STATUTORY INSTRUMENTS

1979 No. 1421

TRANSPORT

The National Coal Board Butterwell Light Railway Order 1979

Made - - - - *5th November* 1979

Coming into Operation *15th November* 1979

The Minister of Transport on the application of the National Coal Board 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 National Coal Board Butterwell Light Railway Order 1979 and shall come into operation on 15th November 1979.

Interpretation

2.—(1) In this Order unless the context otherwise requires the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"areas of the level crossings" mean the portions of the roads on which the railway will cross the roads by level crossing;

"the Board" means the National Coal Board;

"the deposited plan" and "the deposited sections" mean respectively the plan and sections 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 railway" means the railway and works authorised by this Order;

"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(c) or any statutory re-enactment or modification of the same;

"the roads" means the public highways in the Districts of Castle Morpeth and Wansbeck in the County of Northumberland being classified C125, C121 and A1068.

(2) Unless the context otherwise requires references in this Order to any enactment shall be construed as references to that enactment as amended by any subsequent enactment including this Order.

(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 and 1979/571.

(c) 1967 c. 76.

Incorporation of section 68 of the Railways Clauses Consolidation Act 1845

3. The provisions of section 68 of the Railways Clauses Consolidation Act 1845(a) which relate to gates, bridges etc., fences, drains and watering places are incorporated with and form part of this Order so far as the same are applicable for the purposes of this Order and are not inconsistent with or varied by the provisions of this Order.

Power to make railway

4.—(1) Subject to the provisions of this Order the Board may in the line and situation and upon the lands delineated on the deposited plan and according to the levels shown on the deposited sections make and maintain the railway hereinafter described 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 said railway is situate wholly in the Districts of Castle Morpeth and Wansbeck in the County of Northumberland and is—

A railway 1942 metres or thereabouts in length (being a section of an existing railway) commencing immediately to the west of that point where the railway lines cross the public highway C121 known as Linton Lane (known as the Linton Lane Crossing) and terminating immediately to the south of that point where the railway lines cross the public highway A1068 (known as the New Moor Crossing):

Provided that the foregoing description of the railway or anything otherwise contained in this Order shall not be deemed to prohibit or preclude the Board from making, constructing, laying or erecting any further branches, sidings and junctions with all necessary works and conveniences in connection therewith provided and so far as the same shall be solely on land belonging or leased to the Board and provided that the same shall not cross any highway.

Power to deviate

5. Where the railway crosses the roads the Board shall not deviate vertically from the levels shown on the deposited sections to any extent beyond 10mm upwards or downwards.

Power to stop up road temporarily

6.—(1) Subject to the provisions of this Order, the Board may for the purpose of or in connection with the construction and maintenance of the railway stop up, open, break up, interfere with, alter or divert temporarily all or any part of the carriageway or footway of the parts of the roads within the areas of the level crossings and may execute and do all necessary works and things for or in connection with such stopping up, opening, breaking up, interference, alteration or diversion, and for keeping such carriageway or footway open for traffic, and may remove or alter any lamp-posts, posts and other erections upon the land so affected.

(2) The Board shall provide reasonable access for all persons bona fide going to or returning from any premises in the roads during any stopping up, interference, alteration or diversion under the powers of this article.

(a) 1845 c. 20.

(3) The powers conferred by paragraph (1) of this article shall not be exercised in relation to a road upon which a service of stage carriages or express carriages is operated unless not less than 7 days' previous notice is given to the Traffic Commissioners and to the holders of the road service licence under which that service is authorised.

(4) In the exercise of the powers so conferred the Board shall, whenever practicable, provide a proper temporary substitute way before interrupting the traffic on any road.

(5) (*a*) The exercise of the powers conferred by this article shall not affect the powers of the Post Office under the Telegraph Acts 1863 to 1916 to place, maintain, inspect, repair, renew or remove telegraphic lines or to open or break up the road for any of those purposes.

(*b*) In this article the expression "telegraph line" has the same meaning as in the Telegraph Act 1878(a).

