STATUTORY INSTRUMENTS

1975 No. 1449

TRANSPORT

The British Railways Board (Minehead Branch) Light Railway (Transfer and Amendment) Order 1975

Made - - - - 1*st September* 1975

Coming into Operation 11*th September* 1975

The Secretary of State for the Environment on the application of the Somerset County Council and in exercise of powers conferred by sections 3, 12 and 24 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 shall come into operation on 11th September 1975 and may be cited as the British Railways Board (Minehead Branch) Light Railway (Transfer and Amendment) Order 1975.

Interpretation

2.—(1) In this Order (and in the Schedules to 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 Council " means the Somerset County Council;

" the Company " means the West Somerset Railway Company Limited;

" the day of transfer " means the day on which the railway or any part thereof is vested in the Council;

" the lease " means any lease granted in pursuance of the powers in section 4(1) hereof, any prolongation of the same or any new lease granted under any statutory powers or provisions;

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

" the principal Order " means the British Railways Board (Minehead Branch) Light Railway Order 1974(e);

" the railway " means the railway authorised by the principal Order to be worked as a light railway under the principal Act;

" the Regulations " means the Regulations for the time being in force made or having effect as if made under the Road Traffic Regulation Act 1967(f) or any statutory re-enactment or modification of the same;

(a) 1896 c. 48.
(b) 1912 c. 19.
(c) 1921 c. 55.
(d) S.I. 1970/1681 (1970 III, p. 5551).
(e) S.I. 1974/1933.
(f) 1967 c. 76.

" the Act of 1857 " means the West Somerset Railway Act 1857(a);

" the Act of 1871 " means the Minehead Railway Act of 1871(b);

" Roebuck Gate Farm Crossing " means the crossing in the parish of Crowcombe in the District of West Somerset whereby the unclassified public road from Crowcombe Heathfield to a point approximately 450 metres north of Flaxpool on the A358 public road is crossed by the railway on the level;

" Leigh Farm Crossing " means the crossing in the parish of Crowcombe in the District of West Somerset whereby the unclassified public road from Lower Vexford to Haddon Oak is crossed by the railway on the level;

" Dunster East Crossing " means the crossing in the parish of Carhampton in the District of West Somerset whereby the unclassified public road from Marsh Street to Dunster Beach (known as Sea Lane) is crossed by the railway on the level;

" Dunster West Crossing " means the crossing in the parish of Carhampton in the District of West Somerset whereby the unclassified public road from Marsh Street to the Old Manor (known as Station Road) is crossed by the railway on the level;

" Watchet Footpath Crossing " means the crossing in the parish of Watchet in the District of West Somerset whereby the public footpath from Goviers Lane to Harbour Road is crossed by the railway on the level;

" Blue Anchor Crossing " means the crossing in the parish of Carhampton in the District of West Somerset whereby the B3191 public road from Carhampton to Blue Anchor is crossed by the railway on the level;

" Williton Crossing " means the crossing in the parish of Williton in the District of West Somerset whereby the C205 public road is crossed by the railway on the level;

" the level crossings " means Roebuck Gate Farm Crossing, Leigh Farm Crossing, Dunster East Crossing, Dunster West Crossing, Watchet Footpath Crossing, Blue Anchor Crossing and Williton Crossing.

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

As to transfer of railway to County Council

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

(2) As from the day of transfer the Council shall to the exclusion of the Board be entitled to the benefit of, and to exercise all the rights, powers and privileges and to be subject to all obligations of the Board whether statutory or otherwise for the time being in force in respect of the railway or such part thereof as is transferred as aforesaid.

As to leasing of the railway to the Company

4.—(1) As from the day of transfer the Council may lease to the Company such part or parts of the railway so vested on such terms and conditions as may be agreed between the Council and the Company.

(a) 1857 c. cxlv. (b) 1871 c. xcvi. (c) 1889 c. 63.

(2) During the continuance of the lease the Company shall to the exclusion of the Council be entitled to the benefit of, and to exercise all the rights, powers and privileges and be subject to all the obligations of the Council whether statutory or otherwise for the time being in force in respect of the railway or such part thereof as is comprised in the lease, excluding powers of acquisition of land otherwise than by agreement and then only with the consent of the Council.

