
STATUTORY INSTRUMENTS

1991 No. 2682

TRANSPORT

The Saundersfoot Steam Railway (Light Railway) Order 1991

Made - - - - 25th November 1991

Coming into force - - 26th November 1991

The Secretary of State for Transport, on the application of the Saundersfoot Steam Railway Limited and in exercise of powers conferred by sections 7 and 9 to 12 of the Light Railways Act 1896⁽¹⁾ and now vested in him⁽²⁾ 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 Saundersfoot Steam Railway (Light Railway) Order 1991 and shall come into force on 26th November 1991.

Interpretation

2. —

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

“the Act of 1842” means the Act passed in the fifth year of the reign of Her late Majesty Queen Victoria intituled

“An Act for authorising the Saundersfoot Railway and Harbour Company to make an extension of their present Railway, and also to make Two Branches from such Railway respectively within the County of Pembroke; and for extending the provisions of the Act relating to the said Company.”⁽³⁾;

“the Company” means the Saundersfoot Steam Railway Limited incorporated under the Companies Act 1985⁽⁴⁾ and having its registered office at Hazel Lee, Jameston, Tenby, Dyfed SA70 8QJ;

(1) 1896 c. 48; sections 7 and 9 were repealed in part by the Railways Act 1921 (c. 55), section 86 and Schedule 9; section 10 was repealed in part by the Statute Law (Repeals) Act 1986 (c. 12), Schedule 1; section 11 was amended by the Light Railways Act 1912 (c. 19), section 5(3), and the Railways Act 1921, section 73(1) and was repealed in part and further amended in respects not relevant to this Order; section 12 was repealed in part by the Finance Act 1929 (c. 21), section 6 and Schedule.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

(3) 1842 c.xxxv.

(4) 1985 c. 6.

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

“the deposited plans”,

“the deposited sections” and

“the deposited book of reference” mean respectively the plans, sections and book of reference deposited in respect of the application for this Order with the Department of Transport;

“the former railway” means so much of the extension of the railway of the Saundersfoot Railway and Harbour Company authorised by the Act of 1842 as lies between the commencement and termination of the Company’s railway; “the principal Act” means the Light Railways Act 1896.

(2) Reference in this Order to grid references refer to the map co-ordinates on the National Grid used by the Ordnance Survey and shall be construed as if the words “or thereabouts” were inserted after each grid reference.

Incorporation of Acts

3. –

(1) Subject to the provisions of this Order the Railways Clauses Consolidation Act 1845((5)) (except sections 8, 11 to 15, 17, 46 to 67) is hereby incorporated with this Order.

(2) In the construction of the provisions of the Railways Clauses Consolidation Act 1845 as incorporated with this Order:–

(a) sections 7, 9, 10 and 162 shall be read, construed and have effect as if the “proper officer of the County Council of Dyfed” had been referred to therein instead of the “Clerk of the Peace”;

(b) sections 78 to 85 shall have effect as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923((6)).

(3) 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((7)) (means of communication between passengers and the Company’s servants to be provided) and sections 1 (power to order certain provisions to be made concerning public safety) and 5 (penalty for avoiding payment of fare) of the Regulation of Railways Act 1889((8)) shall not apply to the Company’s railway.

(4) In its application to the Company’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 20 miles without stopping” were omitted therefrom.

Disapplication of provisions

4. Sections 35, 117 to 119, 126 and 127 to 132 of the Act of 1842 shall not apply to the Company’s railway.

Power for the Company to make railway

5. –

(5) 1845 c. 20.

(6) 1923 c. 20.

(7) 1868 c. 119.

(8) 1889 c. 57.

(1) Subject to the provisions of this Order the Company may, on lands leased or to be leased to the Company, construct, make and maintain the railway hereinafter described in the lines and according to the levels shown on the deposited plans and the deposited sections and with all proper rails, plates, sidings, junctions, bridges, culverts, drains, approaches, roads, yards, buildings and other works and conveniences connected therewith including station premises, workshops and facilities:–

In the county of Dyfed, in the district of South Pembrokeshire, in the Communities of Amroth and Saundersfoot, a railway 1600 metres or thereabouts in length commencing at Stepside at grid reference SN 1398 0757 and terminating at Wiseman’s Bridge at grid reference SN 1451 0617.

