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STATUTORY INSTRUMENTS

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**1991 No. 933**

**TRANSPORT**

**The North Tyneside Steam Railway Light Railway Order 1991**

*Made* - - - - 27th March 1991

*Coming into force* - - 28th March 1991

The Secretary of State for Transport on the application of the Council of the Borough of North Tyneside and in exercise of the powers conferred by sections 3, 7, 9, 10, 11 and 12 of the Light Railways Act 1896<sup>(1)</sup>, and by section 121(4) of the Transport Act 1968<sup>(2)</sup>, and now vested in him<sup>(3)</sup>, 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 North Tyneside Steam Railway Light Railway Order 1991 and shall come into force on 28th March 1991.

**Interpretation**

2.—(1) In this Order, unless the context otherwise requires, the following words and expressions have the meanings hereby respectively assigned to them, that is to say:—

“the Board” means the British Railways Board;

“the Board’s railway” means—

- (a) so much of the former Blyth and Tyne railway of the Board as comprises that part of the railway and branch railways described in and authorised by section 22 (Power to maintain Railway and Branches according to deposited Plans) of the Blyth and Tyne Railway Act 1852<sup>(4)</sup> and section 38 (Power to make and maintain Works according to deposited Plans) of the Blyth and Tyne Railway Consolidation and Extensions Act 1854<sup>(5)</sup>; and

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(1) 1896 c. 48; section 3 was amended by the Light Railways Act 1912 (c. 19), section 5(1); sections 7 and 9 were repealed in part by the Railways Act 1921 (c. 55), section 86(2) and Schedule 9; section 10 was repealed in part by the Statute Law (Repeals) Act 1986 (c. 12), Schedule 1; section 11 was amended by the Light Railways Act 1912, section 5(3), and the Railways Act 1921, section 73(1) and was repealed in part and further amended in respects not relevant to this Order; section 12 was repealed in part by the Finance Act 1929 (c. 21), section 6 and Schedule.

(2) 1968 c. 73.

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

(4) 1852 c. cxxii.

(5) 1854 c. lxxix.

(b) the former Rising Sun Colliery railway of the Board, being the railway described in and authorised by section 5 (Power to the Company to make railway and widenings) of the London and North Eastern Railway Act 1938<sup>(6)</sup>;

and includes all the land and works relating thereto;

“the Council” means the Council of the Borough of North Tyneside;

“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 principal Act” means the Light Railways Act 1896;

“the railways” means the railways authorised to be constructed, made and maintained in accordance with article 5 of this Order;

“the Trustees of the Duke of Northumberland” means the trustees for the time being of the Duke of Northumberland’s settlement dated 19th April 1972.

(2) Reference points specified in this Order shall be construed as references to Ordnance Survey National Grid reference points.

### **Incorporation of general Acts**

3.—(1) The provisions of the Railways Clauses Consolidation Act 1845<sup>(7)</sup> except sections 8 to 15, 17, 32 to 44, 47 to 57, 59 to 63, 69 to 74, 88 to 95, and 115 to 124 are incorporated with and form part of this Order, so far as the same are applicable for the purposes of and are not inconsistent with or varied by the provisions of this Order, and this Order shall be the special Act for the purposes of those incorporated provisions.

(2) Subject to the provisions of this Order such of the enactments set out in the Second Schedule to the principal Act as are still in force (except section 22 of the Regulation of Railways Act 1868<sup>(8)</sup> (means of communication between passengers and the Company’s servants to be provided) and sections 1 and 5 of the Regulation of Railways Act 1889<sup>(9)</sup> (power to order certain provisions to be made for public safety and penalty for avoiding payment of fare)) shall not apply to the railways.

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

(4) In their application to the railways sections 78 to 85 of the Railways Clauses Consolidation Act 1845 shall have effect as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923<sup>(10)</sup>.

(5) Without prejudice to the foregoing provisions of this article, sections 116 to 118 of the Transport Act 1968 shall apply to the railways as if references in those sections to the Board were references to the Council.

(6) In their application to the railways, the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Order shall have effect as if any reference to the clerk of the peace were a reference to the proper officer of the Council.

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(6) 1938 c. liii.  
(7) 1845 c. 20.  
(8) 1868 c. 119.  
(9) 1889 c. 57.  
(10) 1923 c. 20.

### **Transfer of Board's railway to Council**

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

(2) Except as may be otherwise provided in this Order, where any agreement is made under this article, as from the transfer date—

- (a) the Council 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 transferred railway (insofar as the same are still subsisting and capable of taking effect) to the intent that the Board shall be released from all such obligations; and
  - (b) the transferred railway shall be subject to all statutory and other provisions applicable to the Board's railway (insofar as the same are still subsisting and capable of taking effect).
- (3) In this article, in relation to an agreement made under this article—
- (a) "the transfer date" means the date on which the Board's railway or any part thereof is vested in the Council by virtue of the agreement; and
  - (b) "the transferred railway" means so much of the Board's railway as is vested in the Council by virtue of the agreement.

