STATUTORY INSTRUMENTS

1985 No. 725

TRANSPORT

The Pilkington UK5 Light Railway Order 1985

Made - - - -	*9th May* 1985
Coming into Operation	*10th May* 1985

The Secretary of State for Transport on the application of Pilkington Flat Glass 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 Pilkington UK5 Light Railway Order 1985 and shall come into operation on 10th May 1985.

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:—

"the Company" means Pilkington Glass Limited, incorporated under the Companies Act 1948 (**c**) and having its Registered Office at Prescot Road, St. Helens, Merseyside WA10 3TT;

"the crossing" means the level crossing described in article 7 hereto being the place at which a public carriage road is crossed on the level by the railway;

"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 limits of deviation" means the limits of deviation shown on the deposited plan;

"nearside" means on the left-hand side of the road or carriageway in relation to a person approaching the crossing along the road or carriageway;

"offside" means on the right-hand side of the road or carriageway in relation to a person approaching the crossing along the road or carriageway;

"the principal Act" means the Light Railways Acts 1896 and 1912 (**d**) as amended by the Railways Act 1921 (**e**);

"the railway" means the railway and works authorised by this Order;

"the Regulations" means the Traffic Signs Regulations 1981 (**f**);

(**a**) 1896 c.48.
(**b**) S.I. 1970/1681, 1979/571 and 1981/238.
(**c**) 1948 c.38.
(**d**) 1912 c.19.
(**e**) 1921 c.55.
(**f**) S.I. 1981/859; relevant amending instruments are S.I. 1982/1879 and 1984/966.

"the road" means the public highway in the Metropolitan Borough of St. Helens known as Burtonhead Road and "the carriageway" means the carriageway of that road.

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

Incorporation of general Act

3. The provisions of the Railways Clauses Consolidation Act 1845 (**a**) except sections 6, 8, 9, 11 to 15, 17 to 23, 30 to 65 and 68 to 138 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 and this Order shall be deemed to be the Special Act for the purposes of the said incorporated provisions.

Power to make railway

4.—(1) Subject to the provisions of this order, the Company 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 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 said railway is situate wholly in the Metropolitan Borough of St. Helens in the County of Merseyside and is—

a railway 92 metres or thereabouts in length commencing at reference point 50939457, 53 metres east of Burtonhead Road and terminating at reference point 50999464 26 metres west of the said road.

Power to deviate

5. In the construction of the railway or any part thereof, the Company may deviate from the line or situation thereof shown on the deposited plan to the extent of the limits of deviation shown thereon and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three metres upwards and three metres downwards except that at the crossing the Company shall not without the consent of the highway authority deviate vertically.

As to crossing of road on the level

6.—(1) The Company may in the construction of the railway carry the same with a single line across and on the level of the road within the limits of deviation as shown on the deposited plan and sections.

(2) The Company shall not at the crossing obstruct or hinder 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, traffic signs, etc.

7. The Company shall, at the crossing, provide, maintain and operate the lights, traffic signs and other devices and appliances specified in Part I of the Schedule to this Order, and the Company shall observe the conditions and requirements specified in Part II of that Schedule in relation to the crossing and the use and operation thereof.

(**a**) 1845 c.20.

Gauge of Railway and Motive power

8. The railway shall be constructed on a gauge of 1435 millimetres and the motive power of the railway shall be diesel, diesel electric or such other motive power as the Secretary of State may approve.

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

9.—(1) The Company 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 Company 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 prior written permission by the Secretary of State and the Company shall comply with the conditions (if any) which the Secretary may prescribe for the safety of passengers conveyed or to be conveyed on the railway.

(4) If the Company contravenes any of the provisions of this article they shall for each such offence be liable on summary conviction to a fine not exceeding Fifty pounds.

Public liability insurance

10.—(1) In this article "insurer" means any insurer or insurers authorised under the Insurance Companies Act 1982 (**a**) to carry on in the United Kingdom insurance business of a relevant class or who has corresponding authorisation under the law of another Member state of the European Economic Community.

(2) The Company shall at all times maintain a public liability policy with an insurer providing cover in respect of any one accident on or occasioned by the operation of the 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 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 thousand pounds, or on conviction on indictment to a fine.

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.

E. B. C. Osmotherly,
An Under Secretary in the
Department of Transport.

Signed by authority of
the Secretary of State.
9th May 1985.

(**a**) 1982 c.50.

SCHEDULE

PART I

Particulars of lights, traffic signs and other devices and appliances

(1) The carriageway shall be approximately 6.5 metres wide at the crossing.

(2) The ground at the two edges of the carriageway over the crossing shall be made up to the level of the carriageway for a distance of approximately 4.3 metres beyond its northern edge and approximately 2 metres beyond its southern edge.

(3) A footway shall be retained on each side of the carriageway.

