STATUTORY INSTRUMENTS

1977 No. 519

TRANSPORT

The Alton and Alresford Light Railway Order 1977

Made - - - -	21*st March* 1977
Coming into Operation	31*st March* 1977

The Secretary of State for Transport on the application of the Winchester and Alton Railway 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 Alton and Alresford Light Railway Order 1977, and shall come into operation on 31st March 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 Winchester and Alton Railway Limited;

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

"the Board's Railways" means the railways or former railways of the Board more particularly described as Railway No. 1, Railway No. 2 and Railway No. 3 respectively in the Schedule hereto including all lands and works relating thereto;

"Railway No. 1" means Railway No. 1 described in the Schedule hereto;

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

(2) The Interpretation Act, 1889**(e)** shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(a) 1896 c. 48.
(b) 1912 c. 19.
(c) 1921 c. 55.
(d) S.I. 1970/1681 (1970 III, p. 5551).
(e) 1889 c. 63.

As to the transfer of the Board's Railways 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 Railways 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 benefits 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 Railways or such part thereof as is transferred as aforesaid.

Power to make Company's Railway

4.—(1) The Company may on the lands taken for and on the line of Railway No. 1 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 Railway No. 1 (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 Railway No. 1 (insofar as the same are still subsisting and capable of taking effect).

Incorporation of General Acts

5.—(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 of the Regulation of Railways Act 1868**(a)** (means of communication between passenger and the Company's servants to be provided) and section 1 of the Regulation of Railways Act 1889**(b)** (power to order certain provisions to be made for public safety) shall cease to apply to the Company's Railway.

(2) In its application to the Company's 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.

Gauge of Railway and Motive Power

6. The Company's Railway shall be constructed and operate on a gauge of four feet and eight and one half inches and the motive power shall be diesel or steam, electricity or internal combustion or such other motive power as the Secretary of State for Transport 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;

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

Provided also that if electrical power is used as motive power on the Company's Railway such electrical power shall not be used in such a 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 the Post Office or with telegraphic communication by means of such line.

Restriction of Weight on Rails and Consent of the Secretary of State to Operate

7.—(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 Company's Railway shall be used for the public 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 Company's Railway.

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

As to Public Liability Insurance

8.—(1) The Company shall at all times maintain a public liability policy with an insurance company of repute incorporated in the United Kingdom, having financial resources which are adequate to meet any claim, in the sum mentioned in paragraph (2) of this Article.

(2) The public liability policy maintained in accordance with paragraph (1) of this Article shall provide 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.

(3) The Company shall not work the Company's 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 this Article it 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

9.—(1) Any penalty under this Order may be recoverable in manner provided by the Magistrates Court Act 1952(b).

(2) Any expenses payable by or to the Company under this Order may be recoverable as a civil debt in manner provided by the Magistrates Court Act 1952.

(a) 1878 c. 76. (b) 1952 c. 55.

Costs

10. 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 be paid by it out of capital or revenue.

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

Signed by authority of
the Secretary of State
21st March 1977.

SCHEDULE

RAILWAY NO. 1

Such part of the Board's Alton and Winchester Railway as comprises:—

(*a*) so much of the railway firstly described in and authorised by section 16 of the Alton, Alresford and Winchester Railway Act 1861**(a)** and widened in part pursuant to section 4 of the South Western (Meon Valley) Railway Act 1897**(b)** as extends from a point 465 yards (425·19 metres) west of the western end of the platform at Alton Station in the Parish of Alton in the District of East Hampshire in the County of Hampshire to its junction with the railway next described

(*b*) so much of the railway secondly described in and authorised by the said section 16 of the Alton, Alresford and Winchester Railway Act 1861 as lies between its commencement at the aforesaid junction and a point in the Parish of New Alresford in the District of Winchester in the said County of Hampshire 10 feet (3.05 metres) west of the bridge carrying Bridge Road over the said railway.

RAILWAY NO. 2

That part of the Board's Meon Valley Railway comprising so much of the Railway (No. 2) described in and authorised by the said section 4 of the South Western (Meon Valley) Railway Act 1897 in the Parish of Alton aforesaid as extends from its junction with Railway No. 1 in a south westerly direction for a distance of 317 yards (289·86 metres).

RAILWAY NO. 3

That part of the Railway (No. 1) described in and authorised by section 4 of the Basingstoke and Alton Light Railway Order 1897 as lies between its junction at Alton with Railway No. 1 and the south eastern end of the bridge carrying the said Railway (No. 1) over Chawton Park Road.

(a) 1861 c. cxi. **(b)** 1897 c. xxxv.

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