(2) Except as may be otherwise provided herein the Company’s railway 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 Company shall to the exclusion of the Saundersfoot Railway and Harbour Company 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) to the intent that the Saundersfoot Railway and Harbour Company shall be released from all such obligations.

Power to deviate

6. –

(1) In the construction of the railway or any part thereof the Company may deviate from the line or situation thereof shown on the deposited plans to the extent of the limits of deviation shown thereon and may deviate vertically from the level shown on the deposited sections to any extent not exceeding 3 metres upwards or downwards or to such further extent as may be found necessary or convenient and as may be sanctioned by the Secretary of State.

(2) The Company may alter the radius of any curve described on the deposited plans, but so that no such curve shall thereby be reduced to a less radius than 60 metres and may further reduce the radius of any curve to such extent as the Secretary of State may approve and may alter any inclination or gradient of the railway shown on the deposited sections, provided that no such inclination or gradient thereby increased shall without the consent of the Secretary of State be steeper than 1 in 47.

Power to work the Company’s railway as a light railway

7. Subject to the provisions of this Order the Company may work and maintain the railway as a light railway under the principal Act.

As to crossing of roads and footpaths on level

8. –

(1) The Company may in the construction of the railway carry the same with a single line of rails across and on the level of–

- (a) the private road giving access to the caravan site near Heathfield Court at grid reference SN 1415 0740;
- (b) footpath No. 24 in the Community of Amroth near its junction with footpath No. 8;
- (c) footpath No. 8 in the Community of Amroth at grid reference SN 1423 0715;
- (d) footpath No. 28 in the Community of Saundersfoot near its junction with footpath No. 38;
- (e) the unclassified public road near Tramway Cottage at grid reference SN 1452 0629.

(2) Save as provided in paragraph (3) below, nothing in this Order contained or incorporated shall require the provision of gates or keepers at the crossings mentioned in paragraph (1) above.

(3) The Company shall provide within the area of each of the level crossings mentioned in subparagraphs (b), (c) and (d) of paragraph (1) above and shall maintain suitable gates across the footpaths crossed by the railway at those crossings.

(4) The Company shall provide within the area of each of the level crossings mentioned in subparagraphs (a) and (e) of paragraph (1) above and shall maintain and operate such lights, traffic signs and other devices and appliances as the Secretary of State may require.

Gauge of railway and motive power

9. The Company's railway shall be constructed on a nominal gauge of 381 millimeters and the motive power on the railway shall be diesel, diesel-mechanical, diesel-hydraulic, diesel-electric, steam, electric, 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 on the Company'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 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 telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act 1984⁽⁹⁾ or with telecommunication by means of any such apparatus.

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

10. –

(1) The Company shall not use upon the Company's railway any engine, carriage or truck bringing any weight upon the railway by any one pair of wheels exceeding such weight as the Secretary of State may allow.

(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 first being had and obtained 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 passengers conveyed or to be conveyed on 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 fine not exceeding level 2 on the standard scale.

Public liability insurance

11. –

(1) In this article "insurer" means any insurer or insurers authorised under the Insurance Companies Act 1982⁽¹⁰⁾ 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.

(2) The Company shall at all times maintain a public liability policy with an insurer providing maximum cover in respect of any one accident on or occasioned by the operation of the Company's

⁽⁹⁾ 1984 c. 12.

⁽¹⁰⁾ 1982 c. 50.

railway of not less than two million pounds and the adequacy of the cover provided by the policy shall be regularly reviewed by the Company.

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

(4) If the Company fail to comply with the provisions of this article they shall be liable on summary conviction to a fine not exceeding the statutory maximum or, on conviction on indictment, to a fine.

For the protection of flood defences

12. –

(1) Nothing in this Order or in any enactment incorporated with or applied by this Order shall prejudice or affect the application of sections 28 and 29 of the Land Drainage Act 1976((11)) and any byelaws made under that Act in relation to anything done under or in pursuance of this Order.

(2) The Company shall afford to the National Rivers Authority for the purpose of the Authority's flood defence functions full, free and uninterrupted access at all reasonable times and for such periods as may be reasonable across the Company's railway provided that the Authority shall give (except in an emergency) one week's written notice to the Company of their requirement for such access.

Signed by authority of the Secretary of State for Transport

25th November 1991

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

(11) 1976 c. 70.