
STATUTORY INSTRUMENTS

1997 No. 2262

The Mid-Norfolk Railway Order 1997

PART I

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Mid-Norfolk Railway Order 1997 and shall come into force on 23rd September 1997.

Interpretation

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

“the Board” means the British Railways Board;

“the Board’s railway” means so much of the railway of the Board (including the site of the railway) in the County of Norfolk described in and authorised by the Norwich and Brandon Railway Act 1845(1) or the Norfolk Railway Extensions, Dereham, Wells and Blakeney Branch Act 1846(2), and works relating thereto, as lies between a point immediately west of the junction of the said railway and the main Thetford to Norwich railway at Wymondham, in the District of South Norfolk at reference point TG 1130 0090 and a point immediately south of Norwich Road at East Dereham in the District of Breckland at reference point TF 9935 1320 and includes all lands held by the Board relating to the said railway or to any stations or other works connected therewith, and lying between those points;

“protective equipment” includes gates, barriers, lights, traffic signs (within the meaning of section 64 of the Road Traffic Regulation Act 1984(3)), manual, mechanical, automatic, electronic or telephonic equipment or other devices;

“reference point” means Ordnance Survey National Grid reference point;

“the transfer date” means the date on which the Board’s railway or any part thereof is vested in the Trust by virtue of an agreement made between the Board and the Trust; and

“the Trust” means the Mid-Norfolk Railway Preservation Trust (Registered Charity No. 1046931) incorporated under the Companies Act 1985(4) as a company limited by guarantee and whose registered office is at Railway Station, Station Road, Yaxham, East Dereham, Norfolk NR19 1RD.

Disapplication of certain enactments relating to level crossings

3. Section 47 of the Railways Clauses Consolidation Act 1845(5) (roads crossed on a level) and section 6 of the Railways Clauses Act 1863(6) (lodges at level crossings) shall on the transfer date cease to apply to the Board’s railway or the relevant part thereof.

(1) 1845 c. cliv.
(2) 1846 c. clxix.
(3) 1984 c. 27.
(4) 1985 c. 6.
(5) 1845 c. 20.

PART II

TRANSFER OF BOARD'S RAILWAY

Transfer of Board's railway

4.—(1) Subject to the following provisions of this article, the Board may transfer the whole or any part of the Board's railway to the Trust on such terms and conditions as may be agreed between the Board and the Trust.

(2) On and after the transfer date the Trust 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 of the Board whether statutory or otherwise relating to the Board's railway or the relevant part thereof, with the intent that the Board shall be released from all such obligations.

(3) Without prejudice to the generality of paragraph (2) above sections 116, 117 and 118 of the Transport Act 1968 shall, on and after the transfer date, apply to the Board's railway or the relevant part thereof as if references to the Board were references to the Trust.

PART III

MISCELLANEOUS

Power to operate and use railway

5. Subject to article 8 of this Order, on and after the transfer date the Trust may operate and use the Board's railway as a system, or part of a system, of transport for the carriage of passengers and goods.

Safety of approved works, etc.

6.—(1) Where pursuant to regulations made under section 41 of the Transport and Works Act 1992 (approval of works, plant and equipment) approval has been obtained from the Health and Safety Executive with respect to any works, plant or equipment (including vehicles) forming part of the Board's railway, such works, plant and equipment shall not be used in a state or condition other than that in which they were at the time that the approval was given unless any change thereto does not materially impair the safe operation of the said railway.

(2) If without reasonable cause the provisions of paragraph (1) above are contravened on or after the transfer date the Trust shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) No proceedings shall be instituted in England and Wales in respect of an offence under this article except by or with the consent of the Health and Safety Executive or the Director of Public Prosecutions.

Level crossings

7.—(1) On and after the transfer date the provisions set out in Part II of the Schedule to this Order shall apply to the level crossings mentioned in Part I of that Schedule.

(2) Without prejudice to the generality of article 4(2) of this Order the British Railways Board (Norfolk Railway) (Yaxham Road Level Crossing) Order 1977 and the British Railways Board (Norfolk Railway) (Hall Lane Level Crossing) Order 1977 shall, on and after the transfer date,

respectively apply to the level crossings mentioned in Part III of that Schedule as if references to the Board were references to the Trust.

Restrictions as to the conveyance of passengers

8. No part of the Board's railway shall be used for the conveyance of passengers without the prior written permission of the Health and Safety Executive.

Signed by authority of the Secretary of State for Transport

16th September 1997

Richard Bird
Director, Urban and Local Transport Directorate
Department of the Environment, Transport, and
the Regions