
WELSH STATUTORY INSTRUMENTS

2022 No. 375

**The Caernarfon and Dinas Welsh Highland
Railway (Transfer and Governance) Order 2022**

PART 2

TRANSFER AND OPERATION OF THE RAILWAY

Transfer of rights and obligations to the Company

3.—(1) Subject to the following provisions of this Order, Holdings may enter into and carry into effect agreements providing for the transfer to, and vesting in, the Company of all such rights, interests and powers as it may have in or in respect of the railway.

(2) Except as may be otherwise provided in this Order, as from the transfer date—

- (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 (in so far as those provisions continue in force and are capable of taking effect); and
- (b) the Company is to the exclusion of Holdings—
 - (i) entitled to the benefit of, and to exercise all rights, powers and privileges relating to the railway or any part of it; and
 - (ii) subject to all obligations statutory or otherwise relating to the railway or any part of it (in so far as those provisions continue in force and are capable of taking effect) with Holdings released from all such obligations.

Transfer of railway by the Company

4.—(1) At any time after the transfer date the Company may, with the consent of the Welsh Ministers, sell or lease the railway, or part of it, to any transferee on such terms and conditions as may be agreed between the Company and the transferee.

(2) Except as may be otherwise provided by this Order:

- (a) the transferred undertaking will continue to be subject to all statutory and other provisions applicable to it at the date of the lease or sale (in so far as those provisions continue in force and are capable of taking effect); and
- (b) the transferee is, to the exclusion of the Company entitled to the benefit of, and to exercise all rights, powers and privileges relating to the transferred undertaking and subject to all obligations, statutory or otherwise, relating to the transferred undertaking, with the Company released from all such obligations.

(3) Where an agreement has been made by virtue of paragraph (1) references in this Order to the Company shall include references to the transferee.

(4) Paragraphs (1), (2) and (3) have effect during the continuance of any lease granted, and from the operative date of any sale, under the powers conferred by this article.

Power to operate and use railway

5.—(1) On and after the date the Order comes into force the Company or transferee, as the case may be, may operate and use the railway as a system, or part of a system, of transport for the carriage of passengers and goods.

(2) Subject to paragraphs (3) and (4), 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.

(3) 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.

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

(5) Nothing in this Order, or in any enactment applied by this Order, prejudices or affects the operation of Part 1 of the Railways Act 1993⁽¹⁾.

(1) 1993 c. 43. As amended by the Transport Act 2000 (c. 38), Railways and Transport Safety Act 2003 (c. 43) and the Railways Act 2005 (c. 14).