
S T A T U T O R Y I N S T R U M E N T S

1981 No. 1083

TRANSPORT

The Midland Railway Centre Light Railway Order 1981

Made - - - - - 27th July 1981

Coming into operation 28th July 1981

The Secretary of State for Transport on the application of the Derbyshire County Council and the Midland Railway Trust Limited and in exercise of powers conferred by sections 3, 7, 9, 10, 11, 12 and 18 of the Light Railways Act 1896(a), and section 121 (2) of the Transport Act 1968(b), and now vested in him(c), and all other powers enabling him in that behalf hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Midland Railway Centre Light Railway Order 1981 and shall come into operation on 28th July 1981.

Interpretation

2. 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 Company” means the Midland Railway Trust Limited incorporated under the Companies Act 1948(d) and having its registered office at Butterley Station, Ripley, Derbyshire;

“the Council” means the Derbyshire County Council;

“the lease” means any lease granted in pursuance of the powers of paragraph (1) of article 5 (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 principal Act” means the Light Railways Acts 1896 and 1912, as amended by the Railways Act 1921;

“the railway” means the railway of the Board described in the Schedule to this Order, including all lands and works relating thereto and the branch railway extending in a north-easterly direction from Swanwick Junction for a distance of 500 yards;

“the Secretary of State” means the Secretary of State for Transport;

“the transfer date” means the day on which the railway or any part thereof is vested in the Council by virtue of an agreement made under article 3 (Transfer of railway to Council) of this Order.

(a) 1896 c. 48, as amended by the Light Railways Act 1912 (c. 19) and Part V of the Railways Act 1921 (c. 55).

(b) 1968 c. 73.

(c) S.I. 1970/1681, 1979/571 and 1981/238.

(d) 1948 c. 38.

Transfer of railway to 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 railway or any part thereof on such terms and conditions as may be agreed between the Board and the Council.

(2) As from the transfer date 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 railway or such part thereof as is transferred as aforesaid.

(3) As from the transfer date the Council may work the railway as a light railway under the principal Act.

Application of enactments

4.—(1) Subject to the provisions of this Order such of the enactments set out in the Second Schedule to the Light Railways Act 1896 as are still in force (except section 22 (Means of communication between passengers and the Company's servants to be provided) of the Regulation of Railways Act 1868(a) and section 1 (Power to order certain provisions to be made for public safety) and section 5 (Penalty for avoiding payment of fare) of the Regulation of Railways Act 1889(b)) shall cease to apply to the railway.

(2) In its application to the 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.

Leasing of railway to Company

5.—(1) As from the transfer date 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 in accordance with article 3 (Transfer of railway to Council) of this Order 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 such rights, interests, powers and privileges and be subject to all such obligations of the Council whether 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.

Provisions as to bridges

6. Without prejudice to the generality of the foregoing, during the continuance of the lease sections 116, 117, 118 and 119 of the Transport Act 1968 shall apply to the 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.

(a) 1868 c. 119.

(b) 1889 c. 57.

Restriction of weight on rails and of speed; conveyance of passengers

7.—(1) The Council shall not use upon the 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 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 railway shall be used for the conveyance of passengers without the prior written permission of the Secretary of State and the Council shall comply with any conditions which the Secretary of State may from time to time prescribe for the safety of persons using the railway.

(4) If the Council contravene any of the provisions of this article they shall for each offence be liable on summary conviction to a fine not exceeding £50.

Public liability insurance

8.—(1) In this article—

“insurer” means any insurer or insurers authorised under the Insurance Companies Act 1974^(a) to carry on in Great Britain or in Northern Ireland insurance business of a relevant class or who has corresponding permission under the law of another member state of the European Economic Community;

“policy” means a public liability policy with an insurer providing maximum cover in respect of any one accident on or occasioned by the operation of the railway of not less than £1,000,000.

(2) (i) The Company shall not work the railway unless there is in force a policy.

(ii) In default of compliance with the provisions of this paragraph the Company shall be liable on summary conviction to a fine not exceeding £100 and on conviction on indictment to a fine.

(3) The Company shall while the railway is leased to the Company—

(a) at all times maintain a policy approved by the Council in the joint names of the Company and the Council 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;

(b) at the request of the Council produce to the Council such evidence as may be requisite for the purpose of proving compliance with the provisions of this paragraph.

(4) Notwithstanding and without prejudice to the provisions of this article, the Council may while the railway is leased to the Company effect and maintain a policy in their 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:

Provided that, during such times as the Company are not operating the railway under a lease granted under article 5 (1) of this Order, the Council shall not work the railway unless there is in force a policy and the Council shall on those occasions be liable for failure to comply with this provision on the terms referred to in paragraph (2) of this article.

(a) 1974 c. 49.

(5) The adequacy of the cover provided by a policy maintained in accordance with this article shall be regularly reviewed by the body which is required to effect and maintain the policy.

Costs of Order

9. 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 Company and may in whole or in part be defrayed out of revenue.

Signed by authority of
the Secretary of State
27th July 1981

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

SCHEDULE

So much of the railway of the Board in the district of Amber Valley in the county of Derbyshire and the district of Ashfield in the county of Nottinghamshire as comprises—

- (a) such part of the former Midland Railway thirdly described in and authorised by section 28 (Power to make railways &c.) of the Midland Railway (New Lines and Additional Powers) Act 1865(a) (as altered in line and levels under section 19 (Power to make railways) of the Midland Railway (Additional Powers) Act 1868(b)) as lies between a point 31 yards east of Asher Lane, Hammersmith, in the parish of Pentrich and a point 183 yards east of the bridge carrying the said railway over the river Erewash at Pye Bridge, in the parish of Selston;
- (b) such part of the Codnor Park curve of the former Midland Railway described in and authorised by section 19 (Power to make railways) of the Midland Railway (Additional Powers) Act 1868 as extends in a north-western direction from a point 19 yards south of the bridge carrying that railway over Victoria Street, Pye Bridge aforesaid; and
- (c) such part of the Ripley branch of the former Midland Railway comprising so much of the Railway (No. 1) described in and authorised by section 4 (Power to make New Railways and Widening) of the Midland Railway (Additional Powers) Act 1884(c) at Hammersmith aforesaid as extends from its junction with the railway firstly hereinbefore described in a south-western direction to a point 33 yards north-east of Asher Lane.

(a) 1865 c. cccxxv.

(b) 1868 c. xliii.

(c) 1884 c. xcvi.