As to crossing of roads on the level

7.—(1) The Board may carry their railway with a single line across and on the level of the roads within the areas of the level crossings as shown on the plan and sections.

(2) The rails of the railway shall be laid and maintained within the area of the level crossings so that the upper surface is upon a level with the surface of the carriageway or footway of the roads.

(3) The Board shall not within the areas of the level crossings obstruct or hinder the traffic or persons passing along the road for longer than is reasonably necessary in taking any train, engine, carriage or truck across the road.

Provision of lights etc.

8. The Board shall provide within the areas of the level crossings and shall maintain and operate the lights, traffic signs and other devices and appliances specified in the First Schedule to this Order and the Board shall observe the conditions and requirements specified in the Second Schedule to this Order in relation to the said level crossings by which the railway crosses the roads and the use and operation thereof.

Gauge of railway and motive power

9. The railway is constructed at a gauge of 1435mm and the motive power of the railway shall be diesel, diesel electric or such other motive power as the Minister may approve.

Restrictions of weight on the rails and of speed

10.—(1) The Board shall not, except as otherwise permitted by the Minister in writing, use upon the railway any engine, carriage or truck bringing a greater weight than 22½ tons upon the rails by any one pair of wheels.

(2) The Board shall not except as otherwise permitted by the Minister in writing run any train or engine upon the railway at a rate of speed:—

(*a*) exceeding at any time 10 miles per hour;

(a) 1878 c. 76.

(*b*) exceeding any less maximum speed fixed by the Minister for any part of the railway where the Minister considers such further restrictions necessary for public safety.

(3) If the Board act in contravention of any of the provisions of this article they shall for each such offence be liable on summary conviction to a fine not exceeding £50.

Recovery of fines

11. Any fine under this Order may be recovered in manner provided by the Magistrates' Courts Act 1952(a).

Costs of Order

12. 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.

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

Signed by authority of
the Minister of Transport
5th November 1979.

(a) 1952 c. 55.

FIRST SCHEDULE

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 of the carriageway on each road approach to each level crossing. A traffic light signal of the same type shall be provided on the offside of the road on each side of each level crossing. The traffic light signals shall be so arranged as to face outwards from the level crossing towards approaching traffic. At Potland Crossing a further additional traffic light signal of the same type shall be provided at the south-eastern corner of the level crossing adjacent to the one on the nearside of the carriageway and facing traffic approaching from Linton Colliery Village. All the lamps shall be capable of directional adjustment. A flashing white lamp shall be provided on each railway approach to Potland Crossing and to Linton Lane Crossing. A flashing white lamp shall also be provided on the north-western approach to New Moor Level Crossing and on the south-eastern approach to the NCB Level Crossing. The flashing white lamps, when illuminated, shall indicate to drivers of trains that the flashing red lamps are illuminated and that the main power supply has not failed.

(2) A St. Andrew's Cross of the size, colour and type shown in Diagram 64.2 in the Regulations shall be provided on both sides of the road on each side of each level crossing mounted immediately above the traffic light signals. Each St. Andrew's Cross shall face outwards from the level crossing towards approaching traffic and shall be provided with reflectors or retro-reflecting material.

(3) Cattle-cum-trespass guards of standard railway design shall be provided immediately beyond the ground which is made up to the level of the carriageway in accordance with paragraph (2) of the Second Schedule to this Order. The guards shall extend the full distance between the protecting fence on both sides of the railway.

(4) A reflectorised stop line of the size, colour and type shown in Diagram 1001 in the Regulations shall be provided across the nearside of the carriageway on each side of each level crossing approximately 1 metre before the nearside traffic light signal. The carriageway shall be approximately 7·5 metres wide at New Moor Crossing, 5·5 metres wide at NCB Crossing, 8·2 metres wide at Potland Crossing, and 6 metres wide at Linton Lane Crossing.

(5) A reflectorised pedestrian stop line of the size, colour and type shown in Diagram 1003.2 in the Regulations shall be provided across the offside of the carriageway and any footways or hard shoulder on each side of the railway approximately 1 metre before the offside traffic light signal. The pedestrian stop line shall be as nearly as possible at right angles to the centre line of the carriageway and not nearer than two metres to the running edge of the nearest rail.