(3) Notwithstanding the provisions of subsection (2) of Section 4 of the principal Order during the continuance of the lease the Company shall not run any passenger trains composed of diesel multiple-unit vehicles upon any part of the railway at a rate of speed exceeding at any time 40 m.p.h. or such lesser speed as may be fixed by the Secretary of State for such part and shall not run any other trains or engines at a rate of speed exceeding at any time 25 m.p.h. or such lesser speed as may be fixed by the Secretary of State for such part.

Provisions as to bridges

5. Without prejudice to the generality of the foregoing during the continuance of the lease sections 117, 118 and 119 of the Transport Act 1968(**a**) shall apply to the railway as if references therein to the Board were references to the Company and during such time as there is no lease continuing the said sections shall apply as if references therein to the Board were references to the Council.

As to loans to the Company

6.—(1) The Council is hereby authorised to advance to the Company by way of loan a sum not exceeding £60,000.

(2) Any money advanced under subsection (1) above shall—

(*a*) bear interest at such rate as may be determined by the Council from time to time; and

(*b*) be repayable at such time and under such conditions as may be determined by the Council at the time of the advance.

As to representation of Council on Board of Company

7. During the continuance of the lease the Council may be represented on the managing body of the Company and of any subsidiary thereof by a representative of the Council for such period or periods and generally in all respects as the Council may from time to time determine. Such representative shall not be subject to the provisions regulating the term of office retirement qualification and election of ordinary directors. Such representative may be any person as the Council may from time to time determine and without prejudice to the foregoing may be a member or official of the Council.

As to public liability insurance

8.—(1) (*a*) In this subsection " approved " means approved by the Council.

(*b*) The Company shall at all times during the lease maintain an approved public liability policy in the joint names of the Company and the Council with an approved insurance company providing maximum cover in respect of any one accident on or occasioned by the operation of the railway of not less than £1m. and in default thereof the Council may (without prejudice to any other powers

(a) 1968 c. 73.

granted under this Order) effect and maintain such policy and pay the premiums payable in respect thereof so that the premiums so paid and all incidental expenses shall be repaid by the Company to the Council on demand.

(*c*) The Company shall at the request of the Council produce to the Council such evidence that may be requisite for the purpose of proving compliance with the foregoing provisions of this subsection.

(*d*) The Company shall not work the railway unless there is in force such a public liability policy as is hereinbefore referred to.

(*e*) If the Company shall fail to comply with the provisions of (*b*) or (*d*) of this subsection they shall be liable on summary conviction to a fine not exceeding £100 and on conviction on indictment to a fine.

(2) Notwithstanding and without prejudice to the provisions of the foregoing subsection of this section the Council may effect and maintain a public liability policy in its own name with an insurance company providing such cover for such period or periods and generally in such manner as the Council may from time to time determine.

Alterations to level crossings

9. Notwithstanding anything in the Acts of 1857 and 1871 or in any enactment incorporated therewith and except as hereinafter provided:—

(1) The Council 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 Council shall provide at Roebuck Gate Farm Crossing, Leigh Farm Crossing and Dunster East Crossing and shall maintain and operate during the continuance of the lease the barriers lights, traffic signs and other devices and appliances specified in Part I of the First Schedule to this Order and the Council shall observe the conditions and requirements specified in Part II of the said Schedule in relation to the said level crossings and the use and operation thereof.

(3) The Council shall provide at Dunster West Crossing and shall maintain and operate during the continuance of the lease the traffic signs and other devices and appliances specified in Part I of the Second Schedule to this Order and the Council 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.

(4) The Council shall provide at Watchet Footpath Crossing and shall maintain and operate during the continuance of the lease the lights, traffic signs and other devices and appliances specified in Part I of the Third Schedule to this Order and the Council 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.

(5) (*a*) The gates at Blue Anchor Crossing shall be kept closed across the railway except when engines or vehicles passing along the railway have occasion to cross the B3191 public road. A traffic sign of the type shown in diagram 537 in the Regulations shall be provided by the Highway Authority 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 £20 may be imposed for failure to comply with the provisions of this subsection.

(6) (*a*) The gates at Williton Crossing shall be kept normally open away from the railway except when engines or vehicles passing along the railway have occasion to cross the C205 public road. A traffic sign of the type shown in diagram 537 in the Regulations shall be provided by the Highway Authority 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 £20 may be imposed for failure to comply.

Costs of Order

10. All costs, charges and expenses of and incidental to the preparing for and making of this Order or otherwise in relation thereto shall be payable by the Council and may in whole or part be defrayed out of revenue.

