
STATUTORY INSTRUMENTS

1980 No. 671

TRANSPORT

The Brecon Mountain Railway (Light Railway) Order 1980

Made - - - - 8th May 1980

Coming into Operation - 18th May 1980

The Minister of Transport on the application of the Brecon Mountain Railway Company 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 Brecon Mountain Railway (Light Railway) Order 1980 and shall come into operation on 18th May 1980.

Interpretation

2.—(1) Unless the context otherwise requires, words and expressions (except expressions to which meanings are by this article expressly assigned) to which by the Light Railways Act 1896 or by any enactment incorporated with this Order meanings are assigned have in this Order the same respective meanings and in this Order—

“the Board” means the British Railways Board;

“the Board’s railway” means so much of the former railway of the Board described in and authorised by the enabling Acts and works relating thereto as lies between reference points SO 061100 and SO 058170 and includes all lands formerly held by the Board relating to the said railway and lying between those reference points;

“the Company” means the Brecon Mountain Railway Company Limited;

“the Company’s railway” means the railway authorised to be constructed, made and maintained by the Company pursuant to article 4 of this Order;

“the deposited plans” and “the deposited sections” mean respectively the plans and sections deposited in respect of the application for this Order with the Department of Transport;

“the enabling Acts” means the Brecon and Merthyr Junction Railway Act 1895(c), the Brecon and Merthyr Railway Act 1862(d) and the Brecon and Merthyr Railway (Various Powers) Act 1865(e);

“the principal Act” means the Light Railways Acts 1896 and 1912;

“the railway” means the railway and works authorised by this Order and includes the Board’s railway;

(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) 1859 c. lxxviii.

(d) 1862 c. clxxxiv.

(e) 1865 c. cclxxxv.

“the undertaking” means the undertaking of the Company in relation to the railway as for the time being authorised by any enactment.

(2) References in this Order to reference points shall be construed as references to National Grid reference points.

Incorporation of Acts

3.—(1) Subject to the provisions of this Order the Railways Clauses Consolidation Act 1845(a) (except sections 8, 11 to 15, 17, 46 to 48 and 59 to 62) are hereby incorporated with this Order.

(2) In the construction of the provisions of the Railways Clauses Consolidation Act 1845 as incorporated with this Order—

- (a) sections 7, 9, 10 and 162 shall be read, construed and have effect as if the “proper officers of the County Councils of the Counties of Mid-Glamorgan and Powys” had been referred to therein instead of the “Clerks of the Peace”;
- (b) sections 78 to 85 shall have effect as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923(b);

(3) 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(c) (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(d) (power to order certain provisions to be made for public safety and penalty for avoiding payment of fare)) shall not apply to the Company’s railway.

(4) 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.

Power to make railway

4.—(1) Subject to the provisions of this Order the Company may make and maintain the railway hereinafter described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and the deposited sections and with all proper rails, plates, sidings, junctions, bridges, culverts, drains, approaches, roads, yards, buildings and other works and conveniences connected therewith including station premises, workshops and facilities at Pant.

(2) The said railway is—

A railway 8,720 metres or thereabouts in length including a tunnel commencing in the District of Merthyr Tydfil in the County of Mid-Glamorgan at reference point SO 059097 and terminating in the District of Brecknock in the County of Powys at reference point SO 058170.

(3) Subject to the provisions of this Order the Company’s railway or any part thereof shall be subject to all statutory and other provisions applicable

(a) 1845 c. 20.

(b) 1923 c. 20.

(c) 1868 c. 119.

(d) 1889 c. 57.

to the Board's 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 obligations statutory or otherwise relating to the Board's railway (insofar 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 deviate

5.—(1) In the construction of the railway or any part thereof the Company may deviate from the line or situation thereof shown on the deposited plans to the extent of the limits of deviation shown thereon and may deviate vertically from the level shown on the deposited sections to any extent not exceeding 2 metres upwards or downwards or to such further extent as may be found necessary or convenient and as may be sanctioned by the Minister.

(2) The Company may alter the radius of any curve described on the deposited plans, but so that no such curve shall thereby be reduced to a less radius than 60 metres and may further reduce the radius of any curve to such extent as the Minister may approve and may alter any inclination or gradient of the railway shown on the deposited sections. Provided that no such inclination or gradient thereby increased shall without the consent of the Minister be steeper than 1 in 47.

Power to work and maintain railway as a light railway

6. Subject to the provisions of this Order the Company may work and maintain the railway as a light railway under the principal Act.

As to crossing of roads on level

7.—(1) The Company may in the construction of the railway carry the same with a single line of rails across and on the level of—

- (a) the accommodation road to the station house at Pontsticill at reference point SO 063121;
- (b) the accommodation road leading from the public road on the east side of Torpantau station to a private road on the west side of that station at reference point SO 049167;
- (c) the accommodation road to be provided to give access to land of the Secretary of State for Wales at reference point SO 057134.

(2) Nothing in this Order contained or incorporated shall require the provision of—

- (a) gates or keepers at the crossing mentioned in sub-paragraph (a) of paragraph (1) of this article; or
- (b) keepers at the crossings mentioned in sub-paragraphs (b) and (c) of the said paragraph (1).

Restriction of weight on rails and of speed and as to conveyance of passengers

8.—(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 Minister 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 Minister for such part.

(3) No part of the railway shall be used for the conveyance of passengers without the permission in writing of the Minister first being had and obtained

and the Company shall comply with the conditions (if any) which the Minister may from time to time prescribe for the safety of passengers conveyed or to be conveyed on the railway.

(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 fine not exceeding fifty pounds.

Gauge of railway and motive power

9. The railway shall be constructed on a nominal gauge of 600 millimetres and the motive power on the railway shall be steam, electricity, internal combustion or such other motive power as the Minister may approve. Provided that on so much of the railway as lies north of reference point SO 063125 the consent of the Forestry Commissioners shall be required to any motive power other than oil-fired steam, internal combustion or electricity.

Public liability insurance

10.—(1) In this article “insurer” means any insurer or insurers permitted under the Insurance Companies Act 1974(a) 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 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 they shall be liable on summary conviction to a fine not exceeding one hundred pounds or on conviction on indictment to a fine.

Recovery of fines

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

Costs of Order

12. 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.

J. PALMER,

Signed by authority of
the Minister of Transport
8th May 1980.

An Under Secretary in the
Department of Transport.

(a) 1974 c. 49.

(b) 1952 c. 55.

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