STATUTORY INSTRUMENTS

1985 No. 1578

TRANSPORT

The Rheilffordd Llyn Tegid Light Railway Order 1985

Made - - - -	9*th October* 1985
Coming into Operation	11*th October* 1985

The Secretary of State for Transport, on the application of Rheilffordd Llyn Tegid Limited and in exercise of powers conferred by sections 7, 9, 10, 11 and 12 of the Light Railways Act 1896 (**a**) and section 121(4) of the Transport Act 1968 (**b**) and now vested in him (**c**), 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 Rheilffordd Llyn Tegid Light Railway Order 1985 and shall come into operation on the 11th October 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 Board" means the British Railways Board;

"the Board's former railway" means such part of the former Bala and Dolgellau railway of the Board in the communities of Llanuwchllyn and Llangower in the District of Meirionnydd in the County of Gwynedd as lies between reference points SH 879299 (being a point 183 metres or thereabouts east of the western end of the bridge carrying the Board's former railway over the B.4403 road in the said community of Llanuwchllyn) and SH 929349 (being a point opposite Pen-y-bont farmyard 50 metres or thereabouts west of the bridge carrying the B.4391 road over the Board's former railway at Pen-y-bont in the said community of Llangower);

"the Company" means Rheilffordd Llyn Tegid Limited incorporated under the Companies Act 1948 and having their registered office at Yr Orsaf Llanuwchllyn, Bala, Gwynedd;

"the deposited plan", "the deposited section" and "the deposited book of reference" mean respectively the plan, section and book of reference 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;

(**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**) 1968 c.73.
(**c**) S.I. 1970/1681, 1979/571 and 1981/238.

"the railway" means the railway and works by this Order authorised or, as the case may be, any part thereof.

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

Incorporation and application 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 (provisions in respect of level crossings on highways other than public carriage roads);

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 enactments shall apply to the railway:—

The Regulation of Railways Act 1868(**b**)—

Section 22 (means of communication between passengers and the Company's servants to be provided);

The 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 said Act of 1868 shall have effect as if the words "and travels more than twenty miles without stopping" were omitted therefrom.

(4) Without prejudice to the generality of the foregoing, sections 116 to 118 of the Transport Act 1968 shall apply to the railway as if references therein to the Board were references to the Company.

Power to make railway

4.—(1) Subject to the provisions of this Order the Company may construct, make and maintain the railway hereinafter described in the lines and according to the levels shown on the deposited plan and the deposited section and with all proper rails, plates, sidings, junctions, bridges, culverts, drains, approaches, roads, yards, buildings and other works and conveniences connected therewith including station premises, workshops and facilities.

(2) The railway is situate wholly in the District of Meirionnydd in the County of Gwynedd and is in the communities of Llanuwchllyn and

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

Llangower being a railway (7.24 kilometres or thereabouts in length) on the line of the Board's former railway incorporating the existing railway on that line.

(3) Subject to the provisions of this Order the railway 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 Company 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 work and maintain railway as a light railway

5. Subject to the provisions of this Order the Company may work and maintain the railway as a light railway under the principal Act.

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

6.—(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 public conveyance of passengers without the permission in writing of the Secretary of State being first had and obtained and the Company shall comply with the conditions (if any) which the Secretary of State may from time to time 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 offence be liable, on summary conviction, to a fine not exceeding one hundred pounds.

Gauge of railway and motive power

7. The railway shall be constructed on a gauge of 600 millimetres and the motive power on the railway shall be steam, diesel, diesel-electric, batteries or internal combustion (or such other motive power as the Secretary of State may approve).

Public liability insurance

8.—(1) In this article "insurer" means any insurer or insurers permitted under the Insurance Companies Act 1982(**a**) to carry on in the United Kingdom 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.

(2) The Company shall at all times maintain 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 one million pounds and the adequacy of the cover provided by the policy shall be regularly reviewed by the Company.

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

(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 they shall be liable on summary conviction to a fine not exceeding two thousand pounds, or on conviction on indictment to a fine.

Costs of Order

9. 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
9th October 1985.

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

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