
STATUTORY INSTRUMENTS

1984 No. 1202

TRANSPORT

The Severn Valley Light Railway Order 1984

Made - - - 20th July 1984

Coming into Operation 21st July 1984

The Secretary of State for Transport, on the application of the Severn Valley Railway (Holdings) PLC and in the exercise of powers conferred by sections 7, 9, 10, 11, 12, 18 and 24 of the Light Railways Act 1896(a), and section 121(2) of the Transport Act 1968(b), and now vested in him(c), 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 Severn Valley Light Railway Order 1984 and shall come into operation on 21st July 1984.

(2) The British Railways Board (Severn Valley) Light Railway Order 1970(d), the British Railways Board (Severn Valley) Light Railway (Transfer) Order 1970(e), the British Railways Board (Severn Valley) Light Railway Order 1973(f), the Severn Valley Light Railway (Transfer) Order 1974(g), the British Railways Board (Severn Valley) Light Railway (Transfer) Order 1974(h), and this Order may be cited together as the Severn Valley Light Railway Orders 1970 to 1984.

Interpretation

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

“the Board” means the British Railways Board;

“the Company” means the Severn Valley Railway (Holdings) PLC, incorporated under the Companies Act 1948 and having its registered office at The Railway Station, Bewdley, Worcestershire;

“the Company’s railways” means the Company’s existing railway from Bridgnorth to Foley Park together with Railway No. 1 and Railway No. 2 authorised by the Severn Valley Light Railway Orders 1970 to 1984;

“the deposited plan” and “the deposited section” mean respectively the plan and section deposited in respect of the application for this Order with the Secretary of State for Transport;

(a) 1896 c.48.

(b) 1968 c.73.

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

(d) S.I. 1970/7.

(e) S.I. 1970/778.

(f) S.I. 1973/357.

(g) 1974/642.

(h) S.I. 1974/643.

“the lease” means any lease granted in pursuance of Article 6(1) of this Order, any extension of the same and any new lease from the Board to the Company of land required in connection with Railway No. 2, granted under any statutory powers or provisions;

“Railway No. 1” means the Railway No. 1 described in the Schedule to this Order;

“Railway No. 2” means the Railway No. 2 described in the Schedule to this Order and authorised to be constructed, made and maintained by the Company pursuant to Article 5 thereof;

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

“the transfer date” means the day on which Railway No. 1 is vested in the Company by virtue of an agreement made pursuant to article 4(1) of this Order.

(2) In this Order, all distances, lengths, measurements and directions stated in any description of works, powers of lands shall be construed as if the words “or thereabouts” were inserted after each such distance, length, measurement and direction, and distances between points on a railway shall be taken to be measured along the railway.

Amendment of Orders

3. The British Railways Board (Severn Valley) Light Railway Order 1970, the British Railways Board (Severn Valley) Light Railway (Transfer) Order 1970, the British Railways Board (Severn Valley) Light Railway Order 1973, the Severn Valley Light Railway (Transfer) Order 1974 and the British Railways Board (Severn Valley) Light Railway (Transfer) Order 1974 are hereby amended or extended in accordance with the provisions of this Order.

Transfer of Railway No. 1

4.—(1) The Board and the Company may enter into and carry into effect agreements for the transfer to and the vesting in the Company of Railway No. 1 or any part thereof on such terms and conditions as may be agreed between the Board and the Company.

(2) As from the transfer date the Company 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 Railway No. 1 or such part as is transferred as aforesaid.

(3) As from the transfer date the Company may work Railway No. 1 as a light railway under the principal Act and in accordance with the provisions of this Order.

Power to make Railway No. 2

5. Subject to the provisions of this Order the Company may construct, make and maintain Railway No. 2 in the lines and according to the levels and within the limits of deviation shown on the deposited plan and the deposited section with all proper rails, plates, sidings, junctions, bridges, culverts, drains,

(a) 1912 c.19.

(b) 1921 c.55.

approaches, roads, yards, buildings and other works and conveniences connected therewith including a station, premises, workshops and facilities and work the same as a light railway under the principal Act and in accordance with the provisions of this Order.

Land required in connection with Railway No. 2

6.—(1) The Board may sell or lease to the Company any land required in connection with the construction of Railway No. 2 on such terms and conditions as may be agreed between the Board and the Company.

(2) As from the completion of the sale or during the continuance of the lease the Company shall to the exclusion of the Board be entitled to the benefit of, and to exercise, all 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 said land as is comprised in the sale or in the lease.