(4) A traffic light signal as prescribed by Regulation 31(4) of the Regulations shall be provided as close to the railway as practicable on the nearside of the road on each road approach to the crossing. There shall be an additional traffic light signal of the same type on the offside of the road on each side of the railway so located as to be either in line with or on the railway side of the stop line mentioned in paragraph (6) below. The traffic light signals on each side of the railway shall be so positioned as to face outwards from the crossing towards approaching road traffic. All the signals shall be capable of directional adjustment. A lamp shall be provided on each railway approach to the crossing which,when lit, shows an intermittent white light which shall indicate to drivers of trains that at least one of the intermittent red lights on each side of the railway is showing and that the main power supply has not failed.

(5) An audible warning device shall be provided on or adjacent to each nearside traffic light signal post.

(6) 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 the railway not more than 2.5 metres before the nearside traffic light signal.

(7) 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 each footway on both sides of the railway. The line shall be not less than two metres before the offside traffic light signal and not nearer than two metres to the running edge of the nearest rail and shall be as nearly as possible at right angles to the centre line of the carriageway.

(8) Where the road passes over the crossing reflectorised edge of carriageway road markings of the size, colour and type shown on Diagram 1011 in the Regulations shall be provided along each edge of each footway.

(9) The centre line of the carriageway shall be marked on the crossing between the stop lines mentioned above with a 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 distance of thirty metres on each side of the railway measured along the centre of the carriageway from the stop lines with a reflectorised double line of the size, colour and type also shown in Diagram 1013.1 in the Regulations wherein the continuous line is on the nearside of the broken line.

(10) A traffic sign of the size, colour and type shown in Diagram 542 in the Regulations shall be provided on each side of the road on each side of the railway mounted immediately above each traffic light signal. Each of the signs shall face outwards from the crossing towards approaching road traffic.

(11) A traffic sign of the size, colour and type shown in Diagram 863 in the Regulations shall be provided on each side of the road on each side of the railway mounted below or adjacent to the traffic light signal and shall face outwards from the crossing towards approaching road traffic.

(12) A traffic sign of the size, colour and type shown in Diagram 542.2 in the Regulations shall be provided on or adjacent to each traffic light signal post on both sides of the railway and shall face outwards from the crossing towards approaching road traffic.

(13) A traffic sign of the size, colour and type shown in Diagram 862 (small) in the Regulations shall be provided mounted below each nearside traffic light signal and shall face outwards from the crossing towards approaching traffic.

(14) An advance warning board of standard railway design shall be provided on each railway approach to the crossing and shall be provided with Class I retro-reflecting material or shall be self-illuminated.

(15) A stop board displaying the words "Stop – Proceed when white light shows – whistle before proceeding" shall be provided on each railway approach approximately twenty-five metres before the crossing. The boards shall be provided with Class I retro-reflecting material or shall be self-illuminated.

(16) A device, being a switch or a button, to operate the lights mentioned in paragraph (4) above shall be provided in a control cabinet located adjacent to the gates on the northern side of the crossing.

(17) A traffic sign of the size, colour and type shown in Diagram 538 in the Regulations above a traffic sign of the size, colour and type shown in Diagram 537.4 in the Regulations shall be provided, mounted at a distance of not less than 45 metres before the traffic light signal on each approach to the crossing.

PART II

Conditions and requirements to be observed by the Company

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

(2) The crossing 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 crossing is clear before proceeding over it.

(3) Trains travelling in either direction shall not exceed five mile/h from the stop board mentioned in paragraph (15) of Part I of the Schedule hereto to the point at which the front of the train has passed clear of the crossing.

(4) Drivers shall bring their trains to a halt at the stop board and shall sound the train's whistle before proceeding. Trains travelling in either direction shall not proceed over the crossing until the white light of the lamp mentioned in paragraph (4) of Part I of this Schedule shows. If the white light fails to show drivers shall proceed with caution after they have brought their trains to a stand short of the crossing.

(5) The audible warning devices and the traffic light signals mentioned in Part I of this Schedule shall be activated by the operation of the device mentioned in paragraph (16) of Part I of this Schedule. When this device is operated the audible warning devices and the traffic light signals shall begin to operate in accordance with the following sequence:

(a) The amber lights shall show and the audible warning shall begin, the lights shall show for approximately three seconds.

(b) Immediately the amber lights are extinguished the intermittent red lights shall begin to show.

(c) Not less than than twenty-seven seconds shall elapse between the time when the amber lights first show and the time when the train reaches the crossing.

(d) The intermittent red lights shall continue to show and the audible warning devices shall continue to sound until the train has passed clear of the crossing, when both shall stop.

(6) Facilities shall be provided to reduce the sound output of the audible warning devices mentioned in paragraph (5) of Part I of this Schedule. The reduced sound output shall operate between 2330 hours and 0700 hours approximately.

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Printed for Her Majesty's Stationery Office by Albert Gait Ltd. Dd. 0717976
850/G 3419/6181 WO I40 C9 5/85

ISBN 0 11 056725 0