Signed by authority of
the Secretary of State
1st September 1975.

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

THE FIRST SCHEDULE

PART I

PARTICULARS OF LIGHTS TRAFFIC SIGNS AND OTHER DEVICES AND APPLIANCES

(1) A traffic light signal consisting of a single steady amber and two flashing red lamps together with a backing board as prescribed by the Regulations shall be provided on the nearside and on the offside of the carriageway on each side of the railway not nearer than 2·0 metres before the running edge of the nearest rail. The traffic light signals shall be so positioned as to face outwards from the level crossing towards road traffic approaching the level crossing. The traffic light signals on the offside of the carriageway shall either be in line with or in advance of those on the nearside of the carriageway. The lamps thereof shall be capable of directional adjustment.

(2) A St. Andrew's Cross traffic sign of the size colour and type shown in diagram 542 in the Regulations shall be mounted immediately above each of the traffic light signals mentioned in paragraph (1) above. The traffic signs shall be so positioned as to face road traffic approaching the level crossing. The advance warning signs will be of the size colour and type shown in diagram 538 mounted above a plate to Department of the Environment drawing WM.537.2(a) and shall be provided by the Highway Authority.

(3) An audible warning device of moderate output shall be provided on or adjacent to the traffic light signal on the nearside of the carriageway on each side of the railway.

(4) A reflectorised transverse stop line road marking of the size colour and type shown in diagram 1001 in the Regulations shall be provided across the nearside of the carriageway at Roebuck Gate Farm and Dunster East and across the full width of the carriageway at Leigh Farm on each side of the railway approximately 1·0 metres before the traffic light signal mentioned in paragraph (1) above.

(5) At Roebuck Gate Farm the carriageway shall be approximately 4·7 metres wide at Leigh Farm approximately 3·2 metres wide and at Dunster East approximately 5·0 metres wide. The centre line of the carriageway at Roebuck Gate Farm and Dunster East shall be marked thereon between the road markings mentioned in paragraph (4) above with a reflectorised warning line marking of the size colour and type shown in diagram 1004 and for a distance of not less than 15·0 metres on each of its approaches to the level crossing.

(6) A reflectorised edge of carriageway road marking of the size colour and type shown in diagram 1011 in the Regulations shall be provided along the two edges of the carriageway between the traffic light signals on each side of the railway mentioned in paragraph (1) above.

(7) At Roebuck Gate Farm and Dunster East a reflectorised white transverse pedestrian stop line 200mm. wide comprising 500mm. marks with 250mm. gaps shall be provided across the offside of the carriageway on each side of the railway not less than 1·0 metres before the offside traffic light signals. The pedestrian stop line shall be as nearly as possible at right angles to the centre line of the carriageway and not nearer than 2·0 metres to the running edge of the nearest rail.

(8) Cattle-cum-trespass guards of standard British Railways design shall be provided immediately adjacent to the ground which is made up to the level of the carriageway in accordance with paragraph (2) of Part II of this Schedule and shall extend the full width between the protecting fences on both sides of the railway.

PART II

CONDITIONS AND REQUIREMENTS TO BE OBSERVED

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

(2) The ground at the two edges of the carriageway over the level crossings shall be made up to the level of the carriageway for a distance of 1·0 metres beyond each edge.

(3) A single power supply shall be provided at the level crossings together with standby batteries of sufficient capacity to operate the whole installation for 12 hours.

(4) An advance warning board of standard British Railways design shall be provided on each railway approach to the level crossings facing rail traffic approaching the level crossings. The warning board shall be fitted with self illuminating material.

(5) A combined speed restriction and whistle board of standard British Railways design for 10 mile/h shall be provided on each railway approach to Dunster East Crossing and of 25 mile/h on each railway approach to Leigh Farm Crossing and Roebuck Gate Farm Crossing in the case of Dunster East Crossing approximately 92·00 metres before the level crossing facing rail traffic approaching the level crossing and in the cases of Roebuck Gate Farm Crossing and Leigh Farm Crossing approximately 230·00 metres before the level crossing facing rail traffic approaching the level crossing. The boards shall be provided with external lighting.

(6) Trains travelling in either the Up or the Down direction shall not exceed in the case of Dunster East Crossing the speed of 10 mile/h and in the cases of Leigh Farm Crossing and Roebuck Gate Farm Crossing the speed of 25 mile/h between the combined speed restriction and whistle board mentioned in paragraph (5) 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.

