
STATUTORY INSTRUMENTS

1995 No. 2446

**TRANSPORT AND WORKS
TRANSPORT**

The Trafford Park Railway Order 1995

Made - - - - - *6th September 1995*

Coming into force - - - *12th September 1995*

The Secretary of State for Transport, on application made to him in accordance with rules(1) made under section 6 of the Transport and Works Act 1992(2) (hereinafter referred to as “the Act”) by the Trafford Park Company for an Order made under section 1 of the Act, being satisfied in accordance with section 13(1) of the Act that its requirements in relation to any objections have been satisfied, and having determined to give effect to the proposals comprised in such application with modifications, in exercise of the powers conferred on him by sections 1 and 5 of, and paragraphs 1, 2, 16 and 17 of Schedule 1 to, the Act, and of all other powers enabling him in that behalf, hereby makes the following Order:

**PART I
PRELIMINARY**

Citation and commencement

1. This Order may be cited as the Trafford Park Railway Order 1995 and shall come into force on 12th September 1995.

Interpretation

2. In this Order, unless the context otherwise requires—

“authorised works” means the works authorised by this Order;

“the deposited plans” means the plans prepared in connection with the application for this Order, marked by the Department of Transport as being the plans of this Order;

(1) S.I.1992/2902.
(2) 1992 c. 42.

“the new highway” means the Ashburton Road roundabout (Village Circle) proposed to be constructed by the Trafford Park Development Corporation as shown on Drawing Number 9602/300/003 in the deposited plans;

“the new level crossings” means the following three new public level crossings where the new highway will cross the new railway;

- (a) Village Circle (Westbound slip to Trafford Park Road) at the reference points 379743.967 East and 396813.742 North;
- (b) Village Circle (Eastbound) at the reference points 379768.923 East and 396803.891 North;
- (c) Village Circle (Westbound) at the reference points 379835.311 East and 396704.289 North;

“the new railway” means 650 metres of railway and works being or to be constructed between Trafford Park Road (Village Circle) and Westinghouse Road (Europa Circle) and the associated engine turning facility at Trafford Park Road on the South Western side of its junction with Westbrook Road, Trafford Park, Greater Manchester as shown on the deposited plans;

“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) or 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;

“street” includes part of a street;

“street authority”, in relation to a street, means the Trafford Metropolitan Borough Council;

“the undertaker” means the Trafford Park Company, a statutory company constituted under the Trafford Park Act 1904⁽³⁾, whose principal office is at Neil House, Twining Road, Ashburton, Trafford Park, Manchester M17 1AT;

“the undertaker’s railway” means the various lengths of railway authorised by the West Manchester Light Railways Orders 1899 to 1906 (made under the Light Railways Act 1896)⁽⁴⁾ and the Trafford Park Act 1904 and the Trafford Park Act 1922⁽⁵⁾ and operated for the carriage of goods forming the Trafford Park railway network shown on the deposited plans.

Incorporation of Railways Clauses Consolidation Act

3.—(1) The following provisions of the Railways Clauses Consolidation Act 1845⁽⁶⁾ shall be incorporated in this Order—

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

section 105 (carriage of dangerous goods on railways);

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 authorised to be operated by this Order;

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

(3) 1904 c.ccxv.

(4) 1896 c. 48.

(5) 1922 c.xxvii.

(6) 1845 c. 20.

“railway”, in relation to any such provision, means the new railway authorised to be operated by this Order;

“the special Act” means this Order;

“toll” includes any rate or charge or other payment payable under this Order or any other enactment for any goods conveyed on the new railway authorised to be operated by this Order.

PART II

WORKS PROVISIONS

Streets

Permanent stopping up of streets

4.—(1) Subject to the provisions of this article, the undertaker may permanently stop up the part of the street specified in columns (1) and (2) of Schedule 1 to this Order to the extent specified, by reference to the letters and numbers shown on the deposited plans, in column (3) of that Schedule.

