
STATUTORY INSTRUMENTS

1991 No. 1111

TRANSPORT

The Yorkshire Dales Light Railway Order 1991

Made - - - - - *24th April 1991*

Coming into force - - - - - *25th April 1991*

The Secretary of State for Transport, on the application of the Yorkshire Dales Railway Museum Trust (Holdings) Limited, and in exercise of powers conferred by sections 7, and 9 to 12, of the Light Railways Act 1896⁽¹⁾, and now vested in him⁽²⁾, 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 Yorkshire Dales Light Railway Order 1991 and shall come into force on 25th April 1991.

(2) The Yorkshire Dales Light Railway Orders 1979 to 1987 and this Order may be cited together as the Yorkshire Dales Light Railway Orders 1979 to 1991.

Interpretation

2. In this Order, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them—

“the Act of 1845” means the Railways Clauses Consolidation Act 1845⁽³⁾;

“the Board” means the British Railways Board;

“the former 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 Yorkshire Dales Railway Museum Trust (Holdings) Limited incorporated under the Companies Act 1948⁽⁴⁾ and having its registered office at Albion House, Rope Walk, Otley Street, Skipton, North Yorkshire;

(1) 1896 c. 48; sections 7 and 9 were repealed in part by the Railways Act 1921 (c. 55), section 86(2) and Schedule 9; section 10 was repealed in part by the Statute Law (Repeals) Act 1986 (c. 12), Schedule 1; Section 11 was amended by the Light Railways Act 1912 (c. 19), section 5(3), and the Railways Act 1921, section 73(1), and was repealed in part and further amended in respects not relevant to this Order; section 12 was repealed in part by the Finance Act 1929 (c. 21), section 6 and Schedule.

(2) S.I. 1970/1681, 1979/571 and 1981/238.

(3) 1845 c. 20.

(4) 1948 c. 38.

“the Order of 1987” means the Yorkshire Dales Light Railway Order 1987~~(5)~~;

“the principal Act” means the Light Railways Act 1896; and

“the railway” means the railway authorised to be constructed, made and maintained pursuant to article 5 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.

Incorporation and modification of enactments

3.—(1) The following provisions of the Act of 1845, 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 or subsection (1) of section 12 of the principal Act, the following provisions shall apply to the railway:—

Regulation of Railways Act 1868~~(6)~~—

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

Regulation of Railways Act 1889~~(7)~~—

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 Regulations of Railways Act 1868 shall have effect as if the words “and travels more than twenty miles without stopping” were omitted therefrom.

Disapplication of provisions

4. Section 6 (For protection of the Duke of Devonshire) of the Midland Railway (Additional Powers) Act 1883~~(8)~~ shall not apply to the railway or to the former railway.

Power to make railway

5. The Company may on the line and to the extent of the former 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.

Transfer of rights, etc from Board

6.—(1) Except as may be otherwise provided in this Order, the railway or any part thereof shall be subject to all statutory and other provisions applicable to the former 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

(5) S.I. 1987/1088.

(6) 1868 c. 119.

(7) 1889 c. 57.

(8) 1883 c. cxi.

obligations statutory or otherwise relating to the former railway (insofar as these are still subsisting and capable of taking effect) to the intent that the Board shall be released from all such obligations.

(2) Paragraph (1) of this article shall have effect in relation to any part of the former railway as from the date upon which such part is transferred to and vested in the Company by agreement.

As to levels and formation of railway

7. The railway shall be laid on the same levels as, and within the existing formation of, the former railway with the exception of this section between the occupation bridge No.30 and the termination of the railway, where the railway shall be laid within the existing formation but at a maximum level of 60 centimetres above the former railway.

Gauge of railway and motive power

8. The railway shall be constructed and operated on a nominal gauge of 1.435 metres (4 feet 8½ inches) and the motive power shall be steam, diesel-electric, diesel, 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 Company 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 telecommunication apparatus (as defined in Schedule 2 to the Telecommunications Act 1984⁽⁹⁾) or with telecommunication by means of such apparatus.

