
STATUTORY INSTRUMENTS

2000 No. 2585

The Great Central Railway (East
Leake Branch, etc.) Order 2000

PART I
PRELIMINARY

Citation and commencement

1. This Order may be cited as the Great Central Railway (East Leake Branch, etc.) Order 2000 and shall come into force on 4th August 2000.

Interpretation

2.—(1) In this Order—

“the Act of 1845” means the Railways Clauses Consolidation Act 1845⁽¹⁾;

“the 1995 Order” means the Great Central (Nottingham) Railway Order 1995⁽²⁾;

“the Applications Rules” means the Transport and Works (Applications and Objections Procedure) Rules 1992;

“the Board” means the British Railways Board;

“the limits of deviation” means the limits of deviation for Railway No.3 shown on the works plan;

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace and “maintenance” shall be construed accordingly;

“the Nottingham Company” means Great Central Railway (Nottingham) Limited having its registered office at Nottingham Transport Heritage Centre, Mere Way, Ruddington, Nottingham;

“Railtrack” means Railtrack PLC;

“Railway No.1”, “Railway No.2” and “Railway No.3” mean respectively the railways so numbered and described in the Schedule to this Order and (in the case of Railway No.1 and Railway No.2) authorised to be transferred pursuant to article 4 of this Order and (in the case of Railway No.3) authorised to be constructed and maintained pursuant to article 6 of this Order together with all lands and works relating thereto and, where in the case of Railway No.3 any part of that railway and works remains uncompleted, the expression Railway No.3 includes the site of that part;

“the railways” means Railway No.1, Railway No.2 or Railway No.3, or two or all of them, as the context shall require;

(1) 1845 c. 20.
(2) S.I.1995/2143.

“the relevant date” means the date of the coming into force of this Order or, in relation to any part of the railways which at that date is not owned by the undertaker, the date upon which the undertaker acquires a legal estate in that part;

“the section” means the section described in rule 7(2) of the Applications Rules prepared in connection with the application for this Order, and marked as the section for the purposes of this Order;

“the undertaker” has the meaning given by paragraph (2) below;

“the works plan” means the plan described in rule 7(1)(a) of the Applications Rules prepared in connection with the application for this Order, and marked as “the works plan” for the purposes of this Order.

(2) In this Order “the undertaker” means the Nottingham Company but—

(a) in relation to any property transferred under article 4 to any associated company of the Nottingham Company, means that company; or

(b) during the currency of any lease granted under article 9(2)(a), or from the operative date of any sale under article 9(2)(b), in relation to any property transferred under that article, means the transferee within the meaning conferred by article 9(1).

(3) 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 Act of 1845 shall be incorporated in this Order:—

section 24 (obstructing construction of railway);

section 58 (company to repair roads used by them), except for the words from “and if any question” to the end;

section 68 (accommodation works by company);

section 71 (additional accommodation works by owners), except for the words “or directed by such justices to be made by the company” and “or, in case of difference, as shall be authorised by two justices”;

sections 72 and 73 (supplementary provisions relating to accommodation works);

section 75 (omission to fasten gates);

sections 78 to 85E and Schedules 1 to 3 (minerals under railways) as respectively substituted and inserted by section 15 of the Mines (Working Facilities and Support) Act 1923(3);

section 87 (company empowered to contract with other companies);

sections 103 and 104 (refusal to quit carriage at destination);

section 105 (carriage of dangerous goods on railway);

sections 115 to 119 (engines and carriages not to be used on the railway unless approved; unfit engines to be removed);

section 145 (recovery of penalties); and

section 154 (transient offenders).

(2) In those provisions, as incorporated in this Order—

“the company” means the undertaker;

“goods” includes any thing conveyed on the railways;

“lease” includes an agreement for a lease;

“prescribed”, in relation to any such provision, means prescribed by this Order for the purposes of that provision;

“the railway” means Railway No.3;

“the special Act” means this Order;

“toll” includes any rate or charge or other payment payable under this Order or any other enactment for any passenger or goods conveyed on the railway.

(3) In its application to the railway, section 24 of the Act of 1845 shall have effect as if the maximum fine which may be imposed on summary conviction of an offence under that section were, instead of a fine not exceeding level 2 on the standard scale, a fine not exceeding level 3 on the standard scale.

(4) Any enactment by which Railway No.1 or Railway No.2, or any railway or former railway situated within the limits of deviation, was authorised shall have effect subject to the provisions of this Order.