(6) Reflectorised edge of carriageway road markings of size, colour and type shown in Diagram 1011 in the Regulations shall be provided along the two edges of the carriageway when it passes over the level crossing.

(7) At New Moor and Potland Crossings, the centre line of the carriageway shall be marked on the level crossing measured between the road markings to Diagram 1001 mentioned above with reflectorised double continuous line road marking of the size, colour and type shown in Diagram 1013.1 in the Regulations. The centre line shall be continued for a further distance of approximately 36 metres, on the south-western side of the railway only at New Moor Crossing and on the western side of the railway only at Potland Crossing measured from the ends of the double continuous line with a reflectorised continuous line and broken line of the size, colour and type also shown in Diagram 1013.1 wherein the continuous line is on the nearside of the broken line and two reflectorised arrows of the size, colour and type shown in Diagram 1014 in the Regulations shall be provided on the approaches to the lines to Diagram 1013.1. At New Moor Crossing the centre line shall be continued on the north-eastern side of the railway for a distance of at least 36 metres measured from the end of the double continuous line with a reflectorised double continuous line road marking of the size, colour and type shown in Diagram 1013.1 in the Regulations. At Linton Lane Crossing the centre line of the carriageway shall be marked on the level crossing measured between the road markings to Diagram 1001 mentioned above and for a further distance of approximately 15 metres on each side of the railway with a broken line road marking of the size, colour and type shown in Diagram 1004 in the Regulations.

SECOND SCHEDULE

CONDITIONS AND REQUIREMENTS TO BE OBSERVED BY THE BOARD

(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 where it passes over the level crossings shall be made up to the level of the carriageway for a minimum distance of 1 metre beyond each edge.

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

(4) An advance warning board of standard British Rail design shall be provided on each railway approach to Linton Lane and Potland Crossings and on the north-western approach to New Moor Crossing and on the south-eastern approach to the NCB Crossing and shall be illuminated.

(5) A standard British Rail combined speed restriction and whistle board for 10 mile/h shall be provided on each railway approach to Linton Lane and Potland Crossings and on the north-western approach to New Moor Crossing and on the south-eastern approach to the NCB Crossing approximately 92 metres before the level crossings and shall be illuminated.

(6) Trains travelling in either direction shall not exceed 10 mile/h from a point approximately 92 metres before each level crossing until the front of the train has passed over the level crossing. The train whistle shall be sounded when the train is approximately 92 metres before Potland and Linton Lane Crossings for trains in either direction, 92 metres and 152 metres before NCB and New Moor Crossings respectively for trains travelling in a north-westerly direction and 152 metres and 92 metres before NCB and New Moor Crossings respectively for trains travelling in a south-easterly direction.

(7) Trains travelling in either direction shall not proceed over each level crossing until the white lamp mentioned in paragraph (1) of the First Schedule to this Order becomes illuminated. If the white light is not illuminated drivers shall bring their trains to a stand short of the level crossing and shall then proceed with caution.

(8) The arrangements shall be such that when the train reaches a position which shall be not less than 124 metres before Potland and Linton Lane Crossings for trains travelling in either direction, 124 metres and 184 metres before NCB and New Moor Crossings respectively for trains travelling in a north-westerly direction, and 184 metres and 124 metres before NCB and New Moor Crossings respectively for trains travelling in a south-easterly direction, the amber lamps mentioned in paragraph (1) of the First Schedule to this Order shall be illuminated. The steady amber lamps shall remain illuminated for a period of approximately 5 seconds. Immediately the amber lamps are extinguished the flashing red lamps mentioned in paragraph (1) as aforesaid shall operate. The flashing red lamps shall continue to operate at each level crossing until the train has passed clear of that level crossing.

(9) The level crossings shall be illuminated during the hours of darkness to such a standard that the train driver can ascertain in conditions of normal visibility that the level crossing is clear before proceeding across the road.

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