(2) The street specified in columns (1) and (2) of Schedule 1 to this Order (being a street to be stopped up for which no substitute is to be provided) shall not be wholly or partly stopped up under this article unless the condition specified in paragraph (3) below is satisfied in relation to all the relevant land; and for this purpose “relevant land” means any land which abuts on either side of the street to be stopped up.

(3) The condition referred to in paragraph (2) above is that:

- (a) the undertaker is in possession of the land, or
- (b) there is no right of access to the land from the street concerned, or
- (c) there is reasonably convenient access to the land otherwise than from the street concerned, or
- (d) the owners and occupiers of the land have agreed to the stopping-up.

Agreement with the street authority

5.—(1) The street authority and the undertaker may enter into agreements with respect to the stopping up of a street under the powers conferred by this Order.

(2) Such an agreement may, without prejudice to the generality of paragraph (1) above:

- (a) delegate to the street authority any function under this Order which relates to the street in question, and
- (b) contain such terms as to payment and otherwise as the parties consider appropriate.

PART III

MISCELLANEOUS AND GENERAL

Power to operate, use and maintain the new railway

6. The undertaker may operate, use and maintain the new railway and other authorised works as part of the undertaker’s railway for the carriage of goods.

Maintenance of approved works etc.

7.—(1) Where pursuant to the Railways and other Transport Systems (Approval of Works, Plant and Equipment) Regulations 1994(7) approval has been obtained from the Secretary of State with respect to any works, plant or equipment (including vehicles) forming part of the railway authorised to be operated by this Order, 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 railway so authorised.

(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.

Service of notices

8.—(1) A notice or other document required or authorised to be served for the purposes of this Order may be served by post.

(2) Where the person on whom a notice or other document is to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(3) For the purposes of section 7 of the Interpretation Act 1978(8) as it applies for the purposes of this article, the proper address of any person in relation to the service on him of a notice or document under paragraph (1) above is, if he has given an address for service, that address, and otherwise—

- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body,
- (b) in any other case, his last known address at the time of service.

(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and his name or address cannot be ascertained after reasonable enquiry, the notice may be served by—

- (a) addressing it to him by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it), and
- (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

This article shall not be taken to exclude the employment of any method of service not expressly provided for by it.

No double recovery

9. Compensation shall not be payable in respect of the same matter both under this Order and under any other enactment, any contract or any rule of law.

Arbitration

10. Any difference under any provision of this Order shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President for the time being of the Institution of Civil Engineers.

(7) S.I. 1994/157.

(8) 1978 c. 30.

Provision of level crossings over new highway

11.—(1) In this article and in Schedule 2 below:

“the highway authority” means Trafford Metropolitan Borough Council;

“protective equipment” includes lights, traffic signs (within the meaning of section 64(1) of the Road Traffic Regulation Act 1984⁽⁹⁾), manual, mechanical, automatic, electrical or telephonic equipment or other devices.

(2) The highway authority and the undertaker may enter into agreements with respect to the construction and maintenance of the new level crossings; and such an agreement may contain such terms as to payment or otherwise as the parties consider appropriate.

(a) (3) (a) The undertaker shall provide, maintain and operate at or near each of the new level crossings the protective equipment specified in Part I of Schedule 2 to this Order or such additional or substituted protective equipment as the Secretary of State may in writing approve.

(b) The undertaker shall observe and comply with the requirements as to the operation of the new level crossings specified in Part II of that Schedule or such additional or substituted requirements as the Secretary of State may in writing approve.

(4) Nothing contained in or incorporated with this Order shall require the provision of any building or keeper at any of the new level crossings.

Provision for abandonment of redundant railway

12.—(1) In this article—

“the redundant railway” means those parts of the undertaker’s railway which extend

(a) along Trafford Park Road, Trafford Park from a point B for 1580 metres westwards to a point A, and

(b) along the central reservation of Westinghouse Road, Trafford Park from a point D westwards for 670 metres to a point 100 metres east of point C,

all of which points and dimensions are more particularly shown on the deposited plans.

