STATUTORY INSTRUMENTS

1982 No. 1621

TRANSPORT

The Launceston Light Railway Order 1982

Made - - - -	*8th November* 1982
Coming into Operation	*18th November* 1982

The Secretary of State for Transport on the application of the Spice Settlement Trust Company Limited and in exercise of powers conferred by sections 7, 9, 10 and 11 of the Light Railways Act 1896(**a**) and now vested in him (**b**) 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 Launceston Light Railway Order 1982 and shall come into operation on 18th November 1982.

Interpretation

2.—(1) In this Order, unless the context otherwise requires, words and expressions (except expressions to which meanings are by this article expressly assigned) to which by the Light Railways Act 1896 (or by any enactment incorporated with this Order) meanings are assigned have in this Order the same meanings hereby respectively assigned to them and in this Order:—

"the Board" means the British Railways Board;

"the Company" means the Spice Settlement Trust Company Limited, incorporated under the Companies Act 1948(**c**) and having its registered office at 17 Southampton Place, London WC1A 2EH;

"the deposited plan" and "the deposited section" mean respectively the plan and section deposited in respect of the application for this Order with the Department of Transport;

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

"the Board's railway" means so much of the former railway of the Board described in and authorised by the North Cornwall Railway Act 1882(**d**) as lies between reference points SX328850 and SX299851 in the district of North Cornwall on the 1/50000 Ordnance Survey map, Sheet No. 201 in the

(**a**) 1896 c. 48; as amended by the Light Railways Act 1912 (c. 19) and Part V of the Railways Act 1921 (c. 55).
(**b**) S.I. 1970/1681, 1979/571 and 1981/238. (**c**) 1948 c. 38. (**d**) 1882 c. ccxi.

County of Cornwall including all lands and works now or formerly held by the Board relating to the said railway and lying between those reference points;

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

"The Secretary of State" means the Secretary of State for Transport;

"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 3 of this Order.

(2) References in this Order to reference points shall be construed as references to National Grid Reference points.

Transfer of the Board's railway to the Company

3. The Board and the Company may enter into and carry into effect agreements providing for the transfer to and vesting in the Company of so much of the Board's railway as at the date of transfer is in the ownership of the Board or any part thereof on such terms and conditions as may be agreed between the Board and the Company.

Incorporation and application of enactments

4.—(1) Subject to the provisions of this Order the Railway Clauses Consolidation Act 1845 (**a**) (except sections 8, 13, 17, 46 to 49, 59, 61, 62, 112 and 113), section 22 of the Regulation of Railways Act 1868(**b**) (Means of communication between passengers and the company's servants to be provided) sections 1 and 5 of the Regulation of Railways Act 1889(**c**) (Power to order certain provisions to be made for public safety and penalty for avoiding payment of fare) are hereby incorporated with this Order.

(2) In its application to the new 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) In their application to the new railway sections 78 to 85 of the said Railways Clauses Consolidation Act 1845 shall have affect as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923(**d**).

Power to the Company to make a railway

5.—(1) Subject to the provisions of this Order the Company may construct, make and maintain the new railway hereinafter described in the lines and according to the levels and within the limits of deviation shown on the deposited plan and the deposited section and with all proper rails, plates, sidings, junctions, bridges, culverts, drains, approaches, roads, yards, buildings and other works and conveniences connected therewith including station premises, workshops and facilities and work the same as a light railway under the principal Act and in accordance with the provisions of this Order.

(**a**) 1845 c. 20 (**b**) 1868 c. 119. (**c**) 1889 c. 57. (**d**) 1923 c. 20.

(2) The said railway is—

> A railway 3228 metres or thereabouts in length commencing in the District of North Cornwall in the County of Cornwall at reference point SX328850 and terminating in the district of North Cornwall in the said county at reference point SX299851.

(3) Except as may be otherwise provided herein the new 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) to the intent that the Board shall be released from all such obligations.

Restrictions of weight on rails and of speed; and as to conveyance of passengers

6.—(1)The Company shall not use upon the new 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 new 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 new railway shall be used for the conveyance of passengers without prior written permission by 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 passengers conveyed or to be conveyed on the new 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 penalty not exceeding fifty pounds.

Gauge of the new railway and motive power

7. The new railway shall be constructed on a gauge of 600 millimetres and the motive power on the new railway shall be steam, diesel-electric, diesel or internal combustion (or such other motive power as the Secretary of State may approve).

Public liability insurance

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

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

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(**a**) 1974 c. 49.

by the operation of the new 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 new railway unless there is in force such a public liability policy as is referred to in paragraph (2) 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.

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.

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

8th November 1982.

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