### **Power to make and maintain railways**

5. Subject to the provisions of this Order, the Council may, in the lines or situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections, construct, make and maintain, in the County of Tyne and Wear in the Metropolitan Borough of North Tyneside, the following railways together with all necessary works and conveniences connected therewith—

- (a) on land owned by them, the railway described as Railway No. 1 in the Schedule to this Order;
- (b) on such part of the line of the Board's railway as is transferred by virtue of any agreement made under article 4 of this Order and—
  - (i) as to part, on land owned by the Trustees of the Duke of Northumberland and leased by them to the Board,
  - (ii) as to part, on land owned by the Council, and
  - (iii) as to the remainder, on land owned by the Council and subject to a Lease of Wayleave dated 14th April 1939,the railway described as Railway No. 2 in the Schedule to this Order; and
- (c) on such part of the line of the Board's railway as is transferred by virtue of any agreement made under article 4 of this Order, and—
  - (i) as to part, on land owned by the Trustees of the Duke of Northumberland and leased by them to the Board, and
  - (ii) as to the remainder, on land owned by the Council,the railway described as Railway No. 3 in the Schedule to this Order.

### **Power to work and maintain railways as a light railway**

6. Subject to the provisions of this Order, the Council may work and maintain the railways as a light railway under the principal Act.

### **Power to deviate**

7. In the construction of the railways or any part thereof the Council may deviate from the line or situation thereof shown on the deposited plans to the extent of the limits of deviation shown on the deposited plans and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three metres upwards and three metres downwards.

### **As to crossing of footpath on level**

8.—(1) The Council may in the construction of Railway No. 3 carry the same with a single line of rails across and on the level of the footpath between the points marked A and B on the deposited plans and nothing in this Order contained or incorporated shall require the provision of keepers at the said crossing.

(2) The Council shall provide and maintain at the said crossing—

- (a) a self-closing wicket gate, opening away from the line, on each side of the railway, and
- (b) signs bearing the wording "STOP, LOOK AND LISTEN" on each side of the railway facing towards pedestrians approaching the level crossing.

### **Gauge of railway and motive power**

9. The railways shall be constructed on a gauge of 1.435 metres or thereabouts and the motive power shall be 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 unless such power is obtained from storage batteries or from a source of generation entirely contained in and carried along with the engine and carriages:

Provided also that if electrical power is used on the railways, 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 to the Telecommunications Act 1984<sup>(11)</sup> or with telecommunications by means of any such apparatus.

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

10.—(1) The Council shall not use upon the railways 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.

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

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

(4) If the Council contravene any of the provisions of this article they shall for each offence be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

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(11) 1984 c. 12.

### **Public liability insurance**

**11.**—(1) In this article “insurer” means any insurer or insurers authorised under the Insurance Companies Act 1982<sup>(12)</sup> to carry on in the United Kingdom insurance business of a relevant class or who has corresponding authorisation under the law of another member State of the European Economic Community.

(2) The Council shall at all times maintain a public liability policy with an insurer providing cover of not less than one million pounds in respect of any one accident on or occasioned by the operation of the railways and the adequacy of the cover provided by the policy shall be regularly reviewed by the Council.

(3) The Council shall not work the railways unless there is in force a public liability policy in accordance with the provisions of this article.

(4) If the Council fail to comply with the provisions of this article they shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or on conviction on indictment to a fine.

### **For protection of public undertakers**

**12.** Nothing in this Order shall prejudice or affect the rights of—

- (a) any public gas supplier, within the meaning of Part 1 of the Gas Act 1986<sup>(13)</sup>, or
- (b) Northumbrian Water Limited,

in any apparatus belonging to them or for the maintenance of which they are responsible, or any structure for the lodging therein of apparatus, being any apparatus or structure situated under, over or upon lands in or upon which the railways are constructed.

Signed by authority of the Secretary of State for Transport

27th March 1991.

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

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<sup>(12)</sup> 1982 c. 50.

<sup>(13)</sup> 1986 c. 44.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE

### **Railway No. 1**

A railway (585 metres in length) commencing at reference point NZ 432210/569225 at a public highway known as Middle Engine Lane at a point to the west of and adjacent to the Stephenson Railway Museum and extending in a south easterly direction and terminating at reference point NZ 432710/568712;

### **Railway No. 2**

A railway (255 metres in length) commencing by a junction with the termination of Railway No. 1 and extending in a south easterly direction and terminating at Bluehouse underbridge at reference point NZ 432764/568620;

### **Railway No. 3**

A railway (1610 metres in length) commencing by a junction with the termination of Railway No. 2 and extending in a south easterly and then a southerly direction and terminating at reference point NZ 433560/567291 at a point 9.32 metres north of the Tyne and Wear Passenger Transport Executive Metro Bridge No. 1183.