
STATUTORY INSTRUMENTS

1982 No. 521

TRANSPORT

**The Wells and Walsingham Railway
Light Railway Order 1982**

Made - - - - - 5th April 1982

Coming into operation 6th April 1982

The Secretary of State for Transport on the application of Lt. Commander Roy Wallace Francis R.N. Rtd. and Marie Eleanor Francis and in exercise of powers conferred by sections 7, 9, 10 and 11 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 section 121(2) of the Transport Act 1968(d) and now vested in him(e) 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 Wells and Walsingham Railway Light Railway Order 1982 and shall come into operation on 6th April 1982.

Interpretation

2. 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 Board’s railway” means the railway or former railway of the Board described in Schedule 1 to this Order;

“the level crossing” means the level crossing at Warham St. Mary;

“the proprietors” means Lt. Commander Roy Wallace Francis R.N. Rtd. and Marie Eleanor Francis, resident at Hannay, Forncett St. Mary, Norwich, Norfolk;

“the proprietors’ railway” means the railway authorised to be constructed, made and maintained by the proprietors pursuant to article 5 of this Order;

“the Secretary of State” means the Secretary of State for Transport;

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

(a) 1896 c. 48.
(d) 1968 c. 73.

(b) 1912 c. 19.

(c) 1921 c. 55.
(e) S.I. 1970/1681, 1979/571 and 1981/238.

Incorporation and application of enactments.

3.—(1) Section 16 (Works to be executed), section 68 (Maintenance of gates, bridges, &c., fences, drains, watering places), section 75 (Penalty on persons omitting to fasten gates) and the provisions with respect to mines lying under or near the railway of the Railway Clauses Consolidation Act 1845**(a)** are incorporated with this order 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) 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 (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 not apply to the proprietors' railway.

(3) In its application to the proprietors' 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 shall apply to the proprietors' railway as if references therein to the Board were references to the proprietors.

Transfer of rights etc. in Board's railway to proprietors.

4. As from the date of the coming into operation of this Order the proprietors 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 for the time being in force in respect of the Board's railway.

Power to make proprietors' railway.

5.—(1)(a) The proprietors may 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.

(b) The proprietors' railway will be laid on the same levels and within the existing formation of the Board's railway, with the exception of the section of the said railway at Wells-Next-The-Sea between a point 1796.186 metres and a point 1863.852 metres from the commencement of the proprietors' railway, where the said railway will be laid within the existing formation but at a maximum level of 1.65 metres above the Board's railway.

(a) 1845 c. 20.

(b) 1868 c. 119.

(c) 1889 c. 57.

(2) Except as may be otherwise provided herein the proprietors' railway or any part thereof shall be subject to all statutory and other provisions applicable to the Board's railway (insofar as the same are still subsisting and capable of taking effect) and the proprietors 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.

Gauge of railway and motive power

6. The proprietors' railway shall be constructed and operated on a gauge of 26.035 centimetres ($10\frac{1}{4}$ inches) and the motive power shall be diesel or steam or internal combustion or such other motive power as the Secretary of State may approve:

Provided that nothing in this Order shall authorise the proprietors to use electrical power as motive power on the proprietors' railway unless such power is obtained from storage batteries or from a source of generation entirely contained in and carried along with the engines and carriages:

Provided also that, if electrical power is used as motive power on the proprietors' railway, 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 Telegraph Act 1878^(a)) belonging to or used by British Telecommunications or with telegraphic communication by means of such line.

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

7.—(1) The proprietors shall not use upon the proprietors' 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 proprietors shall not run any train or engine upon any part of the proprietors' 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 proprietors' railway shall be used for the conveyance of passengers without the prior written permission of the Secretary of State and the proprietors shall comply with any conditions which the Secretary of State may from time to time prescribe for the safety of persons using the proprietors' railway.

(4) If the proprietors contravene any of the provisions of this article, they shall for each offence be liable on summary conviction to a fine not exceeding £50.

