
STATUTORY INSTRUMENTS

1986 No. 174

TRANSPORT

The Bo'ness and Kinneil Light Railway Order 1986

Made - - - - - 29th January 1986

Coming into Operation 30th January 1986

The Secretary of State for Transport on the application of the Falkirk District Council, the Central Regional Council and The Scottish Railway Preservation Society and in exercise of the powers conferred by sections 3, 7, 9, 10, 11 and 12 of the Light Railways Act 1896(a), and now vested in him(b), and of all other powers enabling him in that behalf hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as The Bo'ness and Kinneil Light Railway Order 1986 and shall come into operation on 30th January 1986.

Interpretation

2. In this Order, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say;

“the railway” means the railway authorised to be constructed, made and maintained in accordance with article 3 of this Order;

“the Board” means the British Railways Board;

“the Board’s railway” means so much of the former railway of the Board described in and authorised by the enabling Acts and works relating thereto as lies between reference points NS 98728133 and NT 00528167 and includes all lands formerly held by the Board relating to the said railway and lying between those reference points;

“British Petroleum” means BP Petroleum Development Limited incorporated under the Companies Act 1948(c) and having its Registered Office at Britannic House, Moor Lane, London;

“the Company” means The Scottish Railway Preservation Society, incorporated under the Companies Act 1948 and having its Registered Office at Fifty Seven, Queen Street, Edinburgh;

“the Councils” means the Falkirk District Council and the Central Regional Council;

(a) 1896 c. 48, as amended by the Light Railways Act 1912 (c. 19), and the Railways Act 1921 (c. 55).

(b) S.I. 1970/1681, 1979/571, 1981/238.

(c) 1948 c. 38.

“the deposited plans” and “the deposited sections” mean respectively the plans and sections deposited in respect of the application for this Order with the Department of Transport;

“the enabling Acts” means (Firstly) the Slamannan and Borrowstounness Railway Act 1846 **(a)** as amended by the Monkland Railways (Slamannan and Borrowstounness Deviation) Act 1851 **(b)** (Secondly) the North British Railway Act 1873 **(c)** (Thirdly) the North British Railway (Additional Works and Powers) Act 1877 **(d)** and (Fourthly) the North British Railway Order Confirmation Act 1908 **(e)**;

“the operative date” means the date upon which this Order shall come into operation;

“the Principal Act” means The Light Railways Acts 1896 and 1912 **(f)** as amended by the Railways Act 1921 **(g)**;

References in this Order to reference points shall be construed as references to National Grid reference points.

Power to make railway

3.—(1) Subject to the provisions of this Order the Councils may construct, make and maintain the railway hereinafter described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and the deposited sections and with all proper rails, plates, sidings, junctions, bridges, culverts, drains, approaches, roads, yards, buildings and other works and conveniences connected therewith, including station premises, workshops and facilities at Bo’ness and a passenger halt or station premises and facilities at Kinneil.

(2) The said railway is:—

A railway two kilometres and three hundred and twenty five metres or thereabouts in length wholly within the Parish of Bo’ness and Carriden and County of West Lothian (District of Falkirk in the Central Region) commencing at reference point NS 98488122, lying generally to the north or north west of Snab Lane, Kinneil, where the railway adjoins the Bo’ness Junction to Kinneil branch line retained by the Board and terminating at reference point NT 00528167 lying generally to the north or north west of Boundary Street, Bo’ness.

(3) Subject to the provisions of this Order the railway or any part thereof shall be subject to all statutory and other provisions applicable to the Board’s railway or any part thereof (in so far as the same are still subsisting and capable of taking effect) and the Councils 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 statutory or otherwise relating to the Board’s railway or any part thereof (in so far as the same are still subsisting and capable of taking effect) to the intent that the Board shall be released from all such obligations.

(a) 1846 c.cvii.

(d) 1877 c.lviii.

(g) 1921 c. 55.

(b) 1851 c.lxii.

(e) 1908 c.clix.

(c) 1873 c.ccix.

(f) 1912 c. 19.

(4) Notwithstanding anything contained in Section 38 of the North British Railway Act 1871(a) or any other enactment, the Councils shall not be required to make and maintain level crossings, overbridges or underpasses except as provided in this Order.

Power to work and maintain railway as a light railway

4. Subject to the provisions of this Order, the Councils may work and maintain the railway as a light railway under the Principal Act.

