STATUTORY INSTRUMENTS

1986 No. 1000

TRANSPORT

The Nene Valley Light Railway Order 1986

Made - - - - -	10*th June* 1986
Coming into Operation	11*th June* 1986

The Secretary of State for Transport, on the application of the Peterborough Development Corporation and the Nene Valley Railway Limited and in exercise of powers conferred by sections 7, and 9 to 12, 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.—(1) This Order may be cited as the Nene Valley Light Railway Order 1986 and shall come into operation on 11th June 1986.

(2) The Nene Valley Light Railway Order 1977**(e)** and this Order may be cited together as the Nene Valley Light Railway Orders 1977 and 1986.

Interpretation

2. In this Order, unless the context otherwise requires—

"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 together with all lands and works relating thereto;

"the Company" means the Nene Valley Railway Limited (the name of which was changed by special resolution in 1984 from the Peterborough Railway Society Limited) incorporated under the Companies Acts 1948 to 1967 and having its registered office at Wansford Station, Old North Road, Stibbington, Peterborough;

"the Corporation" means the Peterborough Development Corporation;

"the lease" means any lease granted under paragraph (1) of article 7 (Leasing of railway to Company) of this Order, any extension of the same or any new lease granted under any statutory powers or provisions;

"the operators" means the Corporation or, during the currency of the lease, the Company;

(a) 1896 c. 48. **(b)** 1912 c. 19. **(c)** 1921 c. 55.
(d) S.I. 1970/1537, 1979/571 and 1981/238.
(e) S.I. 1977/862.

"the railway" means the railway authorised to be constructed, made and maintained by the operators pursuant to article 6 of this Order together with all lands and works relating thereto and, where any part of the said railway and works remains uncompleted, includes the site of that part;

"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 Corporation by virtue of an agreement made under article 4 (Transfer of Board's railway to Corporation) of this Order.

Incorporation and modification of enactments

3.—(1) The following provisions of the Railways Clauses Consolidation Act 1845**(a)**, so far as the same are applicable for the purposes and are not inconsistent with, or varied by, the provisions of this Order, are incorporated with, and form part of, this Order:—

Section 16 (works to be executed);

Section 61 (Company to make sufficient approaches and fences to such highways crossing on the level);

Section 68 (maintenance of gates, bridges, fences, drains, watering places);

Section 75 (penalty on persons omitting to fasten gates); and

Sections 77 to 85 (provisions with respect to mines lying under or near the railway).

(2) Notwithstanding the provisions of subsection (1) of section 12 of the Light Railways Act 1896, the following provisions shall apply to the railway:—

Regulation of Railways Act 1868**(b)**:

Section 22 (means of communication between passengers and railway servants);

Regulation of Railways Act 1889**(c)**:

Section 1 (power to order certain provisions to be made for public safety), and

Section 5 (penalty for avoiding payment of fare).

(3) In its application to the railway, section 22 of the Regulation of Railways Act 1868 shall have effect as if the words "and travels more than twenty miles without stopping" were omitted therefrom.

Transfer of Board's railway to Corporation

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

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

Transfer of rights, etc from Board

5. Except as may be otherwise provided in this Order, as from the transfer date the 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 Corporation 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 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.

Power to make railway

6.—(1) The operators may on the line of the Board's railway construct, make and maintain a railway with all the 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 railway shall be laid on the same levels as, and within the existing formation of, the Board's railway.

Leasing of railway to Company

7.—(1) The Corporation may lease to the Company the railway or any part thereof together with the rights, interests, powers, privileges and obligations vested in the Corporation by article 5 (Transfer of rights, etc. from Board) on such terms and conditions as may be agreed between the Corporation and the Company.

(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 rights, powers and privileges and be subject to all obligations statutory or otherwise as are transferred to or conferred on the Corporation by this Order and are for the time being in force in respect of the railway or such part thereof as is comprised in the lease.

Gauge of railway and motive power

8. The railway shall be constructed and operated on a nominal gauge of 1.435 metres (4 feet $8\frac{1}{2}$ inches) and the motive power shall be steam, diesel-electric, diesel-mechanical, internal combustion, electric-battery or such other motive power as the Secretary of State may approve:

Provided that nothing in this Order shall authorise the operators to use electrical power as motive power on the 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 railway, such electrical power shall not be used in such a manner as to cause or be likely to cause any interference with any telecommunications apparatus (as defined in Schedule 2 to the Telecommunications Act 1984**(a)**) or with telecommunication by means of such apparatus.

(a) 1984 c. 12.

Restrictions and conditions as to working of railway

9.—(1) The operators 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 operators 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 prior written permission of the Secretary of State and the operators shall comply with the conditions (if any) which the Secretary of State may from time to time prescribe for the safety of the public using the railway.

(4) If the operators contravene any of the provisions of this article, they shall be liable on summary conviction to a fine not exceeding £100.

Public Liability insurance

10.—(1) In this article—

"insurer" means any insurer or insurers authorised under the Insurance Companies Act 1982**(a)** or the corresponding provisions for the time being in force in Northern Ireland 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;

"policy" means a public liability policy with an insurer providing maximum cover in respect of any one accident on or occasioned by the operation of the railway of not less than £1 million.

(2) (*a*) The operators shall not work the railway unless there is in force a policy in accordance with the provisions of this article.

(*b*) If the operators contravene the provisions of this article they shall be liable on summary conviction to a fine not exceeding £2,000 or, on conviction on indictment, to a fine.

(3) The adequacy of the cover provided by a policy maintained in accordance with this article shall be regularly reviewed by the operators who are required to effect and maintain the policy.

Costs of Order

11. 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
10th June 1986.

J. R. Coates,
An Under Secretary in the
Department of Transport.

(a) 1982 c. 50.

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**(a)** in the county of Cambridgeshire in the city of Peterborough as commences at a point in the parish of Orton Longueville 304.49 metres north-east of Longueville Junction (being the point of termination of the railway described in paragraph (1) of the First Schedule to the Nene Valley Light Railway Order 1977) and terminates in the city of Peterborough at the point of termination of the railway described in and authorised by the said section 1 and there forming an end-on junction with the railway hereinafter described.

(2) So much of the Ely to Peterborough railway described in and authorised by section 1 of the Eastern Counties Railway (Brandon and Peterborough Extension) Act 1844**(b)** as commences at an end-on junction with the railway hereinbefore described, extends eastward for a distance of 90 metres and terminates at a point adjacent to the land known as the Fair Meadow, the whole of the railway being in the County of Cambridgeshire in the city of Peterborough.

(a) 1843 c. lxiv. **(b)** 1844 c. lxii.

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