3) References in this Order to Work No. 1, Work No. 1b, Work No. 1d, Work No. 1f, Work No. 2 or Work No. 3 are references to those numbered works as specified in Schedule 1 to this Order.

### **Incorporation and exclusion of Acts**

- 3.—(1) The following provisions of the Act of 1845 shall be incorporated in this Order—
- section 24 (obstructing construction of railway);
  - section 47 (provision in cases where roads are crossed on the level);

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<sup>(10)</sup> S.I. 1997/2534.

<sup>(11)</sup> S.R. & O. 1923/301.

<sup>(12)</sup> 1980 c. 66.

section 58 (company to repair roads used by them), except for the words from “and if any question” to the end;

section 61 (company to make sufficient approaches and fences to highways crossing on the level);

section 68 (accommodation works by company);

section 71 (additional accommodation works by owners), except for the words “or directed by such justices to be made by the company” and “or, in case of difference, as shall be authorised by two justices”;

sections 72 and 73 (supplementary provisions relating to accommodation works);

section 75 (omission to fasten gates);

section 77 (presumption that minerals excepted from acquisition of land);

sections 78 to 85E and Schedules 1 to 3 (minerals under railways), as respectively substituted and inserted by section 15 of the Mines (Working Facilities and Support) Act 1923<sup>(13)</sup>;

sections 103 and 104 (refusal to quit carriage at destination);

section 105 (carriage of dangerous goods on railway);

section 145 (recovery of penalties); and

section 154 (transient offenders).

(2) In those provisions, as incorporated in this Order—

“the company” means the undertaker;

“goods” includes any thing conveyed on the railway;

“lease” includes an agreement for a lease;

“prescribed”, in relation to any such provision, means prescribed by this Order for the purposes of that provision;

“the railway” means Works Nos. 1 to 3 authorised to be constructed by this Order and, except where the context otherwise requires, any other authorised works;

“the special Act” means this Order; and

“toll” includes any rate or charge or other payment payable under this Order or any other enactment for any passenger or goods conveyed on the railway.

(3) In its application to the railway, section 24 of the Act of 1845 shall have effect as if the maximum fine which may be imposed on summary conviction of an offence under that section were, instead of a fine not exceeding level 2 on the standard scale, a fine not exceeding level 3 on the standard scale.

(4) The provisions of the Regulation of Railways Acts 1840 to 1893, except the provisions of the Regulation of Railways Act 1871<sup>(14)</sup>, shall not apply in relation to Work No. 3.

(5) The provisions of the Highway (Railway Crossings) Act 1839<sup>(15)</sup> shall not apply in relation to Work No. 3.

(6) Nothing in this article shall be taken as affecting the application to Work No. 3 of sections 32 to 34 of the Offences Against the Person Act 1861<sup>(16)</sup>.

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<sup>(13)</sup> 1923 c. 20.

<sup>(14)</sup> 1871 c. 78.

<sup>(15)</sup> 1839 c. 45.

<sup>(16)</sup> 1861 c. 6.