As to leasing or sale of the railway to the company

5. On or after the operative date, the Councils or either of them as the case may be may transfer to and vest in the Company, whether by lease or sale, the railway or any part thereof together with any rights, interests, powers, privileges and obligations vested in the Councils in accordance with articles 3 and 4 of this Order on such terms and conditions as may be agreed between the Councils or either of them as the case may be and the Company. During the continuance of the lease or after the completion of any such sale the Company shall to the exclusion of the Councils be entitled to the benefit of and to exercise all the rights, powers and privileges and be subject to all the obligations of the Councils whether statutory or otherwise for the time being in force in respect of such parts of the railway as are comprised in the lease or sale.

Incorporation of Acts

6.—(1) Subject to the provisions of this Order the Railway Clauses Consolidation (Scotland) Act 1845(b) (except sections 7 to 10, 15, 17, 39 to 41, 53 to 54, and 153 to 154) are hereby incorporated with this Order.

(2) Subject to the provisions of this Order such of the enactments set out in the Second Schedule to the Light Railway Act 1896 as are still in force shall not apply to the railway except for section 22 of the Regulation of Railways Act 1868(c) (means of communication between passengers and the Company's servants to be provided) and section 1 (power to order certain provisions to be made for public safety) and section 5 (penalty for avoiding payment of fare) of the Regulation of Railways Act 1889(d).

(3) In its application to the railway the said section 22 of the Regulation of Railways Act 1868 shall be read and construed to have effect as if the words "and travels more than twenty miles without stopping" were omitted therefrom.

Construction of public level crossings

7. The Councils shall provide a pedestrian level crossing at each of the following locations, namely:—

- (a) at or near the southeast corner of Bo'ness Dock;
- (b) adjacent to the existing car park which is situated on the south side of the railway immediately to the north of the junction between East Pier Street and Union Street, Bo'ness;

(a) 1871 c.vii.
(d) 1889 c. 57.

(b) 1845 c. 33.

(c) 1868 c. 119.

- (c) immediately adjacent to the accommodation crossing to be made and maintained in accordance with paragraph (2) of Article 8;
 - (d) where the footpath leading in a generally northwestwards direction from Seaview Place, Bo'ness and the Bo'ness Town Centre Relief Road to the foreshore of the River Forth crosses the line of the railway;
 - (e) where the footpath leading in a generally northwestwards direction from Avon Place, Bo'ness to the foreshore of the River Forth crosses the line of the railway;
 - (f) immediately to the east of the halt or station to be provided at Kinneil;
 - (g) immediately to the west of the halt or station to be provided at Kinneil;
- and the Councils shall provide at each of said pedestrian level crossings and shall maintain and operate the signs and other devices and appliances specified in the Schedule to this Order provided always that the Councils shall be entitled to substitute for all or any of said pedestrian level crossings, overbridges or underpasses.

Accommodation crossings

- 8.—(1) The Councils shall make and maintain:—
- (a) for the accommodation of the Falkirk District Council and its successors as owners and occupiers of the land lying generally to the north of the railway, and
 - (b) for the accommodation of British Petroleum and their successors as owners of the pipe line referred to in article 9 hereof—
a crossing over the railway suitable for vehicular traffic at the location where the private access roadway leading generally in a north westwards direction from Corbiehall, Bo'ness towards the pipeline valve station belonging to British Petroleum and the foreshore of the River Forth crosses the line of the railway.
- (2) The Councils shall make and maintain
- (a) for the accommodation of the Falkirk District Council and its successors as owners and occupiers of the land lying generally to the north of the railway, and
 - (b) for the accommodation of the Central Regional Council and its successors as Sewerage Authority for the district or districts within which the railway is located—
a crossing over the railway suitable for vehicular traffic at the location where the private access roadway leading generally in a northwards direction from the Bo'ness Town Centre Relief Road towards the Corbiehall sewage pumping station and the foreshore of the River Forth crosses the line of the railway.
- (3) At each of the crossings referred to in the foregoing paragraphs of this article, gates opening away from the line shall be provided by the Councils.

For the protection of British Petroleum

9.—(1) Except as provided by this article, nothing in this Order shall permit any part of the railway or of the support thereof to be constructed within 10 feet from the nearest point on the surface of land whose position is vertically above any part of the pipeline owned by British Petroleum and running between Cruden Bay and Grangemouth.

