
S T A T U T O R Y I N S T R U M E N T S

1986 No. 277

TRANSPORT

East Lancashire Light Railway Order 1986

Made - - - - - 17th February 1986

Coming into Operation 18th February 1986

The Secretary of State for Transport on the application of the Greater Manchester County Council and the Rossendale Borough Council and in exercise of powers conferred by sections 3, 7, 9, 10, 11, 12 and 18 of the Light Railways Act 1896(a), section 42 of the Road and Rail Traffic Act 1933(b) and section 121(2) of the Transport Act 1968(c), and now vested in him(d), 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 East Lancashire Light Railway Order 1986 and shall come into operation on 18th February 1986.

Interpretation

2.—(1) In this Order, unless the subject or context otherwise requires:—

“the Board” means the British Railways Board;

“the Board’s railway” means the railways of the Board described in Schedule 1 to this Order, including all lands and works relating thereto;

“the Company” means the East Lancashire Light Railway Company Limited incorporated under the Companies Act 1985(e) and having its registered office at Bury Transport Museum, Castlecroft, Bury, Lancashire;

“the Councils” means the Greater Manchester County Council and the Rossendale Borough Council or either of them;

“the deposited plan” and “the deposited section” mean respectively the plan and section deposited in respect of the application for this Order with the Secretary of State for Transport;

“the enabling Acts” means the Acts authorising the Board’s railway and referred to in Schedule 1 to this Order;

“the light railway” means the Board’s railway and the new work and any part thereof including all lands and works relating thereto;

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

(b) 1933 c. 53.

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

(c) 1968 c. 73.

(e) 1985 c. 6.

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“the new work” means the work authorised by article 6 (Power to make new work) of this Order;

“the principal Act” means the Light Railways Acts 1896 and 1912, as amended by the Railways Act 1921;

“the transfer date” means the day on which the Board’s railway or any part thereof is vested in the Councils by virtue of an agreement made under article 3 (Transfer of Board’s railway to Councils) of this Order;

“the Trust” means the East Lancashire Railway Trust Limited incorporated under the Companies Act 1985 and having its registered office at County Hall, Piccadilly Gardens, Manchester.

(2) All directions, distances and lengths stated in any description of works, powers or lands shall be construed as if the words “or thereabouts” were inserted after each such direction, distance and length and distances between points on a railway shall be taken to be measured along the railway.

Transfer of Board’s railway to Councils

3.—(1) The Board and the Councils may enter into and carry into effect agreements providing for the transfer to and the vesting in the Councils of the Board’s railway or any part thereof on such terms and conditions as may be agreed between the Board and the Councils.

(2) As from the transfer date and subject to the provisions of this Order 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 of the Board whether statutory or otherwise for the time being in force in respect of the Board’s railway or such part thereof as is transferred as aforesaid.

(3) As from the transfer date the Councils may work the Board’s railway as a light railway under the principal Act.

Leasing of light railway to Trust

4.—(1) After the transfer date, the Councils may agree with the Trust to lease to the Trust the light railway or any part thereof together with any rights, interests, powers, privileges and obligations vested in the Councils in accordance with article 3 above on such terms and conditions as may be agreed between the Councils and the Trust.

(2) During the continuance and subject to the terms of any lease granted under paragraph (1) above the Trust shall to the exclusion of the Councils be entitled to the benefit of, and to exercise, all such rights, interests, powers and privileges and be subject to all such obligations of the Councils whether statutory or otherwise as are transferred to or conferred on the Councils in accordance with article 3 above and are for the time being in force in respect of the light railway or such part thereof as is leased as aforesaid.

Sub-letting of light railway to Company

5.—(1) During the continuance and subject to the terms of any lease granted under article 4 (Leasing of light railway to Trust) the Trust may sub-let to the Company the light railway or any part thereof together with the rights, interests, powers, privileges and obligations vested in the Trust in accordance with that article on such terms and conditions as may be agreed between the Trust and the Company.

(2) During the continuance of any sub-lease granted under paragraph (1) above the Company shall to the exclusion of the Trust be entitled to the benefit of, and to exercise, all such rights, interests, powers and privileges and be subject to all such obligations of the Trust whether statutory or otherwise as are transferred to or conferred on the Trust pursuant to article 4 of this Order and are for the time being in force in respect of the light railway or such part thereof as is comprised in the sub-lease.

Power to make new work

6.—(1) Subject to the provisions of this Order the Councils may construct, make and maintain the new work hereinafter described in the lines and according to the levels and within the limits of deviation shown on the deposited plan and the deposited section, together 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 and work the same as a light railway under the principal Act and in accordance with the provisions of this Order.

(2) The new work is—

A deviation or alteration of part of the Board's railway, wholly situated in the borough of Rossendale in the county of Lancashire, commencing by a junction with the Board's railway at the north-eastern face of the New Hall Hey level crossing at Rawtenstall and terminating at a point 1 furlong, 7 chains, 6 yards (348 metres) distant in a north-easterly direction.

