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STATUTORY INSTRUMENTS

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**1991 No. 1965**

**TRANSPORT**

**The Leicester North Station Light Railway Order 1991**

*Made* - - - - - *30th August 1991*

*Coming into force* - - - - - *31st August 1991*

The Secretary of State for Transport, on the application of the Council of the Borough of Charnwood and the Council of the City of Leicester and in exercise of the powers conferred by sections 3, 7, 9 to 12 and 24 of the Light Railways Act 1896<sup>(1)</sup> and now vested in him<sup>(2)</sup> and of all other powers enabling him in that behalf, hereby makes the following Order:—

**Citation and commencement**

1. This Order shall come into force on 31st August 1991 and may be cited as the Leicester North Station Light Railway Order 1991.

**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 Board” means the British Railways Board;

“the Borough Council” means the Council of the Borough of Charnwood;

“the Company” means the Great Central Railway Company (1976) Public Limited Company having its registered office at Loughborough Central Station, Loughborough, Leicestershire;

“the Borough Council’s Railway” means the railway authorised to be constructed, made and maintained by the Borough Council pursuant to article 3 hereof and more particularly described in the Schedule hereto and, so long as any part of the said railway and works remain uncompleted, includes the site of that part;

“the Lease” means the existing Lease dated 21 April 1978 and made between the Borough Council and the Company whereby the land comprising the Borough Council’s Railway was demised to the Company for the term of 99 years from 21 April 1978 at the rents and on the

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(1) 1896 c. 48; section 3 was amended by the Light Railways Act 1912 (c. 19), section 5(1); sections 7 and 9 were repealed in part by the Railways Act 1921 (c. 55), section 86(2) and Schedule 9; section 10 was repealed in part by the Statute Law (Repeals) Act 1986 (c. 12), Schedule 1; section 11 was amended by the Light Railways Act 1912, section 5(3), and the Railways Act 1921, section 73(1), and was repealed in part and further amended in respects not relevant to this Order; section 12 was repealed in part by the Finance Act 1929 (c. 21), section 6 and Schedule.

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

terms and conditions therein mentioned and any extension thereof or any new lease granted pursuant to article 4 (1) of this Order or under any statutory powers or provisions;

“the 1978 Order” means the Loughborough and Birstall Light Railway Order 1978(3);

“the principal Act” means the Light Railways Act 1896.

### **Power to make Borough Council’s Railway**

3.—(1) The Borough Council may on the lands comprising the Borough Council’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.

(2) Except as may be otherwise provided herein, the Borough Council’s Railway or any part thereof shall be subject to the same statutory and other provisions as were applicable thereto when the lands comprising the same were vested in the Board (insofar as the same are still subsisting and capable of taking effect) and the Borough Council shall be entitled to the benefit of, and to exercise, all rights powers and privileges and be subject to all obligations statutory or otherwise relating thereto as were in effect when the said lands were vested in the Board (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.

### **As to leasing of the Borough Council’s Railway to the Company**

4.—(1) The Borough Council may continue the Lease and shall have power to accept a surrender thereof and grant a new lease of the Borough Council’s Railway or any part thereof on such terms and conditions as may be agreed between the Borough Council and the Company.

(2) During the continuance of the Lease the Company shall, to the exclusion of the Borough Council, be entitled to the benefit of, and to exercise, all the rights, powers and privileges and be subject to all the obligations of the Borough Council whether statutory or otherwise for the time being in force in respect of such parts of the Borough Council’s Railway as are comprised in the Lease.

### **Incorporation and application of enactments**

5.—(1) The following provisions of the Railways Clauses Consolidation Act 1845(4), so far as the same are applicable for the purposes and are not inconsistent with, or varied by, the provisions of this Order, are incorporated with and form part of this Order—

Section 16 (works to be executed);

Sections 18 to 23 (protection of gas and water mains);

Section 68 (maintenance of gates, bridges, fences, drains and watering places);

Sections 77 to 85 as amended by the Mines (Working Facilities and Support) Act 1923(5) (provisions with respect to mines lying under or near the railway).

(2) Such of the enactments set out in the Second Schedule to the principal Act as are still in force (except section 22 of the Regulation of Railways Act 1868(6) (means of communication between passengers and railway servants) and sections 1 (power to order certain provisions to be made for public safety) and 5 (penalty for avoiding payment of fare) of the Regulation of Railways Act 1889(7)) shall not apply to the Borough Council’s Railway.

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(3) S.I. 1978/471.  
(4) 1845 c. 20.  
(5) 1923 c. 20.  
(6) 1868 c. 119.  
(7) 1889 c. 57.

(3) In its application to the Borough Council'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.

(4) Section 5 of the Regulation of Railways Act 1889 shall also apply to the Council's Railway as defined in the 1978 Order and the 1978 Order shall have effect accordingly.

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

6.—(1) The Borough Council shall not use or permit to be used upon the Borough Council'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 Borough Council shall not run or permit to be run any train or engine upon any part of the Borough Council'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 Borough Council's Railway shall be used or permitted to be used for the conveyance of passengers without the permission in writing of the Secretary of State being first had and obtained and the Borough Council shall comply or secure compliance with the conditions (if any) which the Secretary of State may from time to time prescribe for the safety of persons using the Borough Council's Railway.

(4) If the Borough Council 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 level 2 on the standard scale.

### **Gauge of Borough Council's Railways and Motive Power**

7. The Borough Council's Railway shall be constructed and operated on a gauge of a nominal 1435 millimetres (4 feet 8½ inches) and the motive power shall be diesel or steam or electricity or internal combustion or such other motive power as the Secretary of State may approve:

Provided that nothing in this Order shall authorise the Borough Council to use electrical power as motive power on the Borough Council'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:

Provided further that if electrical power is used as motive power on the Borough Council'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<sup>(8)</sup> or with telecommunication by means of any such apparatus.

### **Public liability insurance**

8.—(1) In this article—

"insurer" means any insurer or insurers authorised under the Insurance Companies Act 1982<sup>(9)</sup> to carry on in the United Kingdom 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 Borough Council's Railway of not less than £1,000,000.

(a) (2) (a) The Borough Council shall not work the Borough Council's Railway unless there is in force a policy in accordance with the provisions of this article.

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<sup>(8)</sup> 1984 c. 12.

<sup>(9)</sup> 1982 c. 50.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(b) In default of compliance with the provisions of this article the Borough Council shall be liable on summary conviction to a fine not exceeding the statutory maximum 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 Borough Council.

(4) Article 9 of the 1978 Order is hereby revoked and paragraphs (1) to (3) of this article shall apply from henceforth to the Council's Railway as defined in that Order as well as to the Borough Council's Railway as defined in this Order.

Signed by authority of the Secretary of State for Transport

30th August 1991

*J. R. Coates*  
An Under Secretary in the  
Department of Transport

## SCHEDULE

Such part of the London Extension of the former Great Central Railway in the County of Leicestershire as comprises so much of the Railway (No 1) described in and authorised by the Manchester, Sheffield and Lincolnshire Railway (Extension to London &c.) Act 1893<sup>(10)</sup> (as altered in level pursuant to Section 4 of the Manchester, Sheffield and Lincolnshire Railway Act 1894<sup>(11)</sup> and widened pursuant to Section 5 of the London and North Eastern Railway Act 1938<sup>(12)</sup>) as extends in a southerly direction from the boundary between the Borough of Charnwood and the City of Leicester at the former Belgrave and Birstall Station to a point 261 metres from that boundary.

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<sup>(10)</sup> 1893 c.i.  
<sup>(11)</sup> 1894 c.lxxxii.  
<sup>(12)</sup> 1938 c.liii.