STATUTORY INSTRUMENTS

1977 No. 1741

TRANSPORT

The Abergwili and Llanpumsaint Light Railway Order 1977

Made - - - - 24*th October* 1977

Coming into Operation 3*rd November* 1977

The Secretary of State for Transport on the application of the Gwili Railway Company Limited and in exercise of powers conferred by sections 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 may be cited as the Abergwili and Llanpumsaint Light Railway Order 1977 and shall come into operation on 3rd November 1977.

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 Company" means the Gwili Railway Company Limited;

"the principal Act" means the Light Railways Acts 1896 and 1912, as amended by the Railways Act 1921;

"the enabling Act" means the Carmarthen and Cardigan Railway (Deviation) Act 1856(e);

"the County Council" means the Dyfed County Council;

"the Board's railway" means so much of the railway or former railway of the Board described in and authorised by the enabling Act as extends from a point in the community and district of Carmarthen in the County of Dyfed 523 yards (478.23 metres) south west of the south eastern face of the bridge carrying the A485 road over the said railway to the southern-most abutment of the bridge over the unclassified road in the community of Llanpumsaint in the said district 77 yards (70.4 metres) south of the southern ends of the platforms of the former Llanpumsaint Station and includes all lands and works relating to that part of the said railway or former railway;

"the Company's railway" means the railway authorised to be constructed, made and maintained by the Company pursuant to Article 4 hereof.

(a) 1896 c. 48. (b) 1912 c. 19. (c) 1921 c. 55.
(d) S.I. 1970/1681 (1970 III, p. 5551). (e) 1856 c. lxviii.

(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 the transfer of the Board's railway to the Company

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

(2) As from the date upon which such transfer takes effect the Company shall to the exclusion of the Board be entitled to the benefit of and to exercise all rights, powers, 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 Company's railway

4.—(1) The Company may on the lands acquired from the Board 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 Company's railway or any part thereof shall be subject to all statutory and other provisions applicable to the Board's railway (insofar as the same are still subsisting and capable of taking effect) and the Company 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 (insofar as the same are still subsisting and capable of taking effect).

(3) Such of the enactments mentioned in the Second Schedule to the Light Railways Act 1896 as are still in force shall cease to apply to the Company's Railway except for section 22 of the Regulation of Railways Act 1868**(b)** (means of communication between passengers and the Company's servants to be provided) and section 1 of the Regulation of Railways Act 1889**(c)** (power to order certain provisions to be made for public safety).

(4) Section 22 of the Regulation of Railways Act 1868 shall be read and have effect as if the words "and travels more than twenty miles without stopping" had been omitted.

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

5.—(1) The Company shall not use upon the Company'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 Company shall not run any train or engine upon any part of the Company'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 said 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 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 said railway.

(a) 1889 c. 63. **(b)** 1868 c. 119. **(c)** 1889 c. 57.

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

Alterations to Level Crossings

6. Notwithstanding anything in the enabling Act or in any enactment incorporated therewith and except as hereinafter provided:—

(1) The Company shall not be required to erect or maintain a station or lodge at any of the level crossings or be subject to any regulations with regard to the speed of trains thereover except as provided in this Order.

(2) The Company shall provide at Pont-y-felin Crossing and shall maintain and operate the traffic signs and other devices and appliances specified in Part I of the Schedule to this Order and the Company shall observe the conditions and requirements specified in Part II of the said Schedule in relation to the said level crossing and the use and operation thereof.

(3) (*a*) The gates at Bronwydd Road Crossing shall be kept closed across the railway except when engines or vehicles passing along the railway have occasion to cross the B4301 public road. A traffic sign of the type shown in diagram 537 in the Regulations currently in force made under the Road Traffic Regulations Act 1967**(a)** shall be provided on the approach roads to the crossing.

(*b*) The said gates shall at all times be maintained in a fit and proper state of repair.

(*c*) On summary conviction a fine not exceeding twenty pounds may be imposed for failure to comply with the provisions of this paragraph.

