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STATUTORY INSTRUMENTS

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**1996 No. 937**

**The Elsecar Steam Railway Order 1996**

**Power to construct and maintain works**

5.—(1) Subject to the provisions of this Order, the Council may construct and maintain the railway in the line and according to the levels and within the limits of deviation 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.

(2) The railway is a passenger and goods carrying railway in the Metropolitan Borough of Barnsley 2.8 kilometres in length commencing at a point 172 metres south of the Rockingham Station level crossing at Distillery Side and terminating at a point 605 metres east of the Smithy Bridge Lane level crossing forming part of the railway authorised by the South Yorkshire, Doncaster and Goole Railway Act, 1847<sup>(1)</sup>.

(3) Subject to paragraph (5) below, the Council may carry out and maintain such of the following works as may be necessary or expedient for the purposes of, in connection with or in consequence of, the construction of the railway, namely—

- (a) works to alter the position of apparatus, including mains, sewers, drains and cables,
- (b) landscaping and other works to mitigate any adverse effects of the construction, maintenance or operation of the railway, and
- (c) works for the benefit or protection of premises affected by the railway.

(4) Subject to paragraph (5) below, the Council may carry out such other works (of whatever nature) as may be necessary or expedient for the purposes of, in connection with or in consequence of, the construction of the railway.

(5) Paragraphs (3) and (4) above shall not authorise the carrying out or maintenance of works to alter the course of or otherwise interfere with, navigable rivers or watercourses.