
STATUTORY INSTRUMENTS

1995 No. 2458

**TRANSPORT AND WORKS
TRANSPORT**

**The Chinnor and Princes Risborough
Railway (Extension) Order 1995**

Made - - - - 18th September 1995

Coming into force - - 9th October 1995

The Secretary of State for Transport, on application made to him in accordance with the Transport and Works (Applications and Objections Procedure) Rules 1992(1) made under section 6 of the Transport and Works Act 1992(2) (hereinafter referred to as “the Act”) by Chinnor and Princes Risborough Railway Association and Chinnor & Princes Risborough Railway Company Limited for an Order under section 1 of the Act, being satisfied in accordance with section 13(1) of the Act that its requirements in relation to any objections have been satisfied, and having determined to give effect to the proposals comprised in such application with modifications, in exercise of the powers conferred on him by sections 1 and 5 of, and paragraphs 1, 2, 15, 16, and 17 of Schedule 1 to, the Act and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1. —;

(1) This Order may be cited as the Chinnor and Princes Risborough Railway (Extension) Order 1995 and shall come into force on 9th October 1995.

(2) The Chinnor and Princes Risborough Railway Order 1994(3) (hereinafter referred to as “the principal Order”) and this Order may be cited together as the Chinnor and Princes Risborough Railway Orders 1994 and 1995.

Interpretation

2. —;

(1) In this Order, unless the context otherwise requires—

(1) S.I.1992/2902.
(2) 1992 c. 42.
(3) S.I. 1994/1803.

“the Act of 1857” means the Wycombe Railway (Extension) Act 1857⁽⁴⁾;

“the Association” means Chinnor & Princes Risborough Railway Association (Registered Charity No. 1016237) incorporated under the Companies Act 1985⁽⁵⁾ as a company limited by guarantee and whose registered office is at 3 Honey Banks, Tring Road, Wendover, Buckinghamshire HP22 6NA;

“the Board” means the British Railways Board;

“the Company” means Chinnor & Princes Risborough Railway Company Limited incorporated under the Companies Act 1985 and whose registered office is at 37 Lytham Avenue, Watford, Hertfordshire WD1 6XA;

“the enabling Acts” means the Act of 1857 and The Watlington and Princes Risborough Railway Act 1869⁽⁶⁾;

“the new railways” means Railway No. 2 or Railway No. 3 or both of them;

“the principal Order” has the meaning given in article 1 above;

“Railway No. 1” means the railway authorised by the principal Order;

“Railway No. 2” means the Railway No. 2 described in the Schedule to this Order, including all land and works comprised in, or relating to, that railway;

“Railway No. 3” means the Railway No. 3 described in the Schedule to this Order, including all land and works comprised in, or relating to, that railway;

“reference point” means Ordnance Survey National Grid reference point;

“the transfer date”, in relation to Railway No. 2 or Railway No. 3, means the day on which such railway or any part of it is vested in the Association by virtue of an agreement made pursuant to article 4(1) of this Order;

“the undertaker” means the Association or, during the continuance of the lease referred to in article 4 of this Order, the Company.

(2) In this Order all directions and distances stated in the description of any railway shall be construed as if the words “or thereabouts” were inserted after each direction and distance, and distances between points on the railway shall be taken to be measured along the railway.

Application of Regulation of Railways Act 1868

3. In its application to the new railways section 22 of the Regulation of Railways Act 1868⁽⁷⁾ shall be read, construed and have effect as if the words “and travels more than twenty miles without stopping” had been omitted.

Transfer of railway to Association; leasing to Company

4. &—;

(1) The Board and the Association may enter into and carry into effect agreements providing for the transfer to and vesting in the Association of the new railways or any part of either of them on such terms and conditions as may be agreed between the Board and the Association.

(2) As from the transfer date the Association shall to the exclusion of the Board be entitled to the benefit of and to exercise all rights, powers and privileges and be subject to all obligations of the Board whether statutory or otherwise for the time being in force in respect of the new railways

(4) 1857 c. clviii.

(5) 1985 c. 6.

(6) 1869 c. cxliii.

(7) 1868 c. 119.

or such part of them as is vested in the Association, with the intent that the Board shall be released from all such obligations.

(3) As from the transfer date the Association may lease to the Company any part of the new railways vested in the Association together with the rights, interests, powers, privileges and obligations vested in the Association in accordance with paragraph (2) of this article on such terms and conditions as may be agreed between the Association and the Company.

(4) During the continuance of the lease the Company shall to the exclusion of the Association be entitled to the benefit of and to exercise all rights, powers and privileges and be subject to all obligations of the Association whether statutory or otherwise as are transferred to or conferred on the Association by or in pursuance of this Order and are for the time being in force in respect of the new railways or such part of them as is comprised in the lease.

Maintenance of approved works etc.

5.—(1) Where, pursuant to the Railways and Other Transport Systems (Approval of Works, Plant and Equipment) Regulations 1994⁽⁸⁾, approval has been obtained from the Secretary of State with respect to any works, plant or equipment (including vehicles) forming part of the new railways, such works, plant and equipment shall not be used in a state or condition other than that in which they were at the time that the approval was given unless any change thereto does not materially impair the safe operation of the new railways.