(7) A white light signal shall be provided on each railway approach to and adjacent to the level crossing facing rail traffic approaching the level crossing which when illuminated shall indicate to drivers of trains that at least one of the flashing red lamps on each side of the railway mentioned in paragraph (1) of Part I of this Schedule is showing along the carriageway and that the main power supply has not failed.

(8) Trains travelling in either the Up or the Down direction shall not proceed over the level crossing until the signal mentioned in paragraph (7) of this Schedule becomes illuminated. If the signal does not become illuminated drivers shall bring their trains to a stand short of the crossing and then proceed with caution.

(9) The traffic light signals mentioned in paragraph (1) and the audible warning devices mentioned in paragraph (3) of Part I of this Schedule shall be activated automatically by the approach of a train as described in the following paragraph.

(10) The arrangements shall be such that when the train occupies a track circuit or operates a treadle the amber lamps mentioned as aforesaid shall be immediately illuminated and the audible warning devices mentioned as aforesaid shall commence to sound. The amber lamps shall remain illuminated for approximately 5 seconds. Immediately the amber lamps are extinguished the flashing red lamps mentioned in paragraph (1) as aforesaid shall operate. They shall operate for not less than 20 seconds before the train reaches the level crossing and together with the audible warning devices shall continue to operate until the train has passed clear of the level crossing.

SECOND 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 Regulations shall be mounted immediately over a " give way " sign to diagram 602 below which a plate to Department of the Environment 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 Regulations with a plate to diagram 572 stating the distance to the crossing shall be provided by the Highway Authority and placed at approximately 50·00 metres from the running edge of the nearest rail.

(3) Reflectorised give way lines of the size colour and type shown in diagram 1003 in the 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 nearside half of the carriageway. (In addition a road marking diagram 1023 shall be provided.)

(4) The carriageway shall be 4·6 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 and the centre line of the carriageway shall be marked between the give way lines for a distance of not less than 15·00 metres on each of its approaches to the level crossing with a reflectorised warning line marking of the size colour and type shown in diagram 1004.

(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 fitted with self illuminating material.

(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 provided with external lighting.

(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.

THIRD SCHEDULE

PART I

PARTICULARS OF LIGHTS, TRAFFIC SIGNS AND OTHER DEVICES AND APPLIANCES

(1) A self-closing wicket gate shall be provided on each side of the railway.

(2) A traffic sign of the size colour and type shown in the Department of the Environment Drawing No. WBM.857.1. shall be provided on the left-hand side of the footway on both sides of the railway and shall face towards pedestrians approaching the level crossing.

(3) A traffic sign of the size colour and type shown in the British Railways Board Information Sheet 572 shall be provided adjacent to each of the traffic signs mentioned in paragraph (2) above and shall face pedestrians approaching the railway.

(4) A traffic sign of the size colour and type shown in the Department of the Environment Drawing No. WBM.221.1. ("DO NOT CROSS WHEN RED LIGHT SHOWS") shall be provided on each wicket gate and shall face pedestrians approaching the railway.

(5) Cattle-cum-trespass guards of standard British Railways design shall be provided immediately adjacent to each edge of the footway over the level crossing. The guards shall extend to the full distance between the protecting fences on both sides of the railway.

PART II

CONDITIONS AND REQUIREMENTS TO BE OBSERVED

(1) The surface of the footway over the level crossing and of its immediate approaches shall be maintained in good and even condition.

(2) The miniature red and green lights incorporated in the traffic sign mentioned in paragraph 2 of Part I of the Third Schedule hereto shall be supplied with electricity from a transformed power source.

(3) A whistle board of standard British Railways design shall be provided on each railway approach to the level crossing at a position 7 to 10 seconds away from the level crossing for a train travelling at the maximum permissible speed (25 mile/h in both the Up and Down directions) to instruct drivers of trains passing between 0700 hours and 2330 hours to sound the train whistle. The whistle board shall face towards rail traffic approaching the level crossing.

(4) The miniature green lights shall remain illuminated at all times except when the miniature red lights are activated automatically by the approach of a train as described in the following paragraph.

(5) When a train approaching the level crossing reaches a position from which when travelling at the aforesaid maximum permissible speed, it will take approximately 40 seconds to arrive at the level crossing the miniature red lights shall become illuminated and the miniature green lights extinguished. The miniature red lights shall remain illuminated until the rear of the train has passed clear of the level crossing.

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