STATUTORY INSTRUMENTS

1977 No. 862

TRANSPORT

The Nene Valley Light Railway Order 1977

Made - - - -	*17th May* 1977
Coming into Operation	*27th May* 1977

The Secretary of State for Transport on the application of the Peterborough Development Corporation and in exercise of his powers under sections 7, 9, 10, 11, 12, and 18 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 27th May 1977 and may be cited as "The Nene Valley Light Railway Order 1977".

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 Company" means the Peterborough Railway Society Limited;

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

"the lease" means any lease granted in pursuance of the powers in Article 6(1) hereof, any extension 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 railway" means the railway authorised by this Order to be worked as a light railway under the principal Act;

"the Corporation" means the Peterborough Development Corporation;

"Ham Lane Crossing" means the crossing in the parish of Orton Waterville whereby the unclassified public road from Oundle Road to Ferry Meadows (known as Ham Lane) is crossed by the railway on the level.

(a) 1896 c. 48.
(b) 1912 c. 19.
(c) 1921 c. 55.
(d) S.I. 1970/1681 (1970 III, p. 5551).

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

Power to work railway as a light railway

3. Subject to the provisions of this Order:—

(1) The Board may work as a light railway under the principal Act the railway more particularly described in the First Schedule hereto.

(2) Such of the enactments set out in the Second Schedule to the Light Railways Act 1896 as are still in force (except section 22 of the Regulation of Railways Act 1868**(b)** (means of communication between passengers and the company's servants to be provided) and section 1 of the Regulation of Railways Act 1889**(c)** (power to order certain provisions to be made for public safety) shall cease to apply to the railway.

(3) Section 22 of the Regulation of Railways Act 1868 shall apply to the railway with the exception of the words "and travels more than twenty miles without stopping".

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

4.—(1) The Board shall not use upon the 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 Board shall not run any train or engine upon any part of the 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 railway shall be used for the conveyance of passengers without the permission in writing of the Secretary of State first being had and obtained, and the Board shall comply with the conditions (if any) which the Secretary of State may from time to time prescribe for the safety of persons using the railway.

(4) If the Board act in contravention of any of the provisions of this Article, they shall for each offence be liable on summary conviction to a penalty not exceeding twenty pounds.

As to transfer of railway to Corporation

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

(2) As from the day of transfer the Corporation 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

6.—(1) As from the day of transfer the Corporation 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 Corporation and the Company.

(a) 1889 c. 63. **(b)** 1868 c. 119. **(c)** 1889 c. 57.

(2) During the continuance of the lease the Company shall to the exclusion of the Corporation be entitled to the benefit of and to exercise all the rights powers and privileges and be subject to all the obligations of the Corporation 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.

Provisions as to Bridges

7. 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 Railways 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 Railways Board were references to the Corporation.

As to public liability insurance

8.—(1) (i) In this paragraph "approved" means approved by the Corporation.

(ii) The Company shall at all times during the continuance of the lease maintain an approved public liability policy in the joint names of the Company and the Corporation 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 Corporation may (without prejudice to any other powers 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 Corporation on demand.

(iii) The Company shall at the request of the Corporation produce to the Corporation such evidence that may be requisite for the purpose of proving compliance with the foregoing provisions of this paragraph.

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

(v) If the Company shall fail to comply with the provisions of (ii) or (iv) of this paragraph 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 paragraph of this Article the Corporation 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 Corporation may from time to time determine.

(3) During such times as the Company are not operating the railway under the lease granted under Article 6(1) hereof the Corporation shall not work the railway unless there is in force such a public liability policy as is referred to in paragraph (1) of this Article and the Corporation shall on those occasions be liable for failure to comply with this provision on the terms referred to in sub-paragraph (v) of that paragraph.

Provisions as to Level Crossings

9.—(1) The Corporation shall within a period of 18 months from the coming into operation of this Order install at the Ham Lane Crossing the lights, traffic signs and other devices and appliances specified in the Second Schedule hereto and shall at all times thereafter observe and perform, in relation to the use and operation of that crossing, the conditions and requirements specified in the Third Schedule hereto.

(a) 1968 c. 73.

(2) On the completion of the installation at the Ham Lane Crossing of the lights, traffic signs and other devices and appliances aforesaid in good working order the requirements of the London and Birmingham (Northampton and Peterborough) Railway Act 1843**(a)**, so far as they apply to that crossing, shall cease to have effect in relation thereto and the gates required by that Act shall be removed by the Corporation.

(3) The provisions of the London and Birmingham (Northampton and Peterborough) Railway Act 1843 with respect to level crossings (other than occupation or accommodation crossings) shall remain applicable generally to all such level crossings on the railway other than the Ham Lane Crossing and shall be applicable, subject to paragraph (2) above, to the Ham Lane Crossing, but so however that in all such cases the gates provided for in that Act for a level crossing shall be kept constantly closed across the railway except when traffic on the railway has occasion to cross the road at the level crossing.

Recovery of penalties

10. Any penalty under this Order may be recovered in manner provided by the Magistrates' Court Act 1952**(b)**.

Costs of Order

11. 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 Corporation.