(2) At the location generally northeast of the bonded warehouse belonging to Distillers Company Public Limited Company at Corbiehall, Bo'ness, where the line of the railway crosses the route of the pipeline referred to in paragraph (1) of this article and the route of the effluent pipe owned by British Petroleum and running between Grangemouth and Bo'ness, the railway shall be laid over a reinforced concrete raft which raft shall be made and maintained by British Petroleum for the accommodation of the railway in accordance with drawing number A458/6A produced by British Petroleum.

(3) At the location generally to the north of Snab Lane, Kinneil, where the line of the railway crosses the route of the effluent pipe referred to in paragraph (2) of this article, the railway shall be laid over a reinforced concrete raft which shall be made and maintained by British Petroleum for the accommodation of the railway in accordance with drawing number A458/7A produced by British Petroleum.

Gauge of railway and motive power

10. The railway shall be constructed and operated on a nominal gauge of 1435 millimetres (four feet eight and one half inches) and the motive power shall be diesel or steam or internal combustion or such other motive power as the Secretary of State may approve.

Provided that nothing in this Order shall authorise 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.

Provided further that if electrical power is used on the railway, such electrical power shall not be used in such a manner as to cause or be likely to cause any interference with any telecommunication apparatus, as defined in the telecommunications code contained in Schedule 2 of the Telecommunications Act 1984(a), or with telecommunication by means of any such apparatus.

Restriction of weight on rails and of speed: conveyance of passengers

11.—(1) No engine, carriage or truck bringing any weight upon the rails by any one pair of wheels exceeding such weight as the Secretary of State may allow shall be used upon the railway.

(2) No train or engine shall be run upon any part of the railway at a rate of speed exceeding that at any time fixed by the Secretary of State for such part.

(3) No part of the railway shall be used for the public conveyance of passengers without the permission in writing of the Secretary of State being first had and obtained and the conditions (if any) which the Secretary of State may from time to time prescribe for the safety of persons using the railway shall at all times be complied with.

(a) 1984 c. 12.

(4) If any person operating the railway acts in contravention of any of the provisions of this article that person shall for each offence be liable on summary conviction to a penalty not exceeding one hundred pounds.

As to public liability insurance

12.—(1) In this Article—

“insurer” means any insurer or insurers authorised under the Insurance Companies Act 1982(a) to carry on in Great Britain insurance business of a relevant class or who has corresponding authorisation under the law of another member of state of the European Economic Community;

“approved” means approved by the Councils.

“policy” means a public liability policy with an insurer providing maximum cover in respect of any one accident on or occasioned by the operation of the railway or any part thereof of not less than two million pounds.

- (2) (i) The Company shall not work the railway or any part thereof unless there is in force a policy.
- (ii) In default of compliance with the provisions of this paragraph, the Company shall be liable on summary conviction to a fine not exceeding two thousand pounds.

Provided that during such times as the Company are not operating the railway under a lease granted under article 5 of this Order, the Councils shall not work the railway unless there is in force a policy and the Councils shall on these occasions be liable for failure to comply with this provision on the terms hereinbefore referred to in this paragraph.

(3) Notwithstanding and without prejudice to the provisions of this article the Councils may while the railway is leased to the Company effect and maintain a policy in their own name with an insurer providing such cover for such period or periods and generally in such manner as the Councils may from time to time determine.

(4) The adequacy of the cover provided by a policy maintained in accordance with this article shall be regularly reviewed by the body which is required to effect and maintain the policy.

Costs of Order

13. All costs, charges and expenses of and incidental to the preparing for, obtaining and making of this Order or otherwise in relation thereto shall be paid by the Company and may in whole or in part be defrayed out of revenue.

Signed by authority of
the Secretary of State

J R Coates,
An Under Secretary in
the Department of Transport.

29th January 1986.

(a) 1982 c. 50.

SCHEDULE

PARTICULARS OF SIGNS AND OTHER DEVICES AND APPLIANCES

(1) A self-closing wicket gate, opening away from the line, shall be provided on each side of the railway.

(2) A sign bearing the wording

“STOP, LOOK AND LISTEN”

shall be provided on the left hand side of the footway on both sides of the railway and shall face towards pedestrians approaching the level crossing.

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