STATUTORY INSTRUMENTS

1984 No. 557

TRANSPORT

The Cranmore Light Railway (Extension) Order 1984

Made - - - *2nd April* 1984

Coming into Operation *6th April* 1984

The Secretary of State for Transport on the application of the East Somerset 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 section 121(2) of the Transport Act 1968(d) and now vested in him(e) 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 Cranmore Light Railway (Extension) Order 1984 and shall come into operation on 6th April 1984.

Interpretation

2. 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 Board's railway" means the railway or former railway of the Board described in the Schedule to this Order, including all lands and works relating thereto;

"the Company" means the East Somerset Railway Company Limited incorporated under the Companies Act 1948(f) and having its registered office at Cranmore Station, Shepton Mallet, Somerset;

"the Company's railway" means the railway authorised to be constructed, made and maintained by the Company pursuant to article 5 of this Order;

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

"the transfer date" means the day on which the Board's railway or any part thereof is vested in the Company by virtue of an agreement made pursuant to article 4 of this Order.

(a) 1896 c.48.
(b) 1912 c.19.
(c) 1921 c.55.
(d) 1968 c.73.
(e) S.I. 1970/1681, 1979/571 and 1981/238.
(f) 1948 c.38.

Incorporation and application of enactments

3.—(1) Section 16 (Works to be executed), Section 68 (Maintenance of gates, bridges, fences, drains, watering places) and Section 75 (Penalty on persons omitting to fasten gates) of the Railways Clauses Consolidation Act 1845(**a**), Section 22 (means of communication between passengers and the Company's Servants to be provided) of the Regulation of Railways Act 1868(**b**) together with Sections 1 and 5 of the Regulation of Railways Act 1889(**c**) (power to order certain provisions to be made for public safety and to charge a penalty for avoiding payment of fare) are incorporated and applied and form part of this Order so far as the same are applicable for the purposes and are not inconsistent with or varied by the provisions of this Order and this Order shall be deemed to be the special Act for the purposes of the said incorporated provisions.

(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.

(3) Without prejudice to the generality of the foregoing Sections 116, 117 and 118 of the Transport Act 1968 shall from the transfer date apply to the Company's railway as if references therein to the Board were references to the Company.

Transfer of the Board's railway to the Company

4. The Board and Company may enter into and carry into effect agreements providing for the transfer to and the 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.

Power to make Company's railway

5.—(1) The Company may on the lands taken for and on the line of the Board's railway or such part thereof as is transferred pursuant to this Order 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) The Company's railway will be laid within the existing formation of the Board's railway and at the same level, with the exception of the section of the said railway extending from the western terminus of the railway eastwards for 2 furlongs and 101 yards where the said railway will be laid at a different level to the Board's railway with a maximum variation in level of 5.55 feet above the Board's railway.

(3) Except as may be otherwise provided herein the Company's railway or any part thereof shall as from the transfer date be subject to all statutory and other provisions applicable to the Board's railway or such part thereof as is transferred pursuant to this Order (insofar as the same are still subsisting and capable of taking effect) and the Company shall to the exclusion of the Board be entitled to the benefit of and to exercise all rights, powers and privileges and be subject to all

(**a**) 1845 c.20. (**b**) 1868 c.119. (**c**) 1889 c.57.

obligations statutory or otherwise relating to the Board's railway or such part thereof as is so transferred (insofar as the same are still subsisting and capable of taking effect) to the intent that the Board shall be released from all such obligations.

Gauge of railway and motive power

6. The Company's railway shall be constructed and operated on a gauge of four feet and eight and one half inches and the motive power shall be diesel or steam or internal combustion or such other motive power as the Secretary of State 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:

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 British Telecommunications or with telegraphic communication by means of such line.

Restriction of weight on rails and of speed; conveyance of passengers

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 conveyance of passengers without the prior written permission of the Secretary of State and the Company shall comply with any conditions 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 contravenes any of the provisions of this article it shall for each offence be liable on summary conviction to a fine not exceeding fifty pounds.

Public liability insurance

8.—(1) In this article "insurer" means any insurer or insurers authorised under the Insurance Companies Act 1974(**b**) to carry on in Great Britain or in Northern Ireland insurance business of a relevant class or who has corresponding permission under the law of another member state of the European Economic Community.

(2) The Company shall at all times maintain a public liability policy with an insurer providing cover in respect of any one 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.

(**a**) 1878 c.76. (**b**) 1974 c.49.

(3) The Company shall not work the Company's railway unless there is in force a public liability policy in accordance with the provisions 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.

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.

E. B. C. Osmotherly,
An Under Secretary
in the Department of Transport.

Signed by authority
of the Secretary of State.

2nd April 1984.

THE SCHEDULE

Such part of the former East Somerset Railway of the Board in the district of Mendip in the County of Somerset as comprises so much of the railway described in and authorised by Section 19 of the East Somerset Railway Act 1856(a) and deviated in part pursuant to Section 20 of the said Act, as extends from its junction with the Railway No. 1 referred to in the Cranmore Light Railway Order 1978(b) at the eastern face of the bridge carrying Maesdown Road over the railway in a westerly direction for a distance of 1045 yards (955.5 metres).

(a) 1856 c.xvi.

(b) S.I. 1978/1937.

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