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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order relates to the Babbacombe Cliff Railway (“the Railway”) in the Borough of Torbay which at the date of this Order is owned by Torbay Borough Council (“the Council”).

The Corporation of the Borough of Torquay (whom the Council have succeeded) were authorised to construct and maintain the Railway by the Babbacombe Cliff Light Railway Order 1923. The 1923 Order also provided the Corporation with limited powers to lease the Railway and set the rates and charges for the use of the Railway, and also provided a mechanism by which the rates and charges could be varied. The 1923 Order was re-enacted under section 161 of the Torbay Corporation Act 1971. Regulations relating to the operation of the railway were made in 1926 and amended in 1955.

The Order authorises the Council to sell or lease the Railway to or vest the Railway in the Babbacombe Cliff Railway Community Interest Company. It also enables the Council to sell, lease, charge or otherwise dispose of the Railway to any other person, subject to the consent of the Secretary of State. The Order also makes provision about charges for the use of the Railway and alters and revokes existing local legislation relating to the Railway.