Incorporation and application of enactments

7.—(1) The following provisions of the Railway Clauses Consolidation Act 1845(a), so far as the same are applicable for the purposes and are not inconsistent with, or varied by, the provisions of this Order, are incorporated with, and form part of, this Order:—

Section 11 (limiting deviation from datum line described on sections, etc.);

Section 16 (works to be executed);

Section 68 (maintenance of gates, bridges, fences, drains and watering places);

Section 75 (penalty on persons omitting to fasten gates).

Section 87 (Company empowered to contract with other companies).

(2) Notwithstanding the provisions of subsection (1) of section 12 of the Light Railways Act 1896, the following enactments shall apply to the Company's railways:—

Regulation of Railways Act 1868(b) —

Section 22 (means of communication between passengers and the Company's servants to be provided);

Regulation of Railways Act 1889(c) —

Section 1 (power to order certain provisions to be made for public safety);
and

Section 5 (penalty for avoiding payment of fare).

(3) In its application to the Company's railways section 22 of the Regulation of Railways Act 1868 shall have effect as if the words "and travels more than twenty miles without stopping" were omitted therefrom.

(4) Without prejudice to the generality of the foregoing, sections 116, 117 and 118 of the Transport Act 1968 shall apply to the Company's railways as if references therein to the Board were references to the Company.

(a) 1845 c.20.

(b) 1868 c.119.

(c) 1889 c.57.

Gauge of Railway No. 2 and motive power

8. Railway No. 2 shall be constructed and operated on a gauge of 1432 millimetres (4 feet 8½ inches). The motive power to be used on the Company's railways shall be diesel or steam or internal combustion or such other motive power as the Secretary of State may approve:

provided that nothing in this Order shall authorise the company to use electrical power as motive power on the Company'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:

provided also that, if electrical power is used as motive power on the Company's railways, such electrical power shall not be used in such manner as to cause, or be likely to cause, any interference with any telegraphic line (as defined by the Telegraph Act 1878(a)) belonging to or used by British Telecommunications or with telegraphic communication by means of any such line.

Restrictions and conditions as to working of Company's railways

9.—(1) The Company shall not use upon the Company's railways 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 Company shall not run any train or engine on any part of the Company's railways at a rate of speed exceeding at any time that fixed by the Secretary of State for such part.

(3) No part of the Company's railways shall be used for the conveyance of passengers without the prior written permission of the Secretary of State and the Company shall comply with the conditions (if any) which the Secretary of State may from time to time prescribe for the safety of persons using the Company's railways.

(4) If the Company contravenes 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

10.—(1) In this article —

“insurer” means any insurer or insurers authorised under the Insurance Companies Act 1974(b) or the corresponding provisions for the time being in force in Northern Ireland 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 Company's railways of not less than one million pounds.

(2) (a) The Company shall not work the Company's railways unless there is in force a policy in accordance with the provisions of this article.

(a) 1878 c.76.

(b) 1974 c.49.

(b) In default of compliance with the provisions of this article the Company shall be liable on summary conviction to a fine not exceeding one thousand pounds or on conviction on indictment to a fine.

(3) The adequacy of the cover provided by a policy maintained in accordance with this article shall be regularly reviewed by the Company.

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

Signed by the authority of
the Secretary of State.
20th July 1984.

E. B. C. Osmotherly,
An Under Secretary in the
Department of Transport.

SCHEDULE

RAILWAY No. 1

Such part of the Board's Kidderminster loop railway at Kidderminster in the district of Wyre Forest in the county of Hereford and Worcester as commences at the eastern end of the railway authorised to be worked as a light railway by the British Railways Board (Severn Valley) Light Railway Order 1973(a) and terminates at a point 167 metres north-east of the bridge carrying Hoo Road over the first-mentioned railway together with the lands relating thereto including so much thereof as is referred to in the Great Western Railway (Additional Powers) Act 1924(b) and in the Great Western Railway Act 1926(c).

RAILWAY No. 2

A new railway of 803 metres in length at Kidderminster in the district of Wyre Forest in the county of Hereford and Worcester commencing at the termination of Railway No. 1 and terminating at a point 80 metres south of Comberton Road (the A448) at its western approach to the bridge carrying that road over the Board's Worcester and Birmingham railway.

(a) S.I. 1973/357.

(b) 1924 c.1.

(c) 1926 c.lxxxviii.

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