
STATUTORY INSTRUMENTS

1978 No. 471

TRANSPORT

The Loughborough and Birstall Light Railway Order 1978

Made - - - - - 20th March 1978

Coming into operation 3rd April 1978

The Secretary of State for Transport on the application of the Charnwood Borough Council and in exercise of powers conferred by sections 3, 7, 9, 10 and 11 of the Light Railways Act 1896(a) as amended by the Light Railways Act 1912(b) and Part V of the Railways Act 1921(c) and now vested in him(d) and of all other powers enabling him in that behalf hereby makes the following Order:—

Citation and commencement

1. This Order shall come into operation on 3rd April 1978 and may be cited as the Loughborough and Birstall Light Railway Order 1978.

Interpretation

2.—(1) In this Order unless the context otherwise requires the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“the Board” means the British Railways Board;

“the Council” means the Charnwood Borough Council;

“the Company” means the Great Central Railway Company (1976) Limited;

“the day of transfer” means the day on which the Board’s Railway or any part thereof is vested in the Council by virtue of Article 3(1) hereof;

“the lease” means any lease granted in pursuance of the powers in Article 8(1) hereof, any extension of the same or any new lease granted under any statutory powers or provisions;

“the principal Act” means the Light Railways Acts 1896 and 1912 as amended by the Railways Act 1921;

“the Board’s Railway” means the railway of the Board more particularly described in the Schedule hereto;

“the Council’s Railway” means the railway authorised to be constructed, made and maintained by the Council pursuant to paragraph (1) of Article 4 hereof.

(a) 1896 c. 48. (b) 1912 c. 19. (c) 1921 c. 55. (d) S.I. 1970/1681.

(2) The Interpretation Act 1889(a) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

As to transfer of the Board's Railway to the Council

3.—(1) The Board and the Council may enter into and carry into effect agreements providing for the transfer to and the vesting in the Council of the Board's Railway or any part thereof on such terms and conditions as may be agreed between the Board and the Council.

(2) As from the day of transfer the Council shall to the exclusion of the Board be entitled to the benefit of, and to exercise all the rights, powers and privileges and be subject to all obligations of the Board whether statutory or otherwise for the time being in force in respect of the Board's Railway or such part thereof as is transferred as aforesaid.

Power to make Council's Railway

4.—(1) The Council may on the lands taken for and on the line of the Board's Railway construct, make 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 may be otherwise provided herein the Council's Railway or any part thereof shall be subject to all statutory and other provisions applicable to the Board's Railway (in so far that the same are still subsisting and capable of taking effect) and the Council shall 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 (in so far that the same are still subsisting and capable of taking effect).

(3) Such of the enactments set out in the Second Schedule to the Light Railways Act 1896 as are still in force (except section 1 of the Regulation of Railways Act 1889(b) (power to order certain provisions to be made for public safety) and section 22 of the Regulation of Railways Act 1868(c) (means of communication between passengers and railway servants to be provided)) shall not apply to the Council's Railway.

(4) In its application to the Council's Railway the said section 22 of the Regulation of Railways Act 1868 shall be read, construed and have effect as if the words "and travels more than twenty miles without stopping" were omitted therefrom.

Restriction of weight on rails and of speed and as to conveyance of passengers

5.—(1) The Council shall not use upon the Council's Railway any engine, carriage or truck bringing any weight upon the rails by any one pair of wheels exceeding such weight as the Secretary of State may allow.

(2) The Council shall not run any train or engine upon any part of the Council's Railway at a rate of speed exceeding at any time that fixed by the Secretary of State for such part.

(3) No part of the Council's Railway shall be used for the conveyance of passengers without the permission in writing of the Secretary of State being first had and obtained, and the Council shall comply with the conditions (if any) which the Secretary of State may from time to time prescribe for the safety of the persons using the Council's Railway.

(a) 1889 c. 63.

(b) 1889 c. 57.

(c) 1868 c. 119.

(4) If the Council act in contravention of any of the provisions of this Article they shall for each offence be liable on summary conviction to a fine not exceeding twenty pounds.

Gauge of railway and motive power

6. The Council's Railway shall be constructed and operated on a gauge of a nominal 1435 millimetres (four feet and eight and one half inches) and the motive power shall be diesel or steam, electricity or internal combustion or such other motive power as the Secretary of State may approve;

Provided that nothing in this Order shall authorise the Council to use electrical power as motive power on the Council's 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.

