

1980 No. 667

TRANSPORT

The Beddgelert Siding Light Railway Order 1980

Made - - - - 2nd May 1980

Coming into Operation 12th May 1980

The Minister of Transport on the application of Welsh Highland Light Railway (1964) Limited and in exercise of powers conferred by sections 7, 9, 10 and 11 of the Light Railways Act 1896(a) and now vested in him(b) 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 Beddgelert Siding Light Railway Order 1980 and shall come into operation on 12th May 1980.

Interpretation

2. 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 Company” means Welsh Highland Light Railway (1964) Limited, incorporated under the Companies Act 1948(c), and having its registered office at Gelerts Farm Works, Madoc Street West, Porthmadog, Gwynedd;

“the plan” means the plan deposited in respect of the application for this Order with the Minister and referred to in the Schedule to this Order and “the section” means the section likewise deposited;

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

“the day of transfer” 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 of this Order;

“the Board’s railway” means so much of the railway or former railway of the Board as is more particularly described in the Schedule to this Order including all lands and works relating thereto;

“the Company’s railways” means the railway authorised to be constructed, made and maintained by the Company pursuant to articles 4 and 5 hereof;

“the new railway” means the part of the Company’s railways to be constructed, made and maintained pursuant to article 5 hereof.

Transfer of the Board’s railway to the Company

3. The Board and the Company may enter into and carry into effect agreements providing for the transfer to and vesting in the Company of the Board’s

(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) S.I. 1970/1681 and 1979/571.

(c) 1948 c. 38.

railway or any part thereof on such terms and conditions as may be agreed between the Board and the Company.

Power to make railway on the line of the Board's railway

4.—(1) The Company may as from the day of transfer on the lands taken for and on the line of the Board's railway construct, make and maintain a railway with all 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.

(2) Subject to the provisions of this Order as from the day of transfer the Company's railways or any part thereof to the extent that the same are authorised to be constructed, made and maintained pursuant to this article shall be subject to all statutory and other provisions applicable to the Board's railway (in so far 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 (in so far 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 make the new railway

5.—(1) Subject to the provisions of this Order the Company may on the land owned by them construct, make and maintain the railway described in the Schedule to this Order in the lines and according to the levels shown on the plan and the section and with all proper rails, plates, sidings, junctions, bridges, culverts, drains, approaches, yards, buildings and other works and may work the railway as a light railway under the principal Act.

(2) Provided that the description of the railway contained in the Schedule hereto or anything otherwise contained in this Order shall not prejudice any right the Company may have outside the terms of this Order of making, constructing, laying or erecting any further branches, sidings, junctions and other conveniences with all rails, plates and other works in connection therewith provided and so far as the same shall be solely on land belonging to the Company and provided that the same shall not cross any highway.

Application of enactments

6.—(1) The provisions of the Railways Clauses Consolidation Act 1845(a) except sections 8, 9, 11 to 15, 32 to 44, 46 to 57, 59, 60 to 62, 94, 95, 97 and 115 to 124 are incorporated with 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, and this Order shall be deemed to be the special Act for the purposes of the said incorporated provisions.

(2) Such of the enactments set out in the Second Schedule to the Light Railways Act 1896 as are still in force except 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(b) shall not apply to the Company's railways.

Gauge of Company's railways and motive power

7. The Company's railways shall be constructed on a gauge of one foot eleven and a half inches (six hundred millimetres) commonly called the two foot

(a) 1845 c. 20.

(b) 1889 c. 57.

gauge and the motive power shall be steam, diesel, petrol, electric-battery, or such other motive power as the Minister may approve.

Provided that if electrical power is used as motive power on the Company's railways such electrical power shall not be used in such a manner as to cause or be likely to cause any interference with any telegraphic line (as defined by the Telegraphic Act 1878(a)) belonging to or used by the Post Office or with telegraphic communication by means of such line.

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

8.—(1) The Company shall not use upon the Company's railways any engine, carriage or truck bringing any weight upon the rails by any one pair of wheels exceeding such weight as the Minister may allow.

(2) The Company shall not run any train or engine upon any part of the Company's railways at a rate of speed exceeding at any time that fixed by the Minister for such part.

(3) No part of the Company's railways shall be used for the conveyance of passengers without the permission in writing of the Minister being first had and obtained, which permission shall not be withheld if the Minister is satisfied that such use will not be attended with danger to the public, and the Company shall comply with the conditions (if any) which the Minister may from time to time prescribe for the safety of persons using the Company's railways.

(4) If the Company act in contravention of any of the provisions of this article they shall for each offence be liable on summary conviction to a penalty not exceeding fifty pounds.

Public liability insurance

9.—(1) In this article "insurer" means any insurer or insurers permitted under the Insurance Companies Act 1974(b) or the corresponding provision for the time being in force in Northern Ireland to carry on in Great Britain 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 cover of not less than one million pounds sterling in respect of any one accident on or occasioned by the operation of the Company's railways 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 railways unless there is in force such a public liability policy as is hereinbefore referred to.

(4) If the Company shall fail to comply with the provisions of paragraphs (2) and (3) of this article they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

Recovery of penalties

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

(a) 1878 c. 76.

(b) 1974 c. 49.

(c) 1952 c. 55.

Costs of Order

11. All costs, charges and expenses of and incidental to the preparing, making and confirmation of this Order or otherwise in relation thereto shall be paid by the Company.

Signed by authority of
the Minister of Transport
2nd May 1980.

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

THE SCHEDULE

THE BOARD'S RAILWAY

Such part of the railway or former railway of the Board including all lands and works relating thereto authorised as Railway No. 7 by the Aberystwyth and Welsh Coast Railway Act 1862(a) and by section 36 of the Croesor and Portmadoc Railway Act 1865(b) situate in the Community of Porthmadog in the District of Dwyfor in the County of Gwynedd and being more particularly delineated and shown edged blue on the plan marked "The Beddgelert Siding Light Railway Order 1980" sealed by the Company and deposited with the Minister.

THE NEW RAILWAY

A railway situate in the community of Porthmadog in the District of Dwyfor in the County of Gwynedd commencing by a junction with the Board's railway at a point 400 metres from the commencement of the Board's railway at Porthmadog and terminating at a point 125 metres or thereabouts south-west of the commencement thereof in an enclosure known as Gelerts Farm at a point 20 metres or thereabouts south of the Board's railway and being more particularly delineated and shown edged red on the said plan marked "The Beddgelert Siding Light Railway Order 1980" sealed by the Company and deposited as aforesaid.

(a) 1862 c. clxxvi.

(b) 1865 c. ccxcv.

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