(a) 1878 c. 76.

Public liability insurance

8.—(1) In this article

“insurer” means any insurer or insurers authorised under the Insurance Companies Act 1974^(a) or the corresponding provisions 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;

“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 £1 million.

(2)(i) The proprietors shall not work the proprietors’ railway unless there is in force a policy in accordance with the provisions of this article.

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

(3) The adequacy of the cover provided by a policy maintained in accordance with this article shall be regularly reviewed by the proprietors who are required to effect and maintain the policy.

As to level crossing

9.—(1) The proprietors shall, subject to the conditions and requirements to be observed by the proprietors for the protection, safety and convenience of the public specified in Part I of Schedule 2 to this Order, provide, operate and maintain at the level crossing the traffic signs specified in Part II of the said Schedule 2:—

Provided that nothing in this paragraph shall impose on a highway authority any liability in respect of a traffic sign, provided in pursuance of this paragraph.

(2) If the proprietors shall fail to comply with the provisions of paragraph (1) of this article, they shall for each offence be liable on summary conviction to a fine not exceeding £20.

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 proprietors and may in whole or in part be defrayed out of revenue.

Signed by authority of
the Secretary of State
5th April 1982.

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

(a) 1974 c. 49.

SCHEDULE 1

So much of the former railway of the Board in the district of North Norfolk in the county of Norfolk as comprises such part of the former railway described in and authorised by section 16 of The Wells and Fakenham Railway Act 1854^(a) as lies between a point 33.52 metres south of the A149 road in the parish of Wells-Next-The-Sea, passing through the parishes of Warham St. Mary, Wighton and Great Walsingham, and a point 45.72 metres north of Egmere road in the parish of Little Walsingham but excluding:—

- (a) in the parish of Warham St. Mary, the structure of the bridge carrying the Wells-Next-The-Sea to Little Walsingham public road (B1105) over the railway;
- (b) in the parish of Wighton, the structure of the bridge carrying the Gallow Hill to Wighton public unclassified road over the railway; and
- (c) in the parish of Wighton, the structure of the bridge carrying the North Creake to Wighton public unclassified road over the railway.

SCHEDULE 2

WARHAM ST MARY LEVEL CROSSING

PART I

CONDITIONS AND REQUIREMENTS TO BE OBSERVED

- (1) The surface of the carriageway over the level crossing shall be maintained in a good and even condition.
- (2) The ground at the two edges of the carriageway over the level crossing shall be made up to the level of the carriageway for a distance of not less than 1.0 metre beyond each edge.
- (3) An advance warning board of standard British Railways design shall be provided on each railway approach to the level crossing facing rail traffic approaching the level crossing. The warning board shall be illuminated when the railway is used during the hours of darkness.
- (4) A combined speed restriction and whistle board of standard British Railways design for 5 mile/h shall be provided on each of the railway approaches to the level crossing 20 seconds running time from the crossing at the crossing speed or at the braking distance for the crossing speed whichever is the greater. The board shall be illuminated when the railway is used during the hours of darkness.
- (5) Trains travelling in either the Up or the Down direction shall not exceed 5 mile/h between the combined speed restriction and whistle board mentioned in paragraph (4) of this Part of this Schedule and the point at which they have passed clear of the level crossing. The train whistle shall be sounded between 07.00 hours and 23.30 hours when the train is at the said board.

^(a) 1854 c. clxxx.

PART II

PARTICULARS OF TRAFFIC SIGNS

A St. Andrew's Cross traffic sign of the size, colour and type shown in diagram 542 in the Traffic Signs Regulations currently in force under the Road Traffic Regulation Act 1967^(a) shall be mounted immediately over a "give way" sign to diagram 602 in the said Regulations below which a plate to Department of Transport Drawing No. WM 602.1 and a plate to Department of Transport Drawing No. 862 shall be mounted on the same post. These signs shall be provided on the nearside of the carriageway at the crossing.

^(a) 1967 c. 76.

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