Provision as to bridges

7. Without prejudice to the generality of the foregoing, during the continuance of any lease granted under Article 8(1) of this Order, sections 116, 117, 118 and 119 of the Transport Act 1968(a) shall apply to the Council's Railway as if references therein to the Board were references to the Company and during such time as there is no lease continuing the said sections shall apply as if references therein to the Board were references to the Council.

As to leasing of the Council's Railway to the Company

8.—(1) As from the day of transfer the Council may lease to the Company such parts of the Council's Railway so vested 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 the rights, powers and privileges and be subject to all the obligations of the Council whether statutory or otherwise for the time being in force in respect of such parts of the Council's Railway as are comprised in the lease.

As to public liability insurance

9.—(1)(i) In this paragraph—

“approved” means approved by the Council;

“insurer” means any insurer or insurers (including a member or members of Lloyd's) authorised to carry on a Class 13 insurance business in Great Britain under the Insurance Companies Act 1974(b) as modified by the Insurance Companies (Classes of General Business) Regulations 1977(c).

(ii) The Company shall at all times during the continuance of the lease granted under Article 8(1) hereof maintain an approved public liability policy in the joint names of the Company and the Council with an approved insurer providing maximum cover in respect of any one accident on or occasioned by the operation of the Council's Railway of not less than £1million and in default thereof the Council may (without prejudice to any other powers granted under this Order) effect and maintain such policy and pay the premiums payable in respect thereof so that the premiums so paid and all incidental expenses shall be repaid by the Company to the Council on demand.

(a) 1968 c. 73.

(b) 1974 c. 49.

(c) S.I. 1977/1552

- (iii) The Company shall at the request of the Council produce to the Council such evidence that may be requisite for the purpose of proving compliance with the foregoing provisions of this paragraph.
- (iv) The Company shall not work the Council's Railway unless there is in force such a public liability policy as is hereinbefore referred to.
- (v) If the Company shall fail to comply with the provisions of (ii) or (iv) of this paragraph they shall be liable on summary conviction to a fine not exceeding £100 and on conviction on indictment to a fine.

(2) Notwithstanding and without prejudice to the provisions of the foregoing paragraph of this Article the Council may effect and maintain a public liability policy in its own name with an insurer providing such cover for such period or periods and generally in such manner as the Council may from time to time determine.

(3) During such times as the Company are not operating the railway under the lease granted under Article 8(1) hereof the Council shall not work the Council's Railway unless there is in force such a public liability policy as is referred to in paragraph (1) of this Article and the Council shall on those occasions be liable for failure to comply with this provision on the terms referred to in sub-paragraph (v) of that paragraph.

(4) The adequacy of the cover provided by a public liability policy maintained in accordance with this Article shall be regularly reviewed by the body who is required to effect and maintain the said policy.

Recovery of penalties

10. Any penalty under this Order may be recovered in manner provided by the Magistrates' Courts Act 1952(a).

Costs of Order

11. All costs, charges and expenses of and incidental to the preparing for, obtaining and making of this Order or otherwise in relation thereto shall be paid by the Council and may in whole or in part be defrayed out of capital or revenue.

Signed by Authority of
the Secretary of State
20th March 1978.

J. Palmer,
An Under Secretary in
the Department of Transport

(a) 1952 c. 55.

SCHEDULE

Such part of the London extension of the former Great Central Railway in the County of Leicester as comprises so much of the Railway (No. 1) described in and authorised by the Manchester, Sheffield and Lincolnshire Railway (Extension to London & c.) Act 1893(a) (as altered in level pursuant to section 4 of the Manchester, Sheffield and Lincolnshire Railway Act 1894(b) and widened pursuant to section 5 of the London and North Eastern Railway Act 1938(c) as extends from a point in the Borough of Charnwood 44 metres south west of the south west abutment of the bridge formerly carrying such railway over the Leicester to Derby railway of the Board at Loughborough to the boundary of the said Borough with the City of Leicester at the former Belgrave and Birstall Station.

(a) 1893 c. i.

(b) 1894 c. lxxxi.

(c) 1938 c. liii.

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