

2021 No. 515

TRANSPORT AND WORKS, ENGLAND

TRANSPORT, ENGLAND

**The Chinnor and Princes Risborough Railway (Chinnor Branch
and Risborough Sidings) Order 2021**

Made - - - - - *23rd April 2021*

Coming into force - - - - - *14th May 2021*

An application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(a) for an Order under sections 1 and 5 of the Transport and Works Act 1992(b) (“the 1992 Act”).

The Secretary of State has determined to make an Order giving effect to the proposals comprised in the application with modifications which in the Secretary of State’s opinion do not make any substantial change in the proposals.

Notice of the Secretary of State’s determination was published in the London Gazette on 23rd February 2021.

The Secretary of State, in exercise of the powers conferred by sections 1 and 5 of, and paragraphs 1, 8, 15 and 17 of Schedule 1 to, the 1992 Act, makes the following Order—

Citation and commencement

1. This Order may be cited as the Chinnor and Princes Risborough Railway (Chinnor Branch and Risborough Sidings) Order 2021 and comes into force on 14th May 2021.

Interpretation

2.—(1) In this Order—

“the Association” means Chinnor and Princes Risborough Railway Association Limited, a private company limited by guarantee registered in England and Wales under company number 02644128 (charity number 1016237), whose registered office is at Chinnor Station, Station Approach, Station Road, Chinnor, Oxfordshire, OX39 4ER;

(a) S.I. 2006/1466, amended by S.I. 2010/439, S.I. 2011/556, S.I. 2011/2085, S.I. 2012/147, S.I. 2012/1658, S.I. 2012/2590, S.I. 2013/755, S.I. 2014/469, S.I. 2015/377, S.I. 2015/627, S.I. 2015/1682, S.I. 2017/979, S.I. 2017/1070 and S.I. 2019/311.
(b) 1992 c. 42. Section 1 was amended by paragraphs 51 and 52 of Schedule 2 to the Planning Act 2008 (c. 29). Section 5 was amended by S.I. 2012/1659.

“the Company” means Chinnor & Princes Risborough Railway Company Limited, a private limited company registered in England and Wales under company number 02729049, whose registered office is at Chinnor Station, Station Approach, Station Road, Chinnor, Oxfordshire, OX39 4ER;

“lease” includes a sublease and “lease”, where used as a verb, is to be construed accordingly;

“the main lease” means the lease of the railway from Network Rail to the Association dated 1st March 2017;

“Network Rail” means Network Rail Infrastructure Limited, a private limited company registered in England and Wales under company number 02904587, whose registered office is at 1 Eversholt Street, London, NW1 2DN, and includes any associated company of Network Rail Infrastructure Limited which holds property for railway purposes, and for the purpose of this definition “associated company” means any company which is (within the meaning of section 1159 (meaning of “subsidiary” etc) of the Companies Act 2006^(a)) the holding company of Network Rail Infrastructure Limited, a subsidiary of Network Rail Infrastructure Limited or another subsidiary of the holding company of Network Rail Infrastructure Limited;

“obligations” includes all obligations, statutory or otherwise;

“the railway” means the railway described in the Schedule, together with all works relating to it, which is held by the Association on the relevant date;

“the relevant date” means the date on which this Order comes into force;

“rights” includes all rights, powers and privileges, statutory or otherwise; and

“the undertaker” means the Association and, following any lease under article 4 (transfer of railway by undertaker), means or includes the transferee within the meaning of that article.

(2) Any enactments by which the construction and operation of the railway was authorised have effect subject to the provisions of this Order.

(3) All distances, lengths, measurements and directions stated in any description of powers or lands are approximate and distances between points on a railway are to be taken to be measured along the railway.

Transfer of rights and obligations to the undertaker

3.—(1) Except as may be otherwise provided in this Order, from the relevant date and during the continuance of the main lease—

- (a) the railway or any part of it continues to be subject to all statutory and other provisions applicable to the railway at that date;
- (b) the undertaker is to the exclusion of Network Rail except insofar as applies to the exercise by Network Rail of its rights under the main lease—
 - (i) entitled to the benefit of, and to exercise, all rights relating exclusively to the railway or any part of it; and
 - (ii) subject to article 4(2), subject to all obligations, relating exclusively to the railway or any part of it with Network Rail released from all such obligations; and
- (c) rights which relate both to the railway and to the retained undertaking are concurrently exercisable by the undertaker and Network Rail so that the undertaker may exercise such rights, and is subject to any obligations, so far as they relate to the railway and Network Rail may exercise such rights, and is subject to any obligations, so far as they relate to the retained undertaking.