(3) In the construction of the new work or any part thereof the Councils may deviate from the line or situation thereof shown on the deposited plan to the extent of the limits of deviation shown thereon and may deviate vertically from the level shown on the deposited section to any extent not exceeding 2 metres upwards or downwards or to such further extent as may be found necessary or convenient and as may be sanctioned by the Secretary of State.

Maintenance and renewal of light railway

7.—(1) Subject to the provisions of this Order, the Councils may continue and maintain, reconstruct, repair, alter and renew the light railway with all necessary works and conveniences connected therewith.

(2) The powers of paragraph (1) above shall be exercisable as respects works constructed under article 6 of this Order within the limits of deviation shown on the deposited plan and as respects any other part of the light railway within the existing formation of the Board's railway and at the levels authorised therefor in the enabling Acts.

Gauge of railway and motive power

8. The new work shall be constructed and the whole of the light railway operated on a gauge of 1435 millimetres (4 feet 8½ inches) and the motive power for the light railway shall be diesel, 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 Council to use electrical power as motive power on the light railway unless such power is obtained from storage batteries or from a source of generation entirely carried in, and carried along with, the engines and carriages:

Provided also that, if electrical power is used as motive power on the light 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 Schedule 2 to the Telecommunications Act 1984(a), being apparatus kept installed for the purposes of a telecommunications code system, as defined in Schedule 4 to that Act or with the service provided by any such system.

Incorporation and application of enactments

9.—(1) The provisions of the Railways Clauses Consolidation Act 1845(b) (except sections 8, 11 to 13, 15, 17, 46 to 66, 77 to 85, 88 to 95 and 112 to 124) are incorporated with and form part of this Order so far as the same are applicable for the purposes and are not inconsistent with or varied by the provisions of this Order.

(2) In the construction of the provisions of the Railways Clauses Consolidation Act 1845 as incorporated with this Order—

- (a) this Order shall be deemed to be the special Act for the purposes of the said incorporated provisions;
- (b) sections 7, 9, 10 and 162 shall be read, construed and have effect as if the “proper officers of the County Councils of the Counties of Greater Manchester and Lancashire” had been referred to therein instead of the “Clerks of the Peace”.

(3) Notwithstanding the provisions of subsection (1) of section 12 of the Light Railways Act 1896, the following enactments shall apply to the light railway:—

Regulation of Railways Act 1868(c)—

Section 22 (means of communication between passengers and the Company’s servants to be provided);

Regulation of Railways Act 1889(d)—

Section 1 (power to order certain provisions to be made for public safety); and

Section 5 (penalty for avoiding payment of fare).

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

(5) Without prejudice to the generality of the foregoing, sections 116, 117, 118 and 119 of the Transport Act 1968 shall apply to the light railway as if references therein to the Board were references to the body for the time being authorised to work the light railway under this Order.

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

10.—(1) The Councils shall not use upon the light railway any 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.

(a) 1984 c. 12.
(c) 1868 c. 119.

(b) 1845 c. 20.
(d) 1889 c. 57.

(2) The Councils shall not run any train or engine upon any part of the light railway at a rate of speed exceeding at any time that fixed by the Secretary of State for such part.

(3) No part of the light railway shall be used for the conveyance of passengers without the prior written permission of the Secretary of State and the Councils shall comply with any conditions which the Secretary of State may from time to time prescribe for the safety of persons using the railway.

(4) If the Councils contravene any of the provisions of this article they shall for each offence be liable on summary conviction to a fine not exceeding fifty pounds.

Level crossings

11.—(1) Notwithstanding anything in the enabling Acts or in any other enactment, the Councils, subject to such requirements as the Secretary of State may from time to time lay down, shall provide, maintain and operate at or near the level crossings described in Schedule 2 to this Order such barriers, lights, traffic signs and automatic or other devices and appliances as may be approved by the Secretary of State.

(2) Any directions made under section 42 of the Road and Rail Traffic Act 1933 in relation to the level crossings described in Schedule 2 to this Order and having force at the time of coming into operation of this Order shall cease to have effect.

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 or in Northern Ireland insurance business of a relevant class or who has corresponding permission under the law of another member state of the European Economic Community;

“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 light railway of not less than one million pounds.

(2)(a) The operator shall not work the light railway unless there is in force a policy in accordance with the provisions of this article.

(b) In default of compliance with the provisions of this paragraph the operator shall be liable on summary conviction to a fine not exceeding one thousand pounds and on conviction on indictment to a fine.

