
STATUTORY INSTRUMENTS

1994 No. 1803

The Chinnor and Princes Risborough Railway Order 1994

Citation and commencement

1. This Order may be cited as the Chinnor and Princes Risborough Railway Order 1994 and shall come into force on 26th July 1994.

Interpretation

2.—(1) In this Order, unless the context otherwise requires:—

“the Association” means Chinnor & Princes Risborough Railway Association (Registered Charity No 1016237) incorporated under the Companies Act 1985⁽¹⁾ as a company limited by guarantee and whose registered office is at 3 Honey Banks, Tring Road, Wendover, Buckinghamshire, HP22 6NA;

“the authorised railway” means the railway described in Schedule 1 to this Order, including all land and works comprised in, or relating to, that railway;

“the Board” means the British Railways Board;

“the Company” means Chinnor & Princes Risborough Railway Company Limited incorporated under the Companies Act 1985 and whose registered office is at 37 Lytham Avenue, Watford, Hertfordshire, WD1 6XA;

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

“protective equipment” includes gates, barriers, lights, traffic signs (within the meaning of the Road Traffic Regulation Act 1984⁽²⁾), manual, mechanical, automatic, electronic or telephonic equipment or other devices;

“reference point” means Ordnance Survey National Grid reference point;

“the transfer date” means the day on which the authorised railway or any part of it is vested in the Association by virtue of an agreement made under article 4 of this Order;

“the undertaker” means the Association or, during the continuance of the lease referred to in article 4 of this Order, the Company.

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

Application of Railways Clauses Acts

3.—(1) Section 47 of the Railways Clauses Consolidation Act 1845⁽³⁾ (roads crossed on a level) and section 6 of the Railways Clauses Act 1863⁽⁴⁾ (lodges at level crossings) shall cease to apply to the authorised railway.

(1) 1985 c. 6.

(2) 1984 c. 27, see section 64.

(3) 1845 c. 20.

(2) In its application to the authorised railway section 22 of the Regulation of Railways Act 1868⁽⁵⁾ shall be read, construed and have effect as if the words “and travels more than twenty miles without stopping” had been omitted.

Transfer of railway to Association; leasing to Company

4.—(1) The Board and the Association may enter into and carry into effect agreements providing for the transfer to and vesting in the Association of the authorised railway or any part of it on such terms and conditions as may be agreed between the Board and the Association.

(2) As from the transfer date the Association 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 authorised railway or such part of it as is transferred as aforesaid, with the intent that the Board shall be released from all such obligations.

(3) As from the transfer date the Association may lease to the Company the authorised railway or any part of it together with the rights, interests, powers, privileges and obligations vested in the Association in accordance with paragraph (2) of this article on such terms and conditions as may be agreed between the Association and the Company.

(4) During the continuance of the lease the Company shall to the exclusion of the Association be entitled to the benefit of and to exercise all rights, powers and privileges and be subject to all obligations of the Association whether statutory or otherwise as are transferred to or conferred on the Association by or in pursuance of this Order and are for the time being in force in respect of the authorised railway or such part of it as is comprised in the lease.

Maintenance of approved works etc.

5.—(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 Secretary of State with respect to any works, plant or equipment (including vehicles) forming part of the authorised 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 authorised railway.

(2) If without reasonable cause the provisions of paragraph (1) above are contravened, the undertaker 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 Secretary of State or the Director of Public Prosecutions.

Provisions as to bridges

6. Without prejudice to the generality of the foregoing, sections 116, 117 and 118 of the Transport Act 1968 shall, from the transfer date, apply to the authorised railway as if references therein to the Board were references to the undertaker.

Wainhill Crossing

7. The provisions set out in Schedule 2 to this Order shall apply to the level crossing of the unclassified road at Wainhill (reference point SP 766013) in the Parish of Chinnor, Oxfordshire.

(4) 1863 c. 92.

(5) 1868 c. 119.

