

2002 No. 1997

TRANSPORT AND WORKS, ENGLAND
TRANSPORT, ENGLAND

The Wear Valley Railway Order 2002

Made - - - - - *22nd July 2002*

Coming into force - - *12th August 2002*

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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 sections 6, 7 and 10 of the Transport and Works Act 1992(b), for an Order under section 1 of that Act;

And whereas the Secretary of State has taken into consideration the objection made to that application and not withdrawn;

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 15th July 2002;

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, that 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 Wear Valley Railway Order 2002 and shall come into force on 12th August 2002.

Interpretation

2.—(1) In this Order—

“the Company” means Weardale Railways Limited incorporated under the Companies Act 1985(c) as a company limited by guarantee and whose registered office is Stanhope Station, Bondisle Way, Stanhope, Bishop Auckland, DL13 2YS;

“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;

“Railtrack” means Railtrack PLC;

“the railway” means so much of the railway of Railtrack (including the site of the railway) in the County of Durham described in and authorised by the Bishop Auckland and Weardale Railway Act 1837(e), the Wear Valley Railway Act 1845(f), the Stockton and Darlington Railway Amalgamation Act 1858(g), the Frosterly and Stanhope Railway Act 1861(h), the Frosterley and Stanhope Railway Act 1862(i), the Wear Valley Extension Railway Act 1892(j) and the North Eastern Railway Act 1894(k), and works relating thereto, as lie between a point 200 metres west of the western end of the platform at Bishop Auckland Station, in the District of Wear Valley, at reference point NZ 207292 and a point 500 metres west of the western end of the southern platform of Eastgate Station, in the District of Wear Valley, at reference point NY 951384 and includes all lands held by Railtrack relating to the said railway and to any stations or other works connected therewith (other than Bishop Auckland Station), and lying between those points;

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

“the transfer date” means the date on which the railway or any part thereof is vested in the Company by virtue of an agreement made between Railtrack and the Company.

(a) S.I. 1992/2902.
(b) 1992 c. 42.
(c) 1985 c. 6.
(d) 1984 c. 27.
(e) 1837 c. cxxii.
(f) 1845 c. clii.
(g) 1858 c. cxvi.
(h) 1861 c. lxxii.
(i) 1862 c. xl.
(j) 1892 c. cxxviii.
(k) 1894 c. cliii.

(2) In this Order all directions and distances stated in the description of the railway shall be construed as if the words “or thereabouts” were inserted after each direction and distance, and distances between points on the railway shall be taken to be measured along the railway.

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 railway or the relevant part thereof.

PART II

TRANSFER OF THE RAILWAY

Transfer of the railway

4.—(1) Subject to the following provisions of this Order, Railtrack may transfer the whole or any part of the railway to the Company on such terms and conditions as may be agreed between Railtrack and the Company.

(2) The power of transfer in paragraph (1) shall not be exercisable unless Durham County Council has previously certified in writing that it is willing to assume responsibility under article 9(2) for the structure of any bridge carrying a highway over the railway or the relevant part thereof.

(3) On and after the transfer date the Company shall to the exclusion of Railtrack be entitled to the benefit of and to exercise all rights, powers and privileges and (subject to article 9) be subject to all obligations of Railtrack whether statutory or otherwise relating to the railway or the relevant part thereof, with the intent that Railtrack shall be released from all such obligations.

PART III

MISCELLANEOUS

Power to operate and use railway

5. Subject to article 8, on and after the transfer date the Company may operate and use the 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 Transport and Works Act 1992 (approval of works, plant and equipment) approval has been obtained from the Health and Safety Executive with respect to any works, plant or equipment (including vehicles) forming part of the 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 said railway.

(2) If without reasonable cause the provisions of paragraph (1) are contravened on or after the transfer date, the Company 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.

(a) 1845 c. 20.
(b) 1863 c. 92.

Level crossings

7.—(1) On and after the transfer date the provisions set out in Part II of Schedule 1 to this Order shall apply to the level crossings mentioned in Part I of that Schedule.

(2) On and after the transfer date the provisions set out in Part II of Schedule 2 to this Order shall apply to the level crossings mentioned in Part I of that Schedule.

Restrictions as to the conveyance of passengers

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

Provisions as to bridges

9.—(1) Without prejudice to the generality of article 4(3), sections 116 to 118 of the Transport Act 1968(a) shall, on and after the transfer date, apply to the railway or the relevant part thereof as if references to the British Railways Board were references to the Company.

