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STATUTORY INSTRUMENTS

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**1993 No. 2153**

**TRANSPORT**

**The Manchester, Liverpool Road (Castlefield Properties Limited) Light Railway Order 1993**

*Made* - - - - *1st September 1993*

*Coming into force* - - *2nd September 1993*

The Secretary of State for Transport, on the application of Castlefield Properties 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 Manchester, Liverpool Road (Castlefield Properties Limited) Light Railway Order 1993 and shall come into force on 2nd September 1993.

**Interpretation**

2.—(1) 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 Board’s railways” means the railways or former railways of the Board described in the Schedule to this Order and shown on the deposited plan and the lands and works so described;

“the Company” means Castlefield Properties Limited incorporated under the Companies Act 1985(3) and having its registered office at 36 Golden Square, London W1R 4AH;

“the deposited plan” means the plan deposited in respect of the application for this Order with the Secretary of State for Transport;

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(1) 1896 c. 48; sections 7 and 9 were repealed in part by the Railways Act 1921 (c. 55), section 86(2) and Schedule 9; section 10 was repealed in part by the Statute Law (Repeals) Act 1986 (c. 12), Schedule 1; section 11 was amended by the Light Railways Act 1912 (c. 19), section 5(3), and the Railways Act 1921, section 73(1), and was repealed in part and further amended in respects not relevant to this Order; section 12 was repealed in part by the Finance Act 1929 (c. 21), section 6 and Schedule.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) Railways Act 1921, section 68(1), and S.I.1970/1681, 1979/571 and 1981/238.

(3) 1985 c. 6.

“the lease” means the lease of the Board’s railways granted by the Board to the Company on 30th March 1990, any extension of the same or any new lease of the Board’s railways granted by the Board to the Company;

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

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

(2) In this Order, all distances, lengths, measurements and directions stated in any description of works, powers or lands shall be construed as if the words “or thereabouts” were inserted after each such distance, length, measurement and direction, and distances between points on a railway shall be taken to be measured along the railway.

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

**3.—**(1) The following provisions of the Railways Clauses Consolidation Act 1845<sup>(4)</sup>, 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 (gates, bridges, fences, drains, watering places);

Section 87 (Company empowered to contract with other Companies).

(2) Notwithstanding the provisions of subsection (1) of section 12 of the principal Act, the following provisions shall apply to the railway—

Regulation of Railways Act 1868<sup>(5)</sup>—

Section 22 (means of communication between passengers and railway servants);

Regulation of Railways Act 1889<sup>(6)</sup>—

Section 1 (power to order certain provisions to be made for public safety); and

Section 5 (penalty for avoiding payment of fare).

(3) In its application to the railway, section 22 of the Regulation of Railways Act 1868 shall have effect as if the words “and travels more than twenty miles without stopping” were omitted therefrom.

### **Leasing and sale of Board’s railways to Company**

**4.—**(1) During the continuance of the lease, or after the operative date of any transfer under paragraph (2) of this article, the Company 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 statutory or otherwise (insofar as the same are still subsisting and capable of taking effect) as are for the time being in force in respect of the Board’s railways or such part thereof as is comprised in the lease or is so transferred, as the case may be, to the intent that the Board should be released from all such obligations.

(2) 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 freehold reversion in the Board’s railways or any part thereof.

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(4) 1845 c. 20.

(5) 1868 c. 119.

(6) 1889 c. 57.

### **Power to make railway**

5.—(1) The Company may on lands and works comprised in the Board's railways or on any part thereof, construct, make and maintain the following railway with all the 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:—

In the Metropolitan County of Greater Manchester, partly in the City of Manchester and partly in the City of Salford—

A railway (137 metres in length) commencing in the City of Salford at a point on the west bank of the River Irwell 28 metres south-west of the western end of Princes Bridge, continuing thence in a generally easterly direction across the said river and terminating in the City of Manchester at a point by the south-east side of Water Street adjoining the junction of that street with the road carried by the said Princes Bridge.

(2) The railway shall be laid on the same levels as, and within the existing formation of, the Board's railways.

(3) The foregoing description of the railway or anything otherwise contained in this Order shall not be deemed to prohibit or preclude the Company from making, constructing, laying or erecting any further branches, sidings, junctions and other conveniences with all rails, plates and other works in connection therewith provided and so far as the same shall be solely on land belonging to the Company and situated within the boundaries shown edged red on the deposited plan.

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

6. The railway shall be constructed and operated on a nominal gauge of 1.435 metres (4 feet 8½ inches) and the motive power shall be diesel, steam, internal combustion, battery electric 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 telecommunications apparatus (as defined in Schedule 2 to the Telecommunications Act 1984(7)) or with telecommunication by means of such apparatus.

### **Restrictions as to the conveyance of passengers**

7. 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 Company 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 railway.

### **For protection of public gas suppliers**

8. Nothing in this Order shall prejudice or affect the rights of any public gas supplier, within the meaning of Part I of the Gas Act 1986(8), in any apparatus belonging to them 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 railway is constructed.

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(7) 1984 c. 12.

(8) 1986 c. 44.

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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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Signed by authority of the Secretary of State for Transport

1st September 1993

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

## SCHEDULE

### THE BOARD'S RAILWAYS

So much of the railways or former railways of the Board in the cities of Salford and Manchester in the metropolitan county of Greater Manchester, the boundaries of which are shown edged red on the deposited plan, consisting of a portion of the former Liverpool to Manchester railway authorised by or under the Act 10 Geo. 4 c.xxxv (1829) entitled “An Act for enabling the Liverpool and Manchester Railway Company to make an alteration in the line of the said Railway, and for amending and enlarging the Powers and provisions of the several Acts relating thereto”, the main line of which commences at a point on the west bank of the River Irwell and continues thence in a south-easterly direction for a distance of 131 metres and the sidings of which commence at a point on the west bank of the River Irwell and continue thence for a distance of 137 metres together with all lands, works and conveniences relating thereto and situated within the said boundaries including in particular—

- (a) the bridges over the River Irwell and over Water Street forming part of the said main line and sidings as so authorised and as authorised by the London and North Western Railway (New Works and Additional Powers) Act 1867<sup>(9)</sup>; and
- (a) other bridges and arches, piers and other structures (not being in the nature of bridges) carrying or supporting the said railways or former railways.

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<sup>(9)</sup> 1867 c.cxliv.