(2) At the date when the new railway and the new level crossings have become capable in all respects of being used as part of the undertaker’s railway and any necessary approval of the kind referred to in article 7(1) has been obtained the redundant railway shall be abandoned and the undertaker shall be released from any obligation (statutory or otherwise) to maintain or operate the redundant railway.

(3) Any obligations (whether statutory or otherwise) of the undertaker to provide or maintain works, services or facilities in connection with the redundant railway shall be abrogated upon the abandonment of the redundant railway.

(4) Nothing in this article shall prejudice the operation of any statutory provision for the protection of the apparatus of North West Water Limited.

(9) 1984 c. 27.

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Signed by authority of the Secretary of State for Transport

Department of Transport
6th September 1995

R. A. Allan
An Under Secretary,

SCHEDULE 1

Article 4

Street to be permanently stopped up and for which no substitute is to be provided

(1) Area	(2) Street to be stopped up	(3) Extent of stopping-up
Trafford Park Greater Manchester	Part of Trafford Park Road opposite its junction with Westbrook Road	A length of 120 metres in three sections each of 600 millimetres width as shown on the deposited plans.

SCHEDULE 2

Article 11

1. In this Schedule:

- (a) All references to a regulation are references to that regulation in the Traffic Signs Regulations and General Directions 1994(10), as subsequently amended or modified;
- (b) references to crossings are references to any or all of the new level crossings, as the context requires; and
- (c) references to the carriageway are references to the carriageway of the new highway.

PART I

particulars of the protective equipment

2. There shall be a road traffic light controller to provide for the several road junctions, footways and cycleways between Ashburton Road, Trafford Park Road and Zero Avenue where these combine at the Village Circle on the Trafford Park Estate. This system shall normally work independently of the undertaker's railway to control the several traffic flows in phases as required.

3. A lamp which when illuminated shows a light signal of the size, colour and type shown in Diagram No. 4006 in the Regulations shall be provided at each of the 4 locations where the undertaker's railway crosses footways in the Village Circle traffic system shown on the deposited plans. The lamps shall each be located so as to be as close as practicable to the railway and shall be directed towards pedestrians approaching the crossing along the footways. It shall be possible to adjust the directional alignment of the lamps.

4. The road traffic light signal controller mentioned in paragraph 2 above shall be connected to the railway control system in such a manner that a special phase can be selected when it is required to pass a train through the Village Circle.

5. The special phase mentioned in paragraph 4 above shall be so arranged as to switch all road traffic light signals, pedestrian and cycleway signals applicable to movements over the railway to show red aspects to oncoming traffic. The red aspects thus switched shall continue to show until the special phase is released.

6. There shall be a primary control point on each rail approach to the Village Circle so located that there is a clear view of all the crossings from each. Each primary control point shall have a key operated main switch to energise the control point and switches to:

(10) S.I. 1994/1519.

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- (a) initiate the special phase of the road traffic light signal controller — the “initiate” switch; and
- (b) release the special phase of the road traffic light signal controller — the “cancel” switch.

7. There shall be a secondary control point on each rail departure side of the Village Circle so located that the head of or the locomotive of a train approximately 200 metres long can be stopped adjacent to it and clear of the nearest crossing in rear of the train. Each of the secondary control points shall have a key operated main switch to energise the control point and a switch to release the special phase of the road traffic light signal controller — a “cancel switch”.

8. A driver’s indicator shall be provided on each railway approach to the Village Circle and shall, when lit, show an intermittent white light. The white light shall only show if the road traffic light signal controller mentioned in paragraph 2 above has responded to the “initiate” switch mentioned in paragraph 6 above and the power supply has not failed.

9. A stop board of standard railway design displaying the words “Stop – Wait for white light and whistle before proceeding” shall be provided on each railway approach to the Village Circle approximately 25 metres before the carriageway edge on the nearest approach. The stop boards shall be provided with Class I retroreflecting material or shall be illuminated.

