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WELSH STATUTORY INSTRUMENTS

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**2010 No. 2136**

**The Llangollen and Corwen Railway Order 2010**

**PART 1**

PRELIMINARY

**Citation and commencement**

1.—(1) The title of this Order is the Llangollen and Corwen Railway Order 2010 and it comes into force on 27 August 2010.

(2) The Llangollen and Corwen Light Railway Order 1984<sup>(1)</sup> and this Order may be cited together as the Llangollen and Corwen Railway Orders 1984 and 2010.

**Interpretation**

2.—(1) In this Order—

“the 1961 Act” (“*Deddf 1961*”) means the Land Compensation Act 1961<sup>(2)</sup>

“the 1990 Act” (“*Deddf 1990*”) means the Town and Country Planning Act 1990<sup>(3)</sup>;

“address” (“*cyfeiriad*”) includes any number or address used for the purposes of electronic transmission;

“authorised works” (“*gweithfeydd awdurdodedig*”) means the scheduled work and any other works authorised by this Order;

“building” (“*adeilad*”) includes any structure or erection or any part of a building, structure or erection;

“electronic transmission” (“*trosgrwyddiad electronig*”) means a communication transmitted—

(a) by means of an electronic communications network; or

(b) by other means but while in electronic form;

“the existing railway” (“*y rheilffordd bresennol*”) means the railway authorised by the Llangollen and Corwen Light Railway Order 1984 together with all lands and works relating to that railway;

“the extension railway” (“*y rheilffordd estyniadol*”) means the railway authorised to be constructed by this Order together with all lands and works relating to that railway and pending the completion of any part of the extension railway the expression shall include the site of that part;

“the former railway” (“*yr hen reilffordd*”) means the railway or former railway authorised by the Llangollen and Corwen Railway Act 1860<sup>(4)</sup> and so much of any other railway or former

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(1) S.I. 1984/558.  
(2) 1961 c. 33.  
(3) 1990 c. 8.  
(4) 1860 c. clxxviii.

railway as is situated within the Order limits together with so much of all works relating to such railway or former railway as is so situated;

“the further limits” (“*y terfynau pellach*”) means the limits delineated by the lines shown on the works plans and marked “limits of land to be used” (“*terfynau'r tir sydd i'w ddefnyddio*”);

“highway” (“*priffordd*”) and “highway authority” (“*awdurdod priffyrdd*”) have the same meaning as in the Highways Act 1980<sup>(5)</sup>;

“the limits of deviation” (“*terfynau'r gwyriad*”) means the limits of deviation for the scheduled work shown on the works plans;

“maintain” (“*cynnal a chadw*”) includes inspect, repair, adjust, alter, remove, reconstruct and replace, and “maintenance” (“*gwaith cynnal a chadw*”) shall be construed accordingly;

“the Order limits” (“*terfynau'r gwyriad*”) means any limits of deviation and the further limits;

“owner” (“*perchennog*”), in relation to land, has the same meaning as in the Acquisition of Land Act 1981<sup>(6)</sup>;

“the PLC” (“*y CCC*”) means Llangollen Railway plc, a company registered under the Companies Act 1985 whose registered number is 2716476 having its registered office at the Railway Station, Abbey Road, Llangollen, Denbighshire LL20 8SN;

“the railways” (“*y rheilffyrdd*”) means the existing railway and the extension railway, or either of them;

“the scheduled work” (“*y gwaith rhestredig*”) means the work specified in Schedule 1 (Scheduled work) or any part of it;

“the sections” (“*y trawsluniau*”) means the sections certified by the Welsh Ministers as the sections for the purposes of this Order;

“street” (“*stryd*”) includes part of a street;

“street authority” (“*awdurdod strydoedd*”) has the same meaning as in Part 3 of the New Roads and Street Works Act 1991<sup>(7)</sup>

“the Trust” (“*yr Ymddiriedolaeth*”) means the Llangollen Railway Trust, a registered charity and company limited by guarantee registered under the Companies Act 1985 whose registered number is 3040336 (originally incorporated as the Llangollen Railway Society Limited under the Industrial and Provident Societies Act 1965<sup>(8)</sup>) having its registered office at the Railway Station, Abbey Road, Llangollen, Denbighshire; LL20 8SN;

“the undertaker” (“*yr ymgymwrwr*”) means the Trust and following any sale, lease or underlease under article 17 (transfer of railways by undertaker) this expression shall mean or include the transferee within the meaning of that article;

“watercourse” (“*cwrs dŵr*”) includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain; and

“the works plans” (“*planiau'r gweithfeydd*”) means the plans certified by the Welsh Ministers as the works plans for the purposes of this Order.

(2) References in this Order to rights over land include references to rights to do or to place and maintain, anything in, on or under land or in the air-space above its surface.

(3) All distances, directions and lengths stated in the description of the scheduled work or in any description of powers or lands are approximate and distances between points on a scheduled work shall be taken to be measured along the scheduled work.

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(5) 1980 c. 66.

(6) 1981 c. 67.

(7) 1991 c. 22.

(8) 1965 c. 12.

### **Incorporation of Railways Clauses Consolidation Act 1845**

3.—(1) The following provisions of the Railways Clauses Consolidation Act 1845(9) shall be incorporated in this Order—

- section 68 (accommodation works by company);
- section 73 (accommodation works not to be required after prescribed period);
- section 75 (omission to fasten gates);
- sections 103 and 104 (refusal to quit carriage at destination);
- section 105 (carriage of dangerous goods on railway);
- section 145 (recovery of penalties); and
- section 154 (transient offenders).

(2) In those provisions, as incorporated in this Order-

- “the company” (“*y cwmni*”) means the undertaker;
- “goods” (“*nwyddau*”) includes any thing conveyed on the railway authorised to be constructed by this Order;
- “prescribed” (“*rhagnodedig*”) in relation to any such provision means prescribed by this Order for the purposes of that provision;
- “the railway” (“*y rheilffordd*”) means the extension railway and any other authorised works;
- “the special Act” (“*y Ddeddf neilltuol*”) means this Order; and
- “toll” (“*toll*”) includes any rate or charge or other payment payable under this Order or any other enactment for any passenger or goods conveyed on any railway authorised to be constructed by this Order.