Little Horsenden Crossing

8.—(1) So long as the highway crossing the authorised railway at Little Horsenden (reference point SP 787035) in the Parish of Longwick-cum-Ilmer, Buckinghamshire is classified as a footpath, the provisions set out in Part 2 of Schedule 3 to this Order shall apply to it.

(2) If the highway referred to in paragraph (1) of this article shall be reclassified as a highway of a type other than a footpath, then the undertaker shall provide, maintain and operate at or near the crossing such gates, signs and safety equipment as the Secretary of State may in writing approve, and such gates, signs and equipment shall be maintained and operated to the satisfaction of the Secretary of State in such manner as he may from time to time determine.

(3) If the said highway should be reclassified as a highway of a type other than a footpath, the provisions set out in Part 2 of Schedule 3 to this Order shall continue to apply to the extent compatible with the new highway status, subject to any approval of different equipment by the Secretary of State under paragraph (2) of this article.

Public footpath and bridleway level crossings

9.—(1) The crossings referred to in Part 1 of Schedule 3 to this Order shall be maintained in their existing form as public footpath or bridleway level crossings.

(2) The provisions set out in Part 2 of Schedule 3 to this Order shall apply to the said footpath and bridleway level crossings.

Restrictions as to the conveyance of passengers

10. No part of the authorised railway shall be used for the conveyance of passengers without the prior written permission of the Secretary of State.

For protection of National Rivers Authority

11.—(1) For the protection of the National Rivers Authority (in this article referred to as “the Authority”) the following provisions of this article shall, unless otherwise agreed in writing between the undertaker and the Authority, apply and have effect.

(2) Nothing in this Order or in any enactment incorporated with or applied by this Order shall prejudice or affect the operation of section 109 of the Water Resources Act 1991⁽⁶⁾ or any byelaws made under that Act or the Land Drainage Act 1991⁽⁷⁾ in relation to anything done under or in pursuance of this Order.

- (a) (3) (a) Before carrying out any works involving the erection or raising of any obstruction to the flow of any watercourse which is not part of a main river within the meaning of section 113 of the Water Resources Act 1991 or the construction, alteration or replacement of any culvert or any structure designed to contain or divert the flow of any watercourse in, under or through any land held for the purpose of or in connection with the authorised railway the undertaker shall furnish to the Authority proper and sufficient plans thereof for the approval of the Authority and shall not carry out the said works until the said plans have been approved in writing by the Authority;
- (b) The approval of plans furnished under this paragraph shall not be unreasonably withheld and, if within two months after such plans have been supplied to the Authority, the Authority has not intimated its disapproval and the grounds of its disapproval it shall be deemed to have approved the plans as supplied;

⁽⁶⁾ 1991 c. 57.

⁽⁷⁾ 1991 c. 59.

- (c) For the purposes of this article, “plans” includes sections, drawings, specifications, calculations and descriptions.
- (4) Any culvert or any structure designed to contain or divert the flow of any watercourse situated within any land held for the purpose of or in connection with the authorised railway whether constructed under the powers of this Order or in existence prior to the making hereof, shall be maintained by the undertaker in good repair and condition and free from obstruction.
- (5) If any obstruction is erected or raised or any culvert is constructed, altered or replaced in contravention of this article the undertaker shall upon receiving notice from the Authority take such action as may be necessary to remedy the effect of the contravention to the Authority’s satisfaction and in default the Authority may itself take such action as may be necessary and recover the expenses reasonably incurred by it in so doing from the undertaker as a debt due from them to the Authority.
- (6) Any dispute or difference which may arise between the Authority and the undertaker under this article shall be referred to a single arbitrator to be agreed upon between the parties or, failing such agreement, to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either party (after notice in writing to the other of them).
- (7) The provisions of the Railways Clauses Consolidation Act 1845 applied to the authorised railway shall be subject to the provisions of this article.

Signed by authority of the Secretary of State for Transport

4th July 1994

J. R. Coates
An Under Secretary,
Department of Transport