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STATUTORY INSTRUMENTS

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1985 No. 844

TRANSPORT

**The Lydney and Parkend Light Railway Order 1985**

*Made - - - - -* 30th May 1985  
*Coming into Operation* 31st May 1985

The Secretary of State on the application of the Forest of Dean Railway Limited and in exercise of powers conferred by sections 7, 9, 10, 11 and 18 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 now vested in him (d) 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 Lydney and Parkend Light Railway Order 1985 and shall come into operation on 31st May 1985.

*Interpretation*

2.—(1) In this Order unless the context otherwise requires, the following expressions have meanings hereby respectively assigned to them, that is to say:

“the Board” means the British Railways Board;

“the Company” means the Forest of Dean Railway Limited incorporated under the Companies Acts 1948 to 1981 and whose Registered Office is at Lennox House, Beaufort Buildings, Spa Road, Gloucester;

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

“the enabling Acts” means the Act 49 Geo. III cap. 159 (An Act for making and maintaining a Railway from the River Wye, at or near to a place called Lidbrook, in the Parish of Ruardean in the County of Gloucester, to or near to a place called the Lower Forge, below Newern, in the Parish of Lydney in the said County; and for making other Railways therein mentioned, in the Forest of Dean, in the County of Gloucester), the Act 50 Geo. III cap. 215 (An Act to alter and amend the Lydney and Lidbrook Railway Act, to vary certain Parts of the said Railway, and to extend the same from the Lower Forge to the Cross Pill; and for making a Basin and Canal to communicate with the River Severn at Nass Point), the Severn and Wye Railway and Canal Act 1853 (e) and the Severn and Wye Railway and Canal Act 1869 (f) ;

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(a) 1896 c.48.

(b) 1912 c.19.

(c) 1921 c.55.

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

(e) 1853 c.cxcvi.

(f) 1869 c.cxxxvii.

“the Board’s railway” means so much of the railway of the Board in the District of the Forest of Dean in the County of Gloucester as is described as Railway No. 1 in the Schedule to this Order including all lands and works relating thereto;

“the Company’s railway” means the railways in the District of the Forest of Dean authorised to be constructed, made and maintained by the Company pursuant to article 5 of this Order and the Board’s railway or any part thereof vested in the Company by virtue of an agreement made in accordance with article 4(1) of this Order;

“Railway No. 1” and “Railway No. 3” mean respectively the Railway No. 1 and Railway No. 3 described in the Schedule to this Order;

“Railway No. 2” means the Railway No. 2 described in the Schedule to this Order and, after the construction of the railway authorised by article 5 of this Order, that railway;

“the transfer date” means the day on which the Board’s railway or any part of it is vested in the Company by virtue of an agreement made pursuant to article 4(1) of this Order;

“Lydney Town Crossing” means the crossing in the Parish of Lydney whereby the A48 public road is crossed by Railway No. 1 on the level;

“Whitecroft Crossing” means the crossing at Whitecroft in the Parish of West Dean whereby the B4234 public road is crossed by Railway No. 1 on the level; and

(2) In this Order all directions and distances stated in the descriptions of Railway No. 1, Railway No. 2 and Railway No. 3 shall be construed as if the words “or thereabouts” were inserted after each such direction and distance, and distances between points on a railway shall be taken to be measured along the railway.

#### *Incorporation and application of enactments*

3.—(1) Subject to the provisions of this Order such of the enactments mentioned in the Second Schedule to the Light Railways Act 1896 as are still in force shall cease to apply to Railway No. 1 except for section 22 of the Regulation of Railways Act 1868 (a) (means of communication between passengers and the Company’s servants to be provided) 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).

(2) Sections 16, 47, 61, 68, 75 and 86 of the Railways Clauses Consolidation Act 1845 (c) (Works to be executed; Roads crossed on a level; Approaches and fences thereto; Maintenance of gates, bridges etc., fences, drains and watering places; Penalty on persons omitting to fasten gates; Company to employ locomotive power, carriages etc.), section 22 of the Regulation of Railways Act 1868 (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 (Power to order certain provisions to be made for public safety and Penalty for avoiding payment of fare) are incorporated and applied to Railway No. 2 and Railway No. 3 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.