Restrictions and conditions as to working of railway

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 the prior written permission of the Secretary of State 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 the public using the railway.

(4) If the Company contravene any of the provisions of this article, they shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Public Liability insurance

10.—(1) In this article—

“insurer” means any insurer or insurers authorised under the Insurance Companies Act 1982 (10) to carry on in the United Kingdom 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.

(9) 1984 c. 12.

(10) 1982 c. 50.

- (a) (2) (a) The Company shall not work the railway unless there is in force a policy in accordance with the provisions of this article.
 - (b) If the Company contravene the provisions of this article they shall be liable on summary conviction to a fine not exceeding the statutory maximum 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 Company.

For protection of Trustees of Chatsworth Settlement

11.—(1) Article 12 (For protection of Trustees of Chatsworth Settlement) of the Order of 1987 shall apply to the railway as it applies to the railway authorised by and defined in that Order.

(2) The provisions of the said article 12, as so applied, shall have effect as if for references to the date of the coming into operation of the Order of 1987 there were substituted references to the date of the coming into force of this Order.

For protection of sewerage undertakers

12. For the protection of sewerage undertakers (in this article referred to as “the undertakers”) the following provisions shall, unless otherwise agreed in writing between the Company and the undertaker concerned, apply and have effect:—

(1) In this article, “relevant pipe” in relation to an undertaker has the meaning given in paragraph 1 of Schedule 19 to the Water Act 1989⁽¹¹⁾.

(2) Nothing in section 18 of the Act of 1845 in its application to the railway shall authorise the Company to raise, sink or otherwise alter the position of, or in any way to interfere with, any relevant pipe without the consent in writing of the undertaker concerned, such consent not to be unreasonably withheld.

(3) Subject to paragraph below, where any relevant pipe is situated in or under any land owned or held for the purposes of the railway the Company shall at their own expense maintain all culverts over such relevant pipe which are in existence at the coming into force of this Order so as to leave the relevant pipe accessible for the purposes of repairs.

(4) Nothing in paragraph (3) above shall have the effect of requiring the Company to carry out works of maintenance in respect of any culvert which the undertakers or any other person are liable to maintain.

(5) The Company shall afford reasonable facilities to the undertakers for the execution and doing of all such works and things as may be reasonably necessary to enable them to inspect, repair, maintain, renew, replace, remove, alter or use any relevant pipe.

(6) The Company shall compensate the undertakers:—

- (a) for any damage done or disturbance caused to any relevant pipe; and
- (b) for any other expenses, loss, damage, penalty or costs incurred by the undertakers,

by reason or in consequence of the execution, maintenance, user or failure of any of the works authorised by this Order or otherwise by reason or in consequence of the exercise by the Company of the powers of this Order;

Provided that nothing in this paragraph shall entitle the undertakers to any payment in respect of damage attributable to the neglect or default of the undertakers, their servants or agents.

(11) 1989 c. 15.

(7) Nothing in this Order shall prejudice or affect the provisions of any enactment or agreement regulating the relations between the Company and the undertakers with regard to any relevant pipe laid or erected in the railway at the date upon which this Order comes into force.

(8) Subject to paragraph (7) above the provisions of the Act of 1845 applied by this Order shall be subject to the provisions of this article.

(9) Any difference arising between the Company and the undertakers under this article shall be referred to and settled by arbitration.

Arbitration

13. Where under any provision of this Order any difference is to be referred to or settled by arbitration, then such difference shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

Signed by authority of the Secretary of State for Transport

24th April 1991

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

So much of the Skipton and Ilkley railway of the Board in the county of North Yorkshire described in and authorised by section 4 of the Midland Railway (Additional Powers) Act 1883 as extends from the eastern terminus of the portion of the said railway described in the Schedule to the Order of 1987 in the parish of Halton East and terminates at a point 25 metres to the west of the centre of the bridge (Prior's Bridge) carrying the road known as Low Lane over that railway in the parish of Draughton.