As to Public Liability Insurance

7.—(1) The Company shall at all times maintain an approved public liability policy with an approved insurance company providing cover in respect of any accident on or occasioned by the operation of the Company's railway of not less than one million pounds and the adequacy of the cover provided by the policy shall be regularly reviewed by the Company.

(2) The Company shall at the request of the County Council produce to the County Council such evidence as may be requisite for the purpose of proving compliance with paragraph (1) of this Article.

(3) The Company shall not work the said railway unless there is in force such a public liability policy as is referred to in paragraph (1) of this Article.

(4) If the Company shall fail to comply with the provisions of paragraph (1) or paragraph (3) of this Article they shall be liable on summary conviction to a fine not exceeding one hundred pounds or on conviction on indictment to a fine.

Recovery of Penalties

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

(a) 1967 c. 76. **(b)** 1952 c. 55.

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
24th October 1977.

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

THE SCHEDULE

PART I

PARTICULARS OF TRAFFIC SIGNS AND OTHER DEVICES AND APPLIANCES

(1) A St. Andrew's Cross traffic sign of the size, colour and type shown in diagram 542 in the Traffic Signs Regulations currently in force under the Road Traffic Regulation Act 1967 shall be mounted immediately over a "give way" sign to diagram 602 in the said Regulations below which a plate to Department of Transport Drawing No. WM 602.1 shall be mounted on the same post. These signs shall be provided on the nearside of the carriageway on each approach to the crossing as close to it as practicable but not nearer than 2.0 metres from the running edge of the nearest rail.

(2) Advance warning signs of the size, colour and type shown in diagram 538 in the aforesaid Regulations with a plate to diagram 572 stating the distance to the crossing shall be provided on each road approach to the crossing.

(3) Reflectorised give way lines of the size, colour and type shown in diagram 1003 in the aforesaid Regulations shall be provided but not nearer than 2.0 metres from the running edge of the nearest rail at right angles to the carriageway on each approach to the crossing. The give way lines shall extend across the carriageway. In addition a road marking diagram 1023 shall be provided on each road approach.

(4) The carriageway shall be 4.0 metres wide. The two edges where it passes over the level crossing shall be clearly marked with a reflectorised continuous longitudinal white line and the markings may be continued on either approach.

(5) Cattle-cum-trespass guards of standard British Railways design shall be provided and shall extend the full width between the protecting fences on both sides of the crossing. The guards shall be immediately adjacent to the edge of the made up area of the crossing.

PART II

Conditions and Requirements to be Observed

(1) The surface of the carriageway over the level crossing shall be maintained in a good and even condition.

(2) The ground at the two edges of the carriageway over the level crossing shall be made up to the level of the carriageway for a distance of not less than 1.0 metres beyond each edge.

(3) An advance warning board of standard British Railways design shall be provided on each railway approach to the level crossing facing rail traffic approaching the level crossing. The warning board shall be illuminated when the railway is used during the hours of darkness.

(4) A combined speed restriction and whistle board of standard British Railways design for 5 mile/h shall be provided on each of the railway approaches to the level crossing 20 seconds running time from the crossing at the crossing speed or at the braking distance for the crossing speed whichever is the greater. The board shall be illuminated when the railway is used during the hours of darkness.

(5) Trains travelling in either the Up or the Down direction shall not exceed 5 mile/h between the combined speed restriction and whistle board mentioned in paragraph (4) of this Part of this Schedule and the point at which they have passed clear of the level crossing. The train whistle shall be sounded between 0700 hours and 2330 hours when the train is at the said board.

STATUTORY INSTRUMENTS

1977 No. 1741

TRANSPORT

The Abergwili and Llanpumsaint Light Railway Order 1977

Printed in England by Harrison & Sons (London) Ltd., and published by Her Majesty's Stationery Office
150/22407 P.98 K6 11/77

ISBN 0 11 071741 4