10. An advance warning board of standard railway design shall be provided on each railway approach to the Village Circle and shall be provided with Class I retroreflecting material or shall be illuminated.

11. In this Part—

“class I retroreflecting material” is material which satisfies British Standard 873, Part 6, or is of an equivalent standard.

PART II

requirements to be observed by the undertaker

12. Visual indicators shall be provided in each primary control point. The indicators shall show when—

- (a) the main power supply is available.
- (b) the road traffic light signal controller has responded to the “initiate” switch and the road traffic light signals are conditioned to show red aspects to road traffic and pedestrians approaching the crossings.

13. When one or other of the key switches mentioned in paragraph 6 above is unlocked and the “initiate” switch is operated the sequence of events to close the crossing to road traffic shall automatically begin. The sequence shall be:

- (a) The road traffic light signal controller shall immediately register the requirement for a train to pass and shall progress as soon as practicable to the special phase mentioned in paragraph 4 above.
- (b) When the road traffic light signal controller has selected the special phase the pedestrian signals shall immediately show red lights and the amber lights in the road traffic signals approaching the railway shall immediately show.
- (c) The amber lights shall show for approximately 3 seconds.
- (d) Immediately the amber lights are extinguished the red lights in the road traffic light signals approaching the railway shall show.

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- (e) Not less than 27 seconds shall elapse between the time when the amber lights first show and the time when the train reaches the nearest carriageway.
- (f) The road traffic light signal controller shall be released as soon as the train has passed clear of the Village Circle and the “cancel” switch has been operated in one or other of the relevant control points.
- (g) Drivers shall bring their trains to a halt at the stop boards mentioned in paragraph 9 above and shall sound the train’s whistle before proceeding.
- (h) Trains travelling in either direction shall not proceed over the Village Circle until the white lights of the lamps mentioned in paragraph 8 above show. If the white light fails to show, drivers shall not proceed until they have been directed to do so by the shunter in charge.

14. The undertaker shall give notice in writing to the Secretary of State as soon as the provisions of this Schedule (so far as they relate to the provision and system of operation of the protective equipment) have been met, so that the system may be inspected by H.M. Railway Inspectorate as soon as reasonably practicable thereafter.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the operation, use and maintenance of a new length of railway and ancillary works constructed to form part of the Trafford Park freight railway undertaking and the abandonment of certain lengths of the undertaker’s existing railway, consequential upon commissioning of the new length of railway and ancillary works.

Ancillary to that main purpose this Order authorises the stopping up of part of Trafford Park Road to provide an adequate safety zone for the operation of part of the existing railway.

Article 11 and Schedule 2 provide for a Manually Operated Crossing Protection system located on the new length of railway. The controls of this system are interlinked with those of the road traffic light signal system controlling road traffic on the Ashburton Road roundabout (Village Circle) so that road traffic can be brought under road traffic light signal control when it is required to pass a train through the carriageways, footways and cycleways forming the road traffic system.

This Order is supplemental to the West Manchester Light Railways Orders 1890 to 1906 and the Trafford Park Acts 1904 to 1922.

Copies of this Order and the deposited plans are available for inspection free of charge, Mondays to Fridays between the hours of 9.00 am and 5.00 pm, at the following offices:

Trafford Park Company, Neil House, Twining Road, Ashburton, Trafford Park, Manchester M17 1AT;

Trafford Park Development Corporation, Trafford Wharf Road, Wharfside, Trafford Park, Manchester M17 1EX;

Trafford Metropolitan Borough Council, Trafford Town Hall, Talbot Road, Stretford, Greater Manchester M32 0YX,

and at all reasonable hours at the offices of the Secretary of State, Great Minster House, 76 Marsham Street, London SW1P 4DR.

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The British Standards specification referred to in Schedule 2 paragraph 11 can be obtained from the British Standards Institution at 389 Chiswick High Road, London W4 4AL and also from HMSO bookshops.