(2) In this article, “the retained undertaking” means Network Rail’s railway undertaking as existing from time to time, but does not include the railway.

(a) 2006 c. 46.

Transfer of railway by the undertaker

4.—(1) In this article—

“the transferee” means any person to whom the railway, or any part of it, is leased under the powers conferred by this article;

“the transferor” means any person by whom the railway, or any part of it, is leased under the powers conferred by this article; and

“the transferred undertaking” means so much of the railway as is leased under the powers conferred by this article.

(2) From the relevant date—

(a) the undertaker as it is from the relevant date may, with the written consent of Network Rail (such consent not to be unreasonably withheld or delayed), lease the railway or any part of it to the Company; and

(b) the undertaker may, with the written consent of Network Rail (such consent not to be unreasonably withheld or delayed) and the written consent of the Secretary of State, lease the railway or any part of it to any person,

on such terms and conditions as may be agreed between the parties.

(3) Except as otherwise provided in this Order—

(a) the transferred undertaking continues to be subject to all statutory and other provisions applicable to it at the date of the lease; and

(b) the transferee, to the exclusion of the transferor, is—

(i) entitled to the benefit of, and to exercise, all rights relating to the transferred undertaking so far as exercisable by the transferor; and

(ii) subject to all obligations relating to the transferred undertaking, with the transferor released from all such obligations.

(4) Paragraph (3) has effect during the term of any lease granted under the powers conferred by this article.

Power to operate and use railway

5.—(1) The undertaker may operate and use the railway as a system, or part of a system, of transport for the carriage of passengers and goods.

(2) Nothing in this Order prejudices or affects the operation of Part 1 (the provision of railway services) of the Railways Act 1993(a).

(3) Subject to paragraphs (4) and (5), the motive power to be used on the railway is to be steam, diesel-electric, diesel, internal combustion, electric-battery or such other motive power as the Office of Rail and Road may in writing approve.

(4) Nothing in this Order authorises 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.

(5) If electrical power is used as motive power on the railway, such electrical power must not be used in such a manner as to cause or be likely to cause any interference with any electronic communications apparatus or with the use of such apparatus.

(6) In this article—

(a) “electronic communications apparatus” has the same meaning as in the electronic communications code; and

(b) “the electronic communications code” has the same meaning as in section 106(1) (application of the electronic communications code) of the Communications Act 2003(a).

(a) 1993 c. 43.

Saving for main lease

6. Nothing in this Order affects the provisions of the main lease.

Signed by authority of the Secretary of State for Transport

23rd April 2021

Natasha Kopala
Head of the Transport and Works Act Orders Unit
Department for Transport

SCHEDULE THE RAILWAY

Article 2(1)

The length of 1,610 metres of the railway of Network Rail, formerly part of the Watlington branch line authorised by the Watlington and Princes Risborough Railway Act 1869^(b), wholly in the parish of Princes Risborough in the County of Buckinghamshire, between its connection with “Railway No. 2” as defined in the Chinnor and Princes Risborough Railway (Extension) Order 1995 (S.I. 1995/2458) at the Ordinance Survey National Grid reference point SP791036 and the end of the sidings south of Princes Risborough station adjacent to road overbridge 96 “Picts Lane” at the Ordinance Survey National Grid reference point SP798023, together with all lands and sidings relating to the said railway lying between the points of commencement and termination.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the transfer from Network Rail Infrastructure Limited to Chinnor and Princes Risborough Railway Association Limited (referred to in this Order as the Association), a charitable private company limited by guarantee, of certain rights and obligations relating to the railway line authorised by the Watlington and Princes Risborough Act 1869. The Order authorises the subleasing of the railway to Chinnor & Princes Risborough Railway Company Limited, a wholly-owned subsidiary of the Association, and other persons.

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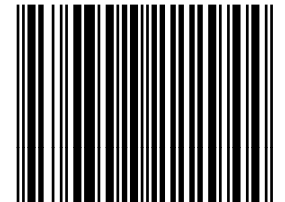
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(a) 2003 c. 21. Section 106(1) was amended by section 4(4) of the Digital Economy Act 2017 (c. 30).
(b) 1869 c. cxlii.

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