STATUTORY INSTRUMENTS

1974 No. 1933

TRANSPORT

The British Railways Board (Minehead Branch) Light Railway Order 1974

Made - - - 18*th November* 1974

Coming into Operation 28*th November* 1974

The Secretary of State for the Environment on the application of the British Railways Board and in exercise of powers conferred by sections 7, 9, 10 and 18 of the Light Rail[illegible]t 1896(a) as amended by the Light Railways Act 1912(b) a[illegible]e Railways Act 1921(c) and now vested in him (d) a[illegible]s enabling him in that behalf hereby makes th[illegible]

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Citation and co[illegible]

1. This Order [illegible] November 1974, and may be cited [illegible]ehead Branch) Light Railway Orde[illegible]

Interpretation

2.—(1) In this Order u[illegible]e context otherwise requires the following expressions have the m[illegible]anings hereby respectively assigned to them, that is to say:—

"the Board" means the British Railways Board;

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

"the railway" means the railway more particularly described in the Schedule hereto.

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

Power to work railway as a light railway

3.—(1) Subject to the provisions of this Order—

(*a*) the Board may work as a light railway under the principal Act the railway;

(*b*) such of the enactments set out in the Second Schedule to the Light Railways Act 1896 as are still in force (except section 22

(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.

of the Regulation of Railways Act 1868(a) (means of communication between passengers 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 railway.

(2) In its application to the 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.

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

4.—(1) The Board shall not use upon the 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 Board shall not run any train or engine upon any part of the 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 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 Board shall comply with the conditions (if any) which the Secretary of State may from time to time prescribe for the safety of the public using the railway.

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

Recovery of penalties

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

Costs of Order

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

Signed by authority of the Secretary of State

W. J. Sharp,
An Under Secretary in the
Department of the Environment.

18th November 1974.

(a) 1868 c. 119.
(b) 1889 c. 57
(c) 1952 c. 55.

SCHEDULE

THE RAILWAY

The Minehead Branch railway of the Board comprising:—

(*a*) so much of the railway described in and authorised by the West Somerset Railway Act 1857(a) as lies between the 165¼ mile post (measured from Paddington Station London) west of Norton Fitzwarren Junction in the parish of Norton Fitzwarren in the district of Taunton Deane in the county of Somerset and the termination of the railway so authorised;

(*b*) the railway described in and authorised by the West Somerset Railway Amendment Act 1860(b); and

(*c*) the railway described in and authorised by the Minehead Railway Act 1871(c).

(a) 1857 c. cxlv.
(b) 1860 c. li.
(c) 1871 c. cxvi.