
STATUTORY INSTRUMENTS

2002 No. 366

The Bitton Railway Order 2002

PART I

PRELIMINARY

Citation and commencement

1.—(1) This Order may be cited as the Bitton Railway Order 2002 and shall come into force on 12th February 2002.

(2) The 1991 Order and this Order may be cited together as the Bitton Railway Orders 1991 and 2002.

Interpretation

2.—(1) In this Order—

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

“the 1991 Order” means the Bitton Light Railway Order 1991(2);

“the Applications Rules” means the Transport and Works (Applications and Objections Procedure) Rules 1992(3);

“authorised works” means the scheduled work and any other works authorised by this Order;

“the Avon bridge” means the existing bridge built to carry the former railway over the river Avon;

“the deposited plan” means the plan described in rule 7(1)(a) of the Applications Rules and certified by the Secretary of State as the deposited plan for the purposes of this Order;

“the deposited section” means the section described in rule 7(2) of the Applications Rules and certified by the Secretary of State as the deposited section for the purposes of this Order;

“existing” means existing at the date of the making of this Order;

“the former railway” means so much of the railway firstly described in and authorised by section 6 of the Midland Railway (Bath and Thornbury Lines) Act 1864(4), together with all lands and works relating thereto, as is situated within the limits of deviation;

“the limits of deviation” means the limits of deviation for the scheduled work shown on the deposited plan;

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

(1) 1845 c. 20.
(2) S.I. 1991/134.
(3) S.I. 1992/2902.
(4) 1864 c. clxiv.

“the railway” means the railway comprised in the scheduled work and where the context so requires includes the site of that railway;

“the scheduled work” means the work specified in Schedule 1 to this Order;

“the undertaker” means the Avon Valley Railway Heritage Trust whose registered office is situated at Bitton Railway Station, Willsbridge, Bristol.

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

(3) References in this Order to points identified by letters shall be construed as references to points so marked on the deposited plan.

Incorporation of the Railways Clauses Consolidation Act 1845

3.—(1) The following provisions of the 1845 Act shall be incorporated in this Order—

section 18 (alteration of water and gas pipes etc.);

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);

section 77 (presumption that minerals excepted from acquisition of land);

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(5);

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 (carriages and engines);

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 railway;

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

“the railway” means the railway as defined in this Order;

“the special Act” means this Order; and

“toll” includes any rate or charge or other payment payable under this Order or any other enactment for any passenger or goods conveyed on any railway authorised to be constructed by this Order.