(2) On and after the transfer date Durham County Council shall be responsible (to the exclusion of the Company) for the structure of any bridge carrying a highway over the railway or the relevant part thereof.

Signed by authority of the First Secretary of State

22nd July 2002

Ellis Harvey
Head of the Transport and Works Act Processing Unit,
Office of the Deputy Prime Minister

(a) 1968 c. 73.

SCHEDULES

SCHEDULE 1 ROAD LEVEL CROSSINGS

Article 7(1)

PART I LEVEL CROSSINGS TO WHICH PART II APPLIES

Location and reference point	Parish	Road
Witton-le-Wear No. 1 (NZ 151312)	Crook and Willington	Low Lane (unclassified road no. 41.27)
Unthank No.2 (NY 989390)	Stanhope	B6278

PART II CONDITIONS AND REQUIREMENTS TO BE OBSERVED BY THE COMPANY

The Company shall provide, maintain and operate at each level crossing mentioned in this Schedule such protective equipment as the Health and Safety Executive may in writing require.

SCHEDULE 2 FOOTPATH/BRIDLEWAY LEVEL CROSSINGS

Article 7(2)

PART I LEVEL CROSSINGS TO WHICH PART II APPLIES

Location and reference point	Parish	Footpath/Bridleway No. reference
Broken Bank (NZ 196293)	Bishop Auckland	Footpath No.5
Enginemans Terrace (NZ 165318)	Crook and Willington	Footpath No. 121
Blakeley Hall (NZ 154315)	Crook and Willington	Footpath No. 128
Witton-le-Wear No.2 (NZ 151312)	Crook and Willington	Footpath No. 134
Witton-le-Wear No.3 (NZ 148311)	Crook and Willington	Footpath No. 156
Witton-le-Wear No.4 (NZ 146311)	Crook and Willington	Footpath No. 132
Witton-le-Wear No.5 (NZ 142312)	Crook and Willington	Footpath No. 151
Witton-le-Wear No.6 (NZ 140313)	Crook and Willington	Footpath No. 152
Harperley (NZ 116347)	Wolsingham	Bridleway No. 134b
Bradley Hall No.2 (NZ 103358)	Wolsingham	Footpath No. 126
Scotch Isle Farm (NZ 092363)	Wolsingham	Bridleway No. 128
Scotch Isle Farm No.2 (NZ 089366)	Wolsingham	Footpath No. 127
Wolsingham Steel Works (NZ 082367)	Wolsingham	Footpath No. 126
Wiserley Hall (NZ 080368)	Wolsingham	Bridleway No. 129

Location and reference point	Parish	Footpath/Bridleway No. reference
Ashes House (NZ 064369)	Wolsingham	Footpath No. 111
Holbeck House No.2 (NZ 058368)	Wolsingham	Footpath No. 105
Holbeck House No.3 (NZ 055368)	Wolsingham	Footpath No. 101
Landieu (NZ 047367)	Wolsingham	Footpath No. 100
Broadwood Tip (NZ 042367)	Stanhope (Frosterley Ward)	Footpath No.31
Broadwood (NZ 036368)	Frosterley (Stanhope Ward)	Footpath No. 27
Frosterley No.2 (NZ 030368)	Frosterley (Stanhope Ward)	Footpath No.35
Stanhope No. 1 (NZ 999386)	Stanhope (Stanhope Ward)	Footpath No.9
Stanhope No.4 (NY 996389)	Stanhope (Stanhope Ward)	Footpath No.73
Stanhope No.5 (NY 995389)	Stanhope (Stanhope Ward)	Footpath No. 69
Unthank No. 1 (NY 992390)	Stanhope (Stanhope Ward)	Footpath No.3
Unthank No.4 (NY 983390)	Stanhope (Stanhope Ward)	Footpath No. 1

PART II

CONDITIONS AND REQUIREMENTS TO BE OBSERVED BY THE COMPANY

The Company shall provide, maintain and operate at each level crossing mentioned in this Schedule such 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 Weardale Railways Limited (a charitable company limited by guarantee) of the railway line between Bishop Auckland and Eastgate, County Durham, together with certain statutory and other rights and liabilities.

The Order places responsibility on Durham County Council for bridges carrying highways over the railway and makes provision for the safety of works and equipment and for the safe operation of level crossings.

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**TRANSPORT AND WORKS, ENGLAND
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The Wear Valley Railway Order 2002

£2.00

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Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E1178 8/2002 121178 19585

ISBN 0-11-042583-9



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