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STATUTORY INSTRUMENTS

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**1994 No. 84**

**TRANSPORT**

**The Chappel and Wakes Colne Light Railway Order 1994**

*Made* - - - - - *5th January 1994*

*Coming into force* - - - - - *6th January 1994*

The Secretary of State for Transport, on the application of the East Anglian Railway Museum and in exercise of powers conferred by sections 7 and 9 to 12 and 18 of the Light Railways Act 1896<sup>(1)</sup> and now vested in him<sup>(2)</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 Chappel and Wakes Colne Light Railway Order 1994 and shall come into force on 6th January 1994.

**Interpretation**

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

“the Board” means the British Railways Board;

“the deposited plan” means the plan deposited in respect of the application for this Order with the Secretary of State for Transport;

“the lease” means the lease granted by the Board on 23rd April 1991 to the Branch Line Preservation Company Limited, any extension of the said lease or any new lease of Railway No.1 granted by the Board to the Museum or the Trading Company;

“the Museum” means the East Anglian Railway Museum, incorporated under the Companies Act 1985<sup>(3)</sup> and having its registered office at Chappel and Wakes Colne Station, Colchester, Essex, CO6 2DS;

“the principal Act” means the Light Railways Act 1896;

“the railways” means Railway No.1 or Railway No.2, or both of them, as the case may require;

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(1) 1896 c. 48; sections 7 and 9 were repealed in part by the Railways Act 1921 (c. 55), section 86(2) and Schedule 9; section 10 was repealed in part by the Statute Law (Repeals) Act 1986 (c. 12), Schedule 1; section 11 was amended by the Light Railways Act 1912 (c. 19), section 5(3), and the Railways Act 1921, section 73(1), and was repealed in part and further amended in respects not relevant to this Order; section 12 was repealed in part by the Finance Act 1929 (c. 21), section 6 and Schedule.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) Railways Act 1921, section 68(1), and S.I.1970/1681, 1979/571 and 1981/238.

(3) 1985 c. 6.

“Railway No.1” and “Railway No.2” mean the railways so numbered and described in the Schedule to this Order;

“the Trading Company” means East Anglian Railway Museum (Trading) Limited, a subsidiary of the Museum and formerly known as the Branch Line Preservation Company Limited.

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

### **Incorporation and application of enactments**

3.—(1) 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 shall cease to apply to the railways except for section 22 (Communication between the passengers and the Company’s servants to be provided) of the Regulation of Railways Act 1868(4) 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(5).

(2) In its application to the railways 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 20 miles without stopping” were omitted.

(3) The provisions of section 16 of the Railways Clauses Consolidation Act 1845(6), so far as the same are applicable for the purposes of and are not inconsistent with the provisions of this Order, are incorporated with and form part of this Order.

### **Power to work railways**

4. As from the coming into force of this Order and (in the case of Railway No.1) during the currency of the lease or from the operative date of any transfer under the provisions of article 5 of this Order the Museum may work the railways as light railways under the principal Act and in accordance with the provisions of this Order.

### **Leasing etc. of Railway No. 1**

5. The Board may lease Railway No.1 or any part thereof to the Museum or the Trading Company together with the rights, powers and privileges vested in the Board and relating to Railway No.1 on such terms and conditions as may be agreed between the Board and the Museum or the Trading Company. The Board and the Museum may also enter into and carry into effect agreements providing for the subsequent transfer to and vesting in the Museum of Railway No.1 or any part thereof.

### **Transfer of rights, etc. to the Museum**

6.—(1) The Museum shall to the exclusion of the Board be entitled to the benefit of and to exercise all rights, powers, privileges and be subject to all obligations of the Board, whether statutory or otherwise for the time being in force in respect of the railways or (in the case of Railway No. 1) such parts thereof as are leased or transferred as aforesaid (insofar as the same are still subsisting and capable of taking effect) to the intent that (subject in the case of Railway No.1 to paragraph (2) of this article) the Board shall be released from all such obligations.

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(4) 1868 c. 119.

(5) 1889 c. 57.

(6) 1845 c. 20.

(2) Paragraph (1) of this article shall have effect in relation to Railway No.1 during the currency of the lease and from the operative date of any transfer under the provisions of article 5 of this Order.

### **Gauge of railways and motive power**

7. The railways shall be operated on a nominal gauge of 1.435 metres (4 feet 8 1/2 inches) and the motive power shall be steam, diesel, diesel-electric, internal combustion, electric battery, or such other motive power as the Secretary of State may approve:

Provided that nothing in this Order shall authorise the Museum to use electrical power as motive power on the railways 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 also that, if electrical power is used as motive power 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 telecommunications apparatus (as defined in Schedule 2 to the Telecommunications Act 1984(7)) or with telecommunication by means of any such apparatus.

### **Conveyance of passengers**

8. No part of the railways shall be used for the conveyance of passengers without prior written permission of the Secretary of State and the Museum shall comply with the conditions (if any) which the Secretary of State may from time to time prescribe for the safety of the public using the railways.

Signed by authority of the Secretary of State for Transport

5th January 1994

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

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

## SCHEDULE THE RAILWAYS

### **Railway No.1.**

A part (418 metres in length) of the railway of the Board at Chappel and Wakes Colne in the County of Essex in the Borough of Colchester described in the Colchester, Stour Valley, Sudbury and Halstead Railway Act 1846<sup>(8)</sup>, (the boundaries of which are shown coloured red on the deposited plan) commencing at the southern side of the bridge carrying the public roadway known as Spring Gardens Road over the said railway and extending in a southerly direction to a point 80 metres south of the southern end of platform 2 of the Chappel and Wakes Colne railway station, together with the lands, works and conveniences situated within the said boundaries, which were demised by the Board to the Trading Company by the lease of 23rd April 1991.

### **Railway No.2.**

The railways situated in the former goods yard of the Board and other lands on the east side of the Marks Tey to Sudbury railway of the Board at Chappel and Wakes Colne in the County of Essex (the boundaries of which former goods yard and lands are shown coloured green on the deposited plan) together with the lands, buildings works and conveniences situated within the said boundaries.

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<sup>(8)</sup> 1846 c.lxxvi.