(3) The Trust shall while it is the operator—

(a) at all times maintain a policy approved by the Councils in the joint names of the Trust and the Councils and in default thereof the Councils may (without prejudice to any other powers granted under this Order) effect and maintain such policy and pay the premiums payable in respect thereof so that the premiums so paid and all incidental expenses shall be repaid by the Trust to the Councils on demand;

(a) 1982 c. 50.

(b) at the request of the Councils produce to the Councils such evidence as may be requisite for the purpose of proving compliance with the provisions of this paragraph.

(4) The Company shall while it is the operator—

(a) at all times maintain a policy approved by the Trust in the joint names of the Company and the Trust and in default thereof the Councils or the Trust may (without prejudice to any other powers granted under this Order) effect and maintain such policy and pay the premiums payable in respect thereof so that the premiums so paid and all incidental expenses shall be repaid by the Company to the Councils or the Trust, as the case may be, on demand;

(b) at the request of the Trust produce to the Trust such evidence as may be requisite for the purpose of proving compliance with this paragraph.

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

(6) The adequacy of the cover provided by a policy maintained in accordance with this article shall be regularly reviewed by the operator.

(7) In this article, “the operator” means the body for the time being authorised pursuant to the powers of this Order to operate any part of the light railway.

Signed by authority of
the Secretary of State.

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

17th February 1986.

SCHEDULE 1

THE BOARD'S RAILWAY

So much of the railways of the Board in the borough of Bury in the metropolitan county of Greater Manchester and in the borough of Rossendale in the county of Lancashire as comprise—

- (a) such part of the former Manchester, Bury and Rossendale Railway described in and authorised by section 236 (Line of the railway) of the East Lancashire Railway Act 1844(a) (as altered in level under section 4 (Power to Company to alter the Level of Part of the Railway authorised by first-recited Act) of the East Lancashire Deviation and Branch Railways Act 1846(b), hereinafter referred to as “the 1846 Act”) as extends northwards from the level crossing in Bury known as Buckley Wells Level Crossing carrying Baron Street across that railway to a junction with the railway mentioned in paragraph (b) below;
- (b) such part of the Bacup branch railway described in and authorised by section 8 (Power to make Branch Railways) of the 1846 Act (as varied, altered or replaced by section 7 (Power to abandon Part of Bacup Branch and make a new line in lieu thereof) of the East Lancashire Railway Deviations and Rawtenstall Coal Branch Act, 1847(c), hereinafter referred to as “the 1847 Act”) as extends from the junction with the railway mentioned in paragraph (a) above to the western face of Bury Road in Rawtenstall;
- (c) such part of the railway to Accrington described in and authorised by section 15 (Line of Railways) of the East Lancashire Railway Act 1845(d) (as varied, altered or replaced by section 5 (Power to abandon Part of Railway and substitute a fresh line) of the 1846 Act and section 5 (Power to abandon Part of Railway near Tottington Higher End, and substitute a fresh line) of the 1847 Act) as extends from its commencement at a junction with the railway mentioned in paragraph (a) above to a point 34 metres north of the northern extremity of the bridge (No. 57) carrying the said railway over the river Irwell at Alderbottom;
- (d) such part of the extension to the Heywood Branch of the former Manchester and Leeds Railway in Bury thirdly described in and authorised by section 1 (Power to make Branch and Extension Railways) of The Manchester and Leeds Railway Act, No. 2, 1845(e) (as altered in level under section 19 (Power to alter levels of the Liverpool and Bury Railway and of the Heywood Branch Extension Railway and to abandon Part of authorised line) of The Manchester and Leeds Railway Act, No. 3, 1847(f) as lies to the west of a point 28 metres east of the bridge carrying Knowsley Street over that railway;
- (e) such part of the railway in Bury authorised by section 20 (Branch from Liverpool and Bury Railway to join Heywood Branch Extension) of The Manchester and Leeds Railway Act, No. 3, 1847 as lies between the point referred to in paragraph (d) above and the western face of the bridge carrying Bridge Road over that railway.

(a) 1844 c. lx.
(c) 1847 c. cclxxxviii.
(e) 1845 c. liv.

(b) 1846 c. cclxxvi.
(d) 1845 c. xxxv.
(f) 1847 c. clxiii.

SCHEDULE 2

THE LEVEL CROSSINGS REFERRED TO IN ARTICLE 11

In the borough of Bury

The level crossing known as “the Ramsbottom Crossing” whereby Bridge Street in Ramsbottom is crossed by the light railway on the level.

In the borough of Rossendale

The level crossing known as “the Irwell Vale Crossing” between Ewood Bridge and Stubbins whereby a public footpath (PF 130) is crossed by the light railway on the level.

The level crossing known as “the Townsend Fold Crossing” between Rawtenstall and Ewood Bridge whereby an unclassified public highway is crossed by the light railway on the level.

The level crossing known as “the Rawtenstall West Crossing” in Rawtenstall whereby an unclassified public highway known as New Hall Hey Road is crossed by the light railway on the level.