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

Signed by authority of the
Secretary of State.

17th May 1977.

FIRST SCHEDULE

(1) So much of the railway described in and authorised by section 1 of the London and Birmingham (Northampton and Peterborough) Railway Act 1843 as extends from a point in the parish of Sibson cum Stibbington in the county of Cambridgeshire 686 yards (627·27 metres) south-west of the south-western portal of the tunnel known as Wansford Tunnel to a point in the parish of Orton Longueville in the district of Peterborough in the said county 333 yards (304·49 metres) north-east of its junction with the railway hereinafter described; and

(2) So much of the railway (No. 1) described in and authorised by section 5 of the Great Northern Railway (Additional Powers) Act 1873**(c)** as extends from its commencement at the aforesaid junction in an easterly direction from 70 yards (64 metres).

(a) 1843 c. lxiv. **(b)** 1952 c. 55. **(c)** 1873 c. xc.

SECOND SCHEDULE

Particulars of lights, traffic signs and other devices and appliances at Ham Lane crossing

(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 Traffic Signs Regulations currently in force under the Road Traffic Regulation Act 1967(a) shall be provided on the nearside of the carriageway on each road approach to the crossing. A traffic light signal of the same type shall be provided on the offside of the road on each side of the crossing. The traffic light signals shall be so arranged as to face outwards from the crossing towards approaching traffic and the lamps shall be capable of direction adjustment. A flashing white lamp shall also be provided on each railway approach to the crossing which, when illuminated, shall indicate to drivers of trains that the flashing red lamps are illuminated and that the main power supply has not failed. An audible warning device of moderate output shall be provided on or adjacent to the traffic light signal on the nearside of the road on each side of the crossing.

(2) A St. Andrew's Cross prescribed as a traffic sign by the said Regulations shall be provided on both sides of the road on each side of the crossing mounted immediately above the traffic light signals. Each St. Andrew's Cross shall face outwards from the 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 Third Schedule to this Order. The guards shall extend to the full width between the protecting fences on both sides of the railway.

(4) A transverse stop line of the size, colour and type prescribed as a traffic sign by the said Regulations shall be provided across the nearside of the carriageway on each side of the crossing approximately 1 metre before the traffic light signal. The carriageway shall be approximately 5·5 metres wide at the crossing and its centre line shall be marked on the crossing between the stop lines and for a distance of not less than 15 metres on either side thereof with road markings of the size, colour and type shown in Diagram 1004 in the said Regulations. The two edges of the carriageway where it passes over the crossing shall be clearly marked with a reflectorised continuous longitudinal line.

THIRD SCHEDULE

Conditions and requirements to be observed by the Corporation at the Ham Lane Crossing

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

(2) The ground at the two edges of the carriageway where it passes over the crossing shall be made up to the level of the carriageway for a distance of approximately 1·4 metres beyond each edge on both sides of the crossing.

(3) An advance warning board shall be provided on each railway approach to the crossing and an intermediate board shall be provided on the railway approach to the crossing in the westwards direction. The boards shall be of standard railway design and shall be illuminated or self illuminated.

(4) A standard railway combined whistle and speed restriction board for 10 mile/h shall be provided on the railway approach to the crossing in the eastwards direction approximately 92 metres before the level crossing and shall be illuminated.

(5) Trains travelling in the eastwards direction shall not exceed 10 mile/h between a point approximately 92 metres before the crossing and the point at which they are clear of the crossing. The train whistle shall be sounded when a train travelling in the eastwards direction is at a point approximately 92 metres before the crossing.

(a) 1967 c. 76.

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

(7) A plunger and a stop board of standard railway design displaying the words "Stop—Press Plunger—Obtain White Light and Whistle before proceeding" shall be provided on the railway approach to the crossing in the westwards direction approximately 50 metres before the crossing and shall be illuminated.

(8) Trains travelling in the westwards direction shall be brought to a halt at the stop board mentioned in paragraph (7) of this Schedule and shall not proceed over the crossing until the white lamp mentioned in paragraph (1) of the Second Schedule to this Order becomes illuminated. If the white light does not become illuminated drivers shall proceed with caution. The train whistle shall be sounded immediately before the train proceeds over the crossing.

(9) The arrangements shall be such that when a train travelling in the eastwards direction reaches a position which shall not be less than 123 metres before the crossing the amber lamps mentioned in paragraph (1) of the Second Schedule to this Order shall immediately be illuminated and the audible warning devices shall thereupon commence to sound. 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 and the audible warning devices shall continue to operate until the train has passed clear of the crossing.

(10) The arrangements shall be such that when a train travelling in the westwards direction reaches a position which shall be approximately 50 metres before the crossing and the plunger mentioned in paragraph (7) above is pressed, the amber lamps mentioned in paragraph (1) of the Second Schedule to this Order shall immediately be illuminated and the audible warning devices shall thereupon commence to sound. 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. After the flashing red lamps have operated for approximately 7 seconds the white lamp mentioned in paragraph (8) of this Schedule shall be illuminated. The flashing red lamps and the audible warning devices shall continue to operate until the train has passed clear of the crossing.

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