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(a) 1868 c.119.

(b) 1889 c.57.

(c) 1845 c.20.

(3) In its application to the Company's railway 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" had been omitted.

*Transfer of the Board's railway to the Company*

4.—(1) 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 railway or any part thereof on such terms and conditions as may be agreed between the Board and the Company.

(2) As from the transfer date the Company shall to the exclusion of the Board be entitled to the benefit of and to exercise all rights, powers, 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 or such part thereof as is transferred as aforesaid.

*Power to make railways*

5.—(1) The Company may on lands leased from the Forestry Commission and on the same line and level as Railway No. 2 construct, make and maintain a railway together with all necessary works and conveniences connected therewith.

(2) The Company may on lands taken at Norchard construct, make and maintain Railway No. 3 together with all necessary works and conveniences connected therewith as shown on the plans and sections deposited with the Secretary of State in respect of the application for this Order.

*Power to work Company's railway as a light railway*

6. Subject to the provisions of this Order, as from the transfer date the Company may work the Company's railway as a light railway under the principal Act.

*Gauge of railways and motive power*

7. Railways Nos. 2 and 3 shall be constructed to a gauge of 1435 millimetres (four feet eight and one half inches) and the motive power shall be 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 Company to use electrical power as motive power unless such power is obtained from storage batteries or from a source of generation entirely contained in and carried along with the engine and carriages:

PROVIDED ALSO THAT, if electrical power is used as motive power on the Company's 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) or with telecommunication by means of any such apparatus.

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

8.—(1) The Company shall not use upon the Company'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.

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(a) 1984 c.12.

(2) The Company shall not run any train or engine upon any part of the Company's 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 Company's railway shall be used for the conveyance of passengers without the permission in writing of the Secretary of State and the Company shall comply with the conditions (if any) which the Secretary of State may from time to time prescribe for the safety of persons using the Company's 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 penalty not exceeding one hundred pounds.

*Alterations to level crossings*

9.—(1) Notwithstanding anything in the enabling Acts or in any enactments incorporated therewith and except as hereinafter provided:—

(a) the gates at Lydney Town Crossing and Whitecroft Crossing shall be kept closed across the company's railway except when engines or vehicles passing along the railway have occasion to cross the respective public roads at those crossings, and

(b) the said gates shall at all times be maintained in a fit and proper state of repair.

(2) Should the Company fail to comply with the provisions of this article, they shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

*Public liability insurance*

10.—(1) In this article

“insurer” means any insurer or insurers authorised under the Insurance Companies Act 1982 (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 one million pounds.

(2) (i) The Company shall not work the Company's 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 Company shall be liable on summary conviction to a fine not exceeding two thousand pounds 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 Company who are required to effect and maintain the policy.

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(a) 1982 c.50.

*For protection of British Gas Corporation*

11. Nothing in this Order shall prejudice or affect the rights of the British Gas Corporation in any apparatus belonging to the Corporation, or for the maintenance of which they are responsible or any structure for the lodging therein of apparatus, being any apparatus or structure situate under, over or upon lands in or upon which the Company's railway may be constructed.

*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.

Signed by authority of  
the Secretary of State  
30th May 1985.

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

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SCHEDULE

RAILWAY NO. 1

So much of the railway of the Board described in and authorised by the enabling Acts as extends from a point 132 metres south of the iron footbridge adjacent to the grounds of St. Mary's Church, in the Parish of Lydney to a point 271 metres north of the northernmost gate of Whitecroft Crossing in the parish of West Dean.

RAILWAY NO. 2

So much of the former railway of the Board described in and authorised by the enabling Acts in the Parish of West Dean as extends northwards from the northernmost termination of Railway No. 1 described above to the southernmost gate of the former level crossing on the Yorkley Road at Parkend station.

RAILWAY NO. 3

The railway at Norchard in the Parish of Lydney which extends from a point adjacent to Railway No. 1 833 metres north-west of the northernmost gate at Lydney Town Crossing in a northerly direction for a distance of 560 metres, occupying part Ordnance Survey No. 9211 and part Ordnance Survey No. 9400, and which comprises in addition a locomotive depot, workshop and yard.

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