
STATUTORY INSTRUMENTS

1978 No. 1119

TRANSPORT

**The Isle of Wight (Havenstreet and Wootton) Light Railway
Order 1978**

Made - - - - 1st August 1978

Coming into Operation 11th August 1978

The Secretary of State for Transport on the application of the Isle of Wight County Council and the Isle of Wight Railway Company Limited and in exercise of powers conferred by sections 3, 7, 9, 10, 11 and 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. This Order may be cited as the Isle of Wight (Havenstreet and Wootton) Light Railway Order 1978 and shall come into operation on 11th August 1978.

Interpretation

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

“the Board” means the British Railways Board;

“the Company” means the Isle of Wight Railway Company Limited;

“the Council” means the Isle of Wight County Council;

“the county” means the county of the Isle of Wight;

“the lease” means any lease granted in pursuance of the powers of Article 6(1) of this Order, any extension of the term of the same or any new lease granted under any statutory powers or provisions;

“the level crossings” means Packsfield crossing and Woodhouse crossing;

“Packsfield crossing” means the crossing in the borough of Medina in the county, whereby the public bridlepath leading from a point in Station Road near Wootton Common crossroads to a point in Station Road near Wootton Lodge is crossed by the railway on the level;

“the principal Act” means the Light Railways Acts 1896 and 1912 as amended by the Railways Act 1921;

“the railway” means the railway more particularly described in Schedule 1 to this Order including all lands and works relating thereto;

“Woodhouse crossing” means the crossing in the borough of Medina in the county whereby the public bridlepath from Wootton Bridge to Woodhouse Farm is crossed by the railway on the level.

(a) 1896 c. 48.

(b) 1912 c. 19.

(c) 1921 c. 55.

(d) S.I. 1970/1681.

(2) The Interpretation Act 1889(a) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Power to work railway as a light railway

3.—(1) Subject to the provisions of this Order—

(a) the Council may work the railway as a light railway under the principal Act;

(b) such of the enactments set out in the Second Schedule to the Light Railways Act 1896 as are still in force (except section 22 (Means of communication between passengers and the company's servants to be provided) of the Regulation of Railways Act 1868(b) and section 1 (Power to order certain provisions to be made for public safety) and section 5 (Penalty for avoiding payment of fare) of the Regulation of Railways Act 1889(c)) shall cease to apply to the railway.

(2) In its application to the railway the said section 22 of the Regulation of Railways Act 1868 shall be read, construed and have effect as if the words "and travels more than 20 miles without stopping" were omitted therefrom.

Restriction of weight on rails and of speed; conveyance of passengers

4.—(1) No 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 shall be used upon the railway.

(2) No train or engine shall be run 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 permission in writing of the Secretary of State being first had and obtained and the conditions (if any) which the Secretary of State may from time to time prescribe for the safety of persons using the railway shall at all times be complied with.

(4) If any person operating the railway acts in contravention of any of the provisions of this Article, that person shall for each offence be liable on summary conviction to a fine not exceeding fifty pounds.

Transfer of rights etc. in railway to Council

5. On the coming into operation of this Order all such rights, interests, powers, privileges and obligations as are vested in or borne by the Board immediately before that day with respect to the railway shall be transferred to and vest in the Council and thereafter the Council shall to the exclusion of the Board be entitled to the benefit of, and to exercise, all such rights, interests, powers and privileges and be subject to all such obligations, whether statutory or otherwise, then in force.

Vesting of railway in Company

6.—(1) After the coming into operation of this Order the Council may transfer to and vest in the Company, whether by lease or sale, the railway or any part thereof together with any rights, interests, powers, privileges and obligations vested in the Council in accordance with Article 5 (Transfer of rights etc. in railway to Council) of this Order on such terms and conditions as may be agreed between the Council and the Company.

(a) 1889 c. 63.

(b) 1868 c. 119.

(c) 1889 c. 57.

(2) During the continuance of the lease, or after completion of any such sale, the Company shall to the exclusion of the Council be entitled to the benefit of, and to exercise, all such rights, interests, powers and privileges and be subject to all such obligations of the Council whether statutory or otherwise as are transferred to or conferred on the Council 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 or as is sold as aforesaid.

Public liability insurance

7.—(1) In this paragraph—

“approved” means approved by the Council;

“insurer” means any insurer or insurers (including a member or members of Lloyd’s) authorised to carry on a Class 13 insurance business in Great Britain under the Insurance Companies Act 1974(a) as modified by the Insurance Companies (Classes of General Business) Regulations 1977(b);

“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 one million pounds.

(2) (i) The Company shall not work the railway unless there is in force a policy.

(ii) In default of compliance with the provisions of this paragraph the Company shall be liable on summary conviction to a fine not exceeding £100 and on conviction on indictment to a fine.

(3) The Company shall while the railway is leased to the Company—

(a) at all times maintain an approved policy in the joint names of the Company and the Council and in default thereof the Council may (without prejudice to any other powers granted under this Order) effect and maintain such policy and pay the premiums payable in respect thereof so that the premiums so paid and all incidental expenses shall be repaid by the Company to the Council on demand;

(b) at the request of the Council produce to the Council such evidence as may be requisite for the purpose of proving compliance with the provisions of this paragraph;

(4) Notwithstanding and without prejudice to the provisions of this Article, the Council may while the railway is leased to the Company effect and maintain a policy in their own name with an insurer providing such cover for such period or periods and generally in such manner as the Council may from time to time determine,

Provided that, during such times as the Company are not operating the railway under a lease granted under Article 6(1) of this Order, the Council shall not work the railway unless there is in force a policy and the Council shall on those occasions be liable for failure to comply with this provision on the terms referred to in paragraph (2) of this Article.

(5) In the event of the sale of the railway being effected by the Council to the Company, the Company shall maintain a policy in their sole name.

(6) The adequacy of the cover provided by a policy maintained in accordance with this Article shall be regularly reviewed by the body which is required to effect and maintain the policy.

(a) 1974 c. 49.

(b) S.I. 1977/1552.

Alterations to level crossings

8. Notwithstanding anything in the Ryde and Newport Railway Act 1872(a) or in any enactment incorporated therewith and except as hereinafter provided:—

- (1) the Council shall not be required to erect or maintain a station or lodge at either of the level crossings or be subject to any regulations with regard to the speed of trains thereover except as provided in this Order.
- (2) The Council shall provide at each of the level crossings and shall maintain and operate the signs and other devices and appliances specified in Schedule 2 to this Order.

Recovery of penalties

9. Any fine under this Order may be recovered in manner provided by the Magistrates' Courts Act 1952(b).

Costs of Order

10. 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
1st August 1978.

J. Palmer,
An Under Secretary in the
Department of Transport.

(a) 1872 c. cxxxv.

(b) 1952 c. 55.

SCHEDULE 1

THE RAILWAY

So much of the railway in the borough of Medina in the county of the Isle of Wight described in and authorised by the Ryde and Newport Railway Act 1872 as extends westwards from a point 600 metres east of the signal box at Havenstreet station to a point 2,473 metres west of the said signal box.

SCHEDULE 2

PARTICULARS OF SIGNS AND OTHER DEVICES AND APPLIANCES

- (1) A self-closing wicket gate shall be provided on each side of the railway.
- (2) A sign bearing the wording 'WARNING—STOP, LOOK AND LISTEN BEFORE CROSSING THE LINE' shall be provided on the left hand side of the footway on both sides of the railway and shall face towards pedestrians approaching the level crossing.

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