STATUTORY INSTRUMENTS

2025 No. 332

TRANSPORT AND WORKS, ENGLAND

TRANSPORT, ENGLAND

The Mid-Suffolk Light Railway Order 2025

Made - - - -	*12th March 2025*
Coming into force - -	*2nd April 2025*

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SCHEDULE — THE RAILWAY

An application has been made to the Secretary of State, in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(**a**) for an Order under sections 1 and 5 of the Transport and Works Act 1992(**b**) ("the 1992 Act").

The Secretary of State has determined to make an Order giving effect to the proposals comprised in the application with modifications which, in the opinion of the Secretary of State, do not make any substantial change in the proposals.

Notice of the Secretary of State's determination was published in the London Gazette on 21 February 2025.

The Secretary of State, in exercise of the powers conferred by sections 1 and 5 of, and paragraphs 1, 15 and 17 of Schedule 1 to, the 1992 Act, makes the following Order.

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Mid-Suffolk Light Railway Order 2025 and comes into force on 2nd April 2025.

Interpretation

2.—(1) In this Order—

"the Company" means Mid-Suffolk Light Railway Company, a private company limited by guarantee registered in England and Wales under company number 03244631 (charity number 1063635), whose registered office is at Mid-Suffolk Light Railway Museum, Brockford Station, Wetheringsett, Stowmarket, Suffolk, IP14 5PW;

"the deposited plan" means the plan certified by the Secretary of State as the deposited plan for the purpose of this Order;

"the deposited sections" mean the sections certified by the Secretary of State for the purposes of the Order;

"footpath" has the same meaning as in section 329(1) (further provision as to interpretation) of the Highways Act 1980(**c**);

"the level crossing" means the point at which the railway crosses Public Footpath 46 in the parish of Wetheringsett cum Brockford, in the County of Suffolk as shown between points X and Y on the deposited plan;

"maintain" includes inspect, repair, adjust, alter, remove, reconstruct and replace, and "maintenance" is construed accordingly;

"protective equipment" includes gates, barriers, lights, traffic signs (within the meaning of section 64 (general provisions as to traffic signs) of the Road Traffic Regulation Act 1984(**d**)) and manual, mechanical, automatic, electronic or telephonic equipment or other devices;

(**a**) S.I. 2006/1466, as amended by S.I. 2010/439, S.I. 2011/556, S.I. 2011/2085, S.I. 2012/147, S.I. 2012/1658, S.I. 2012/2590, S.I. 2013/755, S.I. 2014/469, S.I. 2015/377, S.I. 2015/627, S.I. 2015/1682, S.I. 2017/979, S.I. 2017/1070, S.I. 2019/311, S.I. 2023/424 and S.I. 2023/795.

(**b**) 1992 c. 42. Section 1 was amended by paragraphs 51 and 52 of Schedule 2 to the Planning Act 2008 (c. 29). Section 5 was amended by S.I. 2012/1659.

(**c**) 1980 c. 66.

(**d**) 1984 c. 27. Section 64 was amended by paragraph 25(3) of Schedule 3 to the Road Traffic (Consequential Provisions) Act 1988 (c. 54) and paragraph 47 of Schedule 8 to the New Roads and Street Works Act 1991 (c. 22). There are other amendments to section 64 that are not relevant to this Order.

"the railway" means the railway described in the Schedule together with all land and works relating to it; and

"the undertaker" means the Company and following any sale or lease under article 6 (transfer of railway by undertaker), this expression means or includes the transferee within the meaning of that article.

(2) All distances, directions and lengths stated in the description of the railway are approximate and distances between points on the railway shall be taken to be measured along the railway.

PART 2

MAINTENANCE AND OPERATION OF RAILWAY

Power to maintain railway

3. The Company may maintain the railway in accordance with the lines, situations and, where relevant, levels shown on the deposited plan and the deposited sections.

Power to operate and use railway

4.—(1) The Company may operate and use the railway as a system of transport for the carriage of passengers and goods.

(2) Nothing in this Order, or in any enactment incorporated with or applied by this Order, prejudices or affects the operation of Part 1 (the provision of railway services) of the Railways Act 1993(**a**).

Level crossing

5. The Company must provide, maintain and operate at the level crossing such protective equipment as the Office of Rail and Road may in writing require.

PART 3

TRANSFER OF RAILWAY

Transfer of railway by undertaker

6.—(1) In this article—

"lease" includes an underlease and "lease", where used as a verb, shall be construed accordingly;

"the owner" in relation to the land comprising the railway, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981(**b**);

"the transferee" means any person to whom the railway, or any part of it, is leased in accordance with this article; and

"the transferred undertaking" means so much of the railway as is leased in accordance with this article.

(2) The undertaker may, with the written consent of the owner and of the Secretary of State, enter into a lease of the railway, or any part of it, with the transferee on such terms and conditions as may be agreed between the undertaker and the transferee.

(**a**) 1993 c. 43. As amended by the Transport Act 2000 (c. 38), Railways and Transport Safety Act 2003 (c. 43) and the Railways Act 2005 (c. 14).

(**b**) 1981 c. 67. The definition of "owner" was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1991 (c. 34). There are other amendments to section 7 which are not relevant to this Order.

(3) Except as otherwise provided in this Order—

(a) the transferred undertaking continues to be subject to all statutory or other provisions applicable to the transferred undertaking at the date of the lease (in so far as those provisions continue in force and are capable of taking effect); and

(b) the transferee is, to the exclusion of the undertaker—

(i) entitled to the benefit of, and to exercise, all rights, powers and privileges relating to the transferred undertaking; and

(ii) subject to all obligations, statutory or otherwise, relating to the transferred undertaking (in so far as those provisions continue in force and are capable of taking effect), with the undertaker released from all such obligations.

(4) Paragraph (3) has effect during the term of any lease granted under paragraph (2).

PART 4

MISCELLANEOUS AND GENERAL

Certification of plans etc.

7. The Company must, as soon as practicable after the making of this Order, submit copies of the deposited plans to the Secretary of State for certification that they are respectively, true copies of the deposited plans referred to in this Order; and a document so certified is admissible in any proceedings as evidence of the contents of the document of which it is a copy.

Signed by authority of the Secretary of State for Transport

Gareth Leigh
Head of Transport and Works Act Orders Unit
Department for Transport

12th March 2025

SCHEDULE

Article 2(1)

THE RAILWAY

The railway 936 metres in length shown on the deposited plan and located within the Mid-Suffolk Light Railway Museum wholly in the parish of Wetheringsett cum Brockford in the County of Suffolk, commencing at Brockford station at the Ordnance Survey National Grid reference point 612865 Eastings and 265930 Northings and terminating at a new halt at the Ordnance Survey National Grid reference point 613740 Eastings and 266153 Northings.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the operation and maintenance of the railway including a level crossing over a public footpath which passes through the site.

This Order further provides for the transfer of the railway by the Company.

A copy of the deposited plan referred to in the Order may be inspected at the offices of Mid-Suffolk Light Railway Company at Mid-Suffolk Light Railway Museum, Brockford Station, Wetheringsett, Stowmarket, Suffolk, IP14 5PW.

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