

1984 No. 558

TRANSPORT

The Llangollen and Corwen Light Railway Order 1984

Made - - - - -

2nd April 1984

Coming into Operation

6th April 1984

The Secretary of State for Transport on the application of the Llangollen Railway Society Limited and in exercise of powers conferred by sections 7, 9, 10 and 11 of the Light Railways Act 1896(a) and Section 121(2) of the Transport Act 1968(b) and now vested in him(c) 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 Llangollen and Corwen Light Railway Order 1984 and shall come into operation on 6th April 1984.

*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 enabling Act” means the Llangollen and Corwen Railway Act 1860(d);

“the former railway” means so much of the former railway of the British Railways Board described in and authorised by the enabling Act as extends from the western face of the bridge carrying Castle Street over the River Dee at Llangollen in the Community of Llangollen in the District of Glyndwr in the County of Clwyd to a point 100 yards west of the western end of the platforms at Carrog Station in the Community of Corwen in the District of Glyndwr aforesaid and includes all lands and works relating to that part of the said railway or former railway;

“the Glyndyfrdwy Crossing” means the level crossing over the unclassified road leading from the A5 trunk road at Glyndyfrdwy in the Community of Corwen in the County of Clwyd over the road bridge over the River Dee at Glyndyfrdwy aforesaid;

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

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(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) 1968 c. 73.

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

(d) 1860 c.clxxxviii.

“the Society” means the Llangollen Railway Society Limited incorporated under the Industrial and Provident Societies Act 1965(a) and having its registered office at the Railway Station, Llangollen, Clwyd;

“the Society’s Railway” means the railway authorised to be constructed and maintained by the Society pursuant to article 3 hereof along the route of the former railway.

#### *Power to make the Society’s Railway*

3.—(1) The Society may, on the lands leased from the Clwyd County and Glyndwr District Councils and on the line of the former railway, to the same levels and within the existing formation of that former 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 the Society’s Railway or any part thereof shall be subject to all statutory and other provisions applicable to the former railway (insofar as the same are still subsisting and capable of taking effect) and the Society shall to the exclusion of the British Railways 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 former railway (insofar as the same are still subsisting and capable of taking effect) with the intent that the British Railways Board shall be released from all such obligations.

#### *Gauge of railway and motive power*

4. The Society’s Railway shall be constructed and operated on a gauge of 1,435 millimetres (four feet eight and one half 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 Society to use electrical power as motive power on the Society’s 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.

#### *Incorporation of Acts*

5.—(1) The provisions of the Railway Clauses Consolidation Act 1845(b) except Sections 32 to 44, 46 to 49, 53 to 57, 59 to 61, 71 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. Sections 7, 10 and 162 shall be read, construed and have effect as if “the proper officers of Clwyd County Council” had been referred to instead of “clerks of the peace”.

(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 of the Regulation of Railways Act 1868(c) (Means of communication between passengers and the Company’s servants to be provided) and Sections

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(a) 1965 c. 12.

(b) 1845 c. 20.

(c) 1868 c. 119.

1 and 5 of the Regulation of Railways Act 1889(a) (Power to order certain provisions to be made for public safety and Penalty for avoiding payment of fare)) shall not apply to the Society's Railway.

(3) In its application to the Society's Railway the said Section 22 of the Regulation of Railways Act 1868 shall be read and have effect as if the words "and travels more than twenty miles without stopping" had been omitted.

(4) Without prejudice to the generality of the foregoing, Sections 116 to 119 of the Transport Act 1968 shall apply to the Society's Railway as if references to the British Railways Board were references to the Society.

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

6.—(1) The Society shall not use upon the Society'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 Society shall not run any train or engine upon any part of the Society's Railway at a rate of speed at any time above that fixed by the Secretary of State for such part.

(3) No part of the Society's Railway shall be used for the public conveyance of passengers without the permission in writing of the Secretary of State first being had and obtained and the Society shall comply with the conditions (if any) which the Secretary of State may from time to time prescribe for the safety of the public using the Society's Railway.

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

*Glyndyfrdwy Crossing*

7. The Society shall erect and at all times maintain good and sufficient gates across the Society's Railway at each side of the highway at the crossing of the highway and in connection with such level crossing the following provisions shall apply:—

- (a) such gates and any relevant safety equipment shall be erected, maintained and worked to the satisfaction of the Secretary of State in such manner as he may from time to time determine;
- (b) the Society shall unless otherwise permitted by the Secretary of State in writing employ one or more proper persons to open and close the gates;
- (c) such gates shall be kept constantly closed and locked across the Society's Railway except during the time when engines, wagons, trucks or vehicles passing along the railway shall have occasion to cross the highway and such gates shall be of such dimensions and so constructed as when closed across the Society's Railway or across the highway to fence in the Society's Railway sufficiently;

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(a) 1889 c. 57.

- (d) the drivers or conductors of any engines, wagons, trucks or vehicles passing along the Society's Railway or the person whose office or duty it may be to open or close the said gates shall cause the same to be closed and locked as soon as may be reasonably possible after such engines, wagons, trucks or vehicles shall have passed through the same under a penalty not exceeding fifty pounds for every default therein;
- (e) such gates shall be made conspicuous by being periodically painted white and be provided with reflectorised red and white targets, and in the event of rail movement taking place during the hours of darkness the Society shall cause lamps to be placed on the gates and arrange for such lamps to be lit and maintained; and
- (f) the Society shall erect and maintain at such point or points within or in the vicinity of the said level crossing and on each side of the Society's Railway such level crossing signs as may be reasonably required by the highway authority or by the Secretary of State to warn the public by day and by night of the existence of the level crossing.

### *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 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 Society shall at all times maintain a public liability policy with an insurer providing maximum cover of not less than one million pounds sterling in respect of any one accident on or occasioned by the operation of the Society's Railway and the adequacy of the cover provided by the policy shall be regularly reviewed by the Society.

(3) The Society shall not work the Society's Railway unless there is in force a public liability policy in accordance with the provisions of this article.

(4) If the Society fails to comply with the provisions of this article it shall be liable on summary conviction to a fine not exceeding one thousand pounds or on conviction on indictment to a fine.

### *Costs of Order*

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

Signed by authority of  
the Secretary of State  
2nd April 1984.

*E. B. C. Osmotherly,*  
An Under Secretary in the  
Department of Transport.

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(a) 1974 c. 49.