

2001 No. 3413

TRANSPORT AND WORKS, ENGLAND
TRANSPORT

The Mid-Norfolk Railway Order 2001

Made - - - - - *24th September 2001*

Coming into force - - - *15th October 2001*

ARRANGEMENT OF ARTICLES

PART I

Preliminary

Article

1. Citation and commencement
2. Interpretation
3. Disapplication of certain enactments relating to level crossings

PART II

Transfer of Board's railway

4. Transfer of Board's railway

PART III

Miscellaneous

5. Power to operate and use railway
6. Safety of approved works, etc.
7. Level crossings
8. Restrictions as to conveyance of passengers

SCHEDULE

Level Crossings

[DOT 12686]

Whereas an application has been made to the Secretary of State, in accordance with the Transport and Works (Applications and Objections Procedure) Rules 1992(a) made under section 6 of the Transport and Works Act 1992(b) (“the Act”), for an Order under section 1 of the Act;

And whereas the Secretary of State received no objections to that application;

And whereas the Secretary of State has determined to make an Order giving effect to the proposals comprised in the application with modifications which in his opinion do not make any substantial change in the proposals;

And whereas notice of the Secretary of State’s determination was published in the London Gazette on 20th September 2001;

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 1 and 5 of, and paragraphs 1 and 15 of Schedule 1 to, the Act and of all other powers enabling him in that behalf, hereby makes the following Order:—

PART I

Preliminary

Citation and commencement

1. This Order may be cited as the Mid-Norfolk Railway Order 2001 and shall come into force on 15th October 2001.

Interpretation

2. In this Order—

“the Board” means BRB (Residuary) Limited;

“the Board’s railway” means so much of the railway of the Board (including the site of the railway) in the County of Norfolk described in and authorised by the Norfolk Railway Extensions, Dereham, Wells and Blakeney Branch Act 1846(c), and works relating thereto, as lies between a point joining the existing Mid-Norfolk Railway immediately south of Norwich Road at East Dereham in the District of Breckland at reference point TF 9935 1320 and a point 250 metres north of Bridge 1705 in the District of Breckland at reference point TF 9935 2085 and includes all lands held by the Board relating to the railway or to any stations or other works connected therewith, and lying between those points;

“protective equipment” includes gates, barriers, lights, traffic signs (within the meaning of section 64 of the Road Traffic Regulation Act 1984(d)), manual, mechanical, automatic, electronic or telephonic equipment or other devices;

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

“the transfer date” means the date on which the Board’s railway or any part thereof is vested in the Trust by virtue of an agreement made between the Board and the Trust;

“the Trust” means the Mid-Norfolk Railway Preservation Trust (Registered Charity No. 1046931) incorporated under the Companies Act 1985(e) as a company limited by guarantee and whose registered office is at Railway Station, Station Road, Dereham, Norfolk NR19 1DF.

(a) S.I. 1992/2902.

(b) 1992 c. 42.

(c) 1846 c. clxix.

(d) 1984 c. 27.

(e) 1985 c. 6.

Disapplication of certain enactments relating to level crossings

3. Section 47 of the Railways Clauses Consolidation Act 1845^(a) (roads crossed on a level) and section 6 of the Railways Clauses Act 1863^(b) (lodges at level crossings) shall on the transfer date cease to apply to the Board's railway or the relevant part thereof.

PART II

Transfer of Board's railway

Transfer of Board's railway

4.—(1) Subject to the provisions of this article, the Board may transfer the whole or any part of the Board's railway to the Trust on such terms and conditions as may be agreed between the Board and the Trust.

(2) On and after the transfer date the Trust 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 relating to the Board's railway or the relevant part thereof, with the intent that the Board shall be released from all such obligations.

(3) Without prejudice to the generality of paragraph (2) above sections 116, 117 and 118 of the Transport Act 1968 shall, on and after the transfer date, apply to the Board's railway or the relevant part thereof as if references to the Board were references to the Trust.

PART III

Miscellaneous

Power to operate and use railway

5. Subject to article 8 of this Order, on and after the transfer date the Trust may operate and use the Board's railway as a system, or part of a system, of transport for the carriage of passengers and goods.

Safety of approved works, etc.

6.—(1) Where pursuant to regulations made under section 41 of the Act (approval of works, plant and equipment)^(c) approval has been obtained from the Health and Safety Executive with respect to any works, plant or equipment forming part of the Board's railway, 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 railway.

(2) If without reasonable cause the provisions of paragraph (1) above are contravened on or after the transfer date the Trust 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 Health and Safety Executive or the Director of Public Prosecutions.

Level Crossings

7. On and after the transfer date the provisions set out in Part II of the Schedule to this Order shall apply to the level crossings mentioned in Part I of that Schedule.

(a) 1845 c. 20.
(b) 1863 c. 92.
(c) S.I. 1994/157.

Restrictions as to the conveyance of passengers

8. No part of the Board's railway shall be used for the conveyance of passengers without the prior written permission of the Health and Safety Executive.

Signed by authority of the Secretary of State
for Transport, Local Government
and the Regions

Ellis Harvey
Head of the Transport and Works Act Processing Unit
Department for Transport, Local Government
and the Regions

24th September 2001

SCHEDULE
LEVEL CROSSINGS

Article 7

PART I

LEVEL CROSSINGS TO WHICH PART II APPLIES

<u>Location and reference point</u>	<u>Parish</u>	<u>Road</u>
Dereham (TF 9935 1320)	East Dereham	Norwich Road
Dereham (TF 9935 1350)	East Dereham	Neatherd Road
Dereham (TF 9945 1390)	East Dereham	Swanton Road
Hoe (TF 9910 1680)	Hoe	Hall Road
Worthing (Norfolk) (TF 9910 1910)	Worthing (Norfolk)	Hoe Road
North Elmham (TF 9930 2060)	North Elmham	Station Road

PART II

CONDITIONS AND REQUIREMENTS TO BE OBSERVED BY THE TRUST

The Trust shall provide, maintain and operate at each level crossing in Part I of this Schedule such barriers or other protective equipment as the Health and Safety Executive may in writing require.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the transfer to the Mid-Norfolk Railway Preservation Trust (a charitable company limited by guarantee) of the railway line between Dereham and North Elmham, Norfolk, together with certain statutory and other rights and liabilities.

The Order makes provision for the safety of works and equipment and for the safe operation of level crossings.

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