
S T A T U T O R Y I N S T R U M E N T S

1985 No. 747

TRANSPORT

Six Pit and Upper Bank Junctions Light Railway Order 1985

<i>Made - - - -</i>	<i>10th May 1985</i>
<i>Coming into Operation</i>	<i>13th May 1985</i>

The Secretary of State for Transport on the application of the Swansea City Council and in exercise of powers conferred by sections 3, 7, 9, 10, 11, 12 and 18 of the Light Railways Act 1896(a), and now vested in him(b), and all other powers enabling him in that behalf hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Six Pit and Upper Bank Junctions Light Railway Order 1985 and shall come into operation on 13th May 1985.

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 Company” means Six Pit Limited;

“the Council” means the Swansea City Council;

“the lease” means any lease granted in pursuance of the powers of paragraph (1) of article 5 (Leasing of railway to Company) of this Order, any extension of the same or any new lease granted under any statutory powers or provisions;

“the level crossing” means the Cwm level crossing near Pentrechwyth in the city of Swansea;

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

“the railway” means the railway of the Board described in Schedule 1 to this Order;

“the transfer date” means the day on which the railway or any part thereof is vested in the Council by virtue of an agreement made under article 4 (Transfer of railway to Council) of this Order.

(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, 1979/571 and 1981/238.

Application of enactments

3.—(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 (Means of communication between passengers and the Company's servants to be provided) of the Regulation of Railways Act 1868(a) 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(b)) shall cease to apply to the railway.

(2) In its application to the 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.

Transfer of railway to Council

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

(2) As from the transfer date the Council 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 railway or such part thereof as is transferred as aforesaid.

(3) As from the transfer date the Council may work the railway as a light railway under the principal Act.

Leasing of railway to Company

5.—(1) As from the transfer date the Council may lease to the Company the railway or any part thereof together with the rights, interests, powers, privileges and obligations vested in the Council in accordance with article 4 (Transfer of railway to Council) of this Order on such terms and conditions as may be agreed between the Council and the Company.

(2) During the continuance of the lease the Company shall to the exclusion of the Council be entitled to the benefit of, and to exercise, all such rights, interests, powers and privileges and be subject to all such obligations of the Council whether statutory or otherwise as are transferred to or conferred on the Council by this Order and are for the time being in force in respect of the railway or such part thereof as is comprised in the lease.

As to level crossing

6.—(1) The Council shall provide, operate and maintain at the level crossing the signs and other devices and appliances specified in Schedule 2 to this Order in accordance with the requirements of that Schedule:

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.

(a) 1868 c. 119.

(b) 1889 c. 57.

(2) If the Council 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 £100.

Gauge of railway and motive power

7. The railway shall be operated on a gauge of 1.435 metres (4ft. 8½ins.) 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 use of electrical power as motive power on the 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 railway, such electrical power shall not be used in such a manner as to cause or be likely to cause any interference with any telecommunication apparatus, as defined in Schedule 2 to the Telecommunications Act 1984(a), being apparatus kept installed for the purposes of a telecommunications code system, as defined in Schedule 4 to that Act, or with the service provided by any such system.

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

8.—(1) The Council 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 Secretary of State may allow.

(2) The Council 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 Secretary of State for such part.

(3) No part of the railway shall be used for the conveyance of passengers without the prior written permission of the Secretary of State and the Council shall comply with any conditions which the Secretary of State may from time to time prescribe for the safety of persons using the railway.

(4) If the Council contravene any of the provisions of this article they shall for each offence be liable on summary conviction to a fine not exceeding £100.

Public liability insurance

9.—(1) In this article—

“insurer” means any insurer or insurers authorised under the Insurance Companies Act 1982(b) 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 £1,000,000.

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

(a) 1984 c. 12.

(b) 1982 c. 50.

(ii) In default of compliance with the provisions of this paragraph the Company shall be liable on summary conviction to a fine not exceeding £2,000 and on conviction on indictment to a fine.

(3) The Company shall while the railway is leased to the Company—

(a) at all times maintain a policy approved by the Council in the joint names of the Company and the Council and in default thereof the Council may (without prejudice to any other powers granted under this Order) effect and maintain such policy and pay the premiums payable in respect thereof so that the premiums so paid and all incidental expenses shall be repaid by the Company to the Council on demand;

(b) at the request of the Council produce to the Council such evidence as may be requisite for the purpose of proving compliance with the provisions of this paragraph.

(4) Notwithstanding and without prejudice to the provisions of this article, the Council may while the railway is leased to the Company effect and maintain a policy in their own name with an insurer providing such cover for such period or periods and generally in such manner as the Council may from time to time determine:

Provided that during such times as the Company are not operating the railway under a lease granted under article 5(1) of this Order, the Council shall not work the railway unless there is in force a policy and the Council shall on those occasions be liable for failure to comply with this provision on the terms referred to in paragraph (2) of this article.

(5) The adequacy of the cover provided by a policy maintained in accordance with this article shall be regularly reviewed by the body which is required to effect and maintain the policy.

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

Signed by authority of
the Secretary of State
10th May 1985.

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

SCHEDULE 1

So much of the Swansea Vale railway of the Board as comprises such part of the railway described in and authorised by sections XIX and XXIII of the Swansea Vale Railway Act 1847(a) and which was constructed on or reduced in gauge to a gauge of

(a) 10 & 11 Vict. c. ci.

1.435 metres (4ft. 8½ins.) as lies between a point 189 metres or thereabouts north-east of the level crossing adjacent to the former Upper Bank Station and a point level with the western boundary of the Nant-y-Ffin Road (A4127) in the city of Swansea.

SCHEDULE 2

CWM CROSSING

PARTICULARS OF SIGNS AND OTHER DEVICES AND APPLIANCES

(1) A self-closing wicket gate opening away from the railway shall be provided on each side of the railway.

(2) A warning sign to standard railway design bearing the wording “Stop, Look and Listen” shall be provided on the left-hand side of the footway on both sides of the railway as near as practicable to the railway but not nearer than 2 metres from the running edge of the nearest rail and shall face towards pedestrians approaching the level crossing.

STATUTORY INSTRUMENTS

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