
STATUTORY INSTRUMENTS

1978 No. 1937

TRANSPORT

The Cranmore Light Railway Order 1978

Made - - - - - 20th December 1978

Coming into Operation - - - 21st December 1978

The Secretary of State for Transport on the application of the East Somerset Railway Company Limited and in exercise of powers conferred by sections 7, 9, 10, 11, 12 and 18 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 Cranmore Light Railway Order 1978 and shall come into operation on 21st December 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 East Somerset Railway Company Limited, incorporated under the Companies Act 1948(e) and having its registered office at No. 1 Boundary Close, Holcombe, Bath, Somerset;

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

“the Board’s Railway” means so much of the railway or former railway of the Board described as Railway No. 1 in the Schedule hereto including all lands and works relating thereto;

“the Company’s Railway” means the railway more particularly described as Railway No. 2 in the Schedule hereto and the Board’s Railway or any part thereof vested in the Company by virtue of an agreement made in accordance with Article 3(1) of this Order;

“Railway No. 1” means the Railway No. 1 described in the Schedule to this Order;

“Railway No. 2” means the Railway No. 2 described in the Schedule to this Order;

(a) 1896 c. 48.

(c) 1921 c. 55.

(e) 1948 c. 38.

(b) 1912 c. 19.

(d) S.I. 1970/1681.

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“the transfer date” means the day on which the Board’s Railway or any part thereof is vested in the Company by virtue of an agreement made pursuant to Article 3(1) of this Order.

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

Transfer of the Board’s Railway to the Company

3.—(1) The Board and the Company may enter into and carry into effect agreements providing for the transfer to and the vesting in the Company of the Board’s Railway or any part thereof on such terms and conditions as may be agreed between the Board and the Company.

(2) As from the transfer date the Company shall to the exclusion of the Board be entitled to the benefit of, and to exercise all the rights, powers and privileges and to be subject to all obligations of the Board whether statutory or otherwise for the time being in force in respect of the Board’s Railway or such part thereof as is transferred as aforesaid.

Power to work Company’s Railway as a light railway

4. Subject to the provisions of this Order from the transfer date the Company may work as a light railway under the principal Act the Company’s Railway more particularly described in the Schedule hereto.

Application of enactments

5.—(1) Subject to the provisions of this Order such of the enactments set out in the Second Schedule to the Light Railways Act 1896 as are still in force (except section 22 of the Regulation of Railways Act 1868(b) (Means of communication between passengers and the Company’s servants to be provided) and sections 1 and 5 of the Regulation of Railways Act 1889(c), (Power to order certain provisions to be made for public safety and Penalty for avoiding payment of fare)) shall cease to apply to Railway No. 1.

(2) Sections 68 and 75 of the Railway Clauses Consolidation Act 1845(d) (Maintenance of gates, bridges, &c., fences, drains, watering places and Penalty on persons omitting to fasten gates), section 22 of the Regulation of Railways Act 1868 (Means of communication between passengers and the Company’s servants to be provided) and sections 1 and 5 of the Regulation of Railways Act 1889 (Power to order certain provisions to be made for public safety and Penalty for avoiding payment of fare) are incorporated and applied to Railway No. 2 and form part of this Order so far as the same are applicable for the purposes and are not inconsistent with or varied by the provisions of this Order.

(3) In its application to the Company’s 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 twenty miles without stopping” were omitted therefrom.

(4) Without prejudice to the generality of the foregoing, sections 116, 117 and 118 of the Transport Act 1968(e) shall from the transfer date apply to the Company’s Railway as if references therein to the Board were references to the Company.

(a) 1889 c. 63.
(d) 1845 c. 20.

(b) 1868 c. 119.
(e) 1968 c. 73.

(c) 1889 c 57.

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

6.—(1) The Company shall not use upon the Company's 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 Company's 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 Company's 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 any conditions which the Secretary of State may from time to time prescribe for the safety of persons using the Company's Railway.

(4) If the Company contravenes any of the provisions of this Article it shall for each offence be liable on summary conviction to a fine not exceeding fifty pounds.

Public liability insurance

7.—(1) In this Article "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).

(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 Company's 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 Company's Railway unless there is in force such a public liability policy in accordance with the provisions 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 hundred pounds or on conviction on indictment to a fine.

Recovery of penalties

8.—(1) Any penalty under this Order may be recoverable in manner provided by the Magistrates' Courts Act 1952(c).

(2) Any expenses payable by or to the Company under this Order may be recoverable as a civil debt in manner provided by the Magistrates' Courts Act 1952.

Costs of Order

9. All costs charges and expenses of and incidental to the preparing for and making of this Order or otherwise in relation thereto shall be payable by the Company.

(a) 1974 c. 49.

(b) S.I. 1977/1552.

(c) 1952 c. 55.

THE SCHEDULE

Railway No 1

Such part of the East Somerset Railway of the Board in the District of Mendip in the County of Somerset as comprises so much of the railway described in and authorised by section 19 of the East Somerset Railway Act 1856(a), and deviated in part pursuant to section 20 of the said Act, as lies between the 6 mile post (measured from Witham Junction), west of the former Cranmore Station, in the Parish of Cranmore and the eastern face of the bridge carrying Maesdown Road over the said railway in the Parish of Doulling.

Railway No 2

That railway in the Parish of Cranmore in the County of Somerset that commences 400 yards or thereabouts to the west of the former Cranmore Station and lies immediately to the north of that part of the East Somerset Railway of the Board that runs between the former Cranmore Station and the 6 mile post (measured from Witham Junction) west of the former Cranmore Station and comprises in addition a locomotive shed, workshop and yard.

Signed by authority of
the Secretary of State
20th December 1978.

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

(a) 1856 c. xvi.

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