(2) If without reasonable cause the provisions of paragraph (1) above are contravened, the undertaker shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) No proceedings shall be instituted in England and Wales in respect of an offence under this article except by or with the consent of the Secretary of State or the Director of Public Prosecutions.

Restrictions as to the conveyance of passengers

6. No part of the new railways shall be used for the conveyance of passengers without the prior written permission of the Secretary of State.

For protection of National Rivers Authority

7.—(1) For the protection of the National Rivers Authority (in this article referred to as “the Authority”) the following provisions shall, unless otherwise agreed in writing between the undertaker and the Authority, apply and have effect.

(2) Nothing in this Order or in any enactment incorporated with or applied by this Order shall prejudice or affect the operation of section 109 of the Water Resources Act 1991⁽⁹⁾ or any byelaws made under that Act or the Land Drainage Act 1991⁽¹⁰⁾ in relation to anything done under or in pursuance of this Order.

- (a) (3) (a) Before carrying out any works involving the erection or raising of any obstruction to the flow of any watercourse which is not part of a main river within the meaning of section 113 of the Water Resources Act 1991 or the construction, alteration or replacement of any culvert or any structure designed to contain or divert the flow of any watercourse in, under or through any land held for the purpose of or in connection with the new railways the undertaker shall furnish to the Authority proper and sufficient plans thereof for the approval of the Authority and shall not carry out the said works until the said plans have been approved in writing by the Authority.

⁽⁸⁾ S.I. 1994/157.

⁽⁹⁾ 1991 c. 57.

⁽¹⁰⁾ 1991 c. 59.

- (b) The approval of plans furnished under this paragraph shall not be unreasonably withheld and, if within two months after such plans have been supplied to the Authority, the Authority has not intimated its disapproval and the grounds of its disapproval it shall be deemed to have approved the plans as supplied.
- (c) For the purposes of this article, “plans” includes sections, drawings, specifications, calculations and descriptions.
- (4) Any culvert or any structure designed to contain or divert the flow of any watercourse situated within any land held for the purpose of or in connection with the new railways whether constructed under the powers conferred by this Order or in existence prior to the making hereof, shall be maintained by the undertaker in good repair and condition and free from obstruction.
- (5) If any obstruction is erected or raised or any culvert is constructed, altered or replaced in contravention of this article the undertaker shall upon receiving notice from the Authority take such action as may be necessary to remedy the effect of the contravention to the Authority’s satisfaction and in default the Authority may itself take such action as may be necessary and recover the expenses reasonably incurred by it in so doing from the undertaker as a debt due from them to the Authority.
- (6) Any dispute or difference which may arise between the Authority and the undertaker under this article shall be referred to a single arbitrator to be agreed upon between the parties or, failing such agreement, to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either party (after notice in writing to the other of them).
- (7) Any provisions of the Railways Clauses Consolidation Act 1845⁽¹¹⁾ applied to the new railways shall be subject to the provisions of this article.

Signed by authority of the Secretary of State for Transport

18th September 1995

R. A. Allan
An Under Secretary
Department of Transport

⁽¹¹⁾ 1845 c. 20.

SCHEDULE

Article 2(1)

Railway No. 2

That length of the railway of the Board described in and authorised by the enabling Acts or either of them in the parish of Princes Risborough in the district of Wycombe in the County of Buckinghamshire which commences at a junction with the eastern terminus of Railway No.1 at a point coinciding with the boundary between that parish and the parish of Longwick-cum-Ilmer (reference point SP 789036), continuing in an easterly direction for a distance of 273 metres and terminating at reference point SP 791036.

Railway No. 3

That length of the former Thame branch railway of the Board described in and authorised by the Act of 1857 in the parish of Longwick-cum-Ilmer in the district of Wycombe in the County of Buckinghamshire which extends from a point (reference point SP 786036) 15 metres east of the eastern abutment of the bridge carrying the railway over the B4009 road near Little Horsenden Farm, continuing in an easterly direction for a distance of 340 metres and terminating by a converging junction with Railway No.1 at its eastern terminus where that railway makes a junction with the commencement of Railway No. 2 (reference point SP 789036).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the transfer from the British Railways Board to Chinnor & Princes Risborough Railway Association (a charitable company limited by guarantee) of part of the former Thame branch railway line adjacent to its convergence with the Chinnor & Princes Risborough Railway in Buckinghamshire, together with certain rights and liabilities conferred or imposed by the Wycombe Railway (Extension) Act 1857 and the Watlington and Princes Risborough Railway Act 1869, and also authorises the leasing of the railway to Chinnor & Princes Risborough Railway Company Limited, a wholly-owned subsidiary of the Association.

The Order modifies the application of the Regulation of Railways Act 1868 to the railway, and makes provision for maintenance of works and equipment. It also contains provisions for the protection of the National Rivers Authority.