
STATUTORY INSTRUMENTS

1991 No. 1619

TRANSPORT

The Isle of Wight Light Railway Order 1991

Made - - - - - *25th June 1991*

Coming into force - - - - - *26th June 1991*

The Secretary of State for Transport, on the application of the Isle of Wight Railway Company Limited, and in exercise of powers conferred by sections 7 and 9 to 12 of the Light Railways Act 1896(1), and now vested in him(2), and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1. –

(1) This Order may be cited as the Isle of Wight Light Railway Order 1991 and shall come into force on 26th June 1991.

(2) The Isle of Wight (Havenstreet and Wootton) Light Railway Order 1978(3) and this Order may be cited together as the Isle of Wight Light Railway Orders 1978 and 1991.

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 Company” means the Isle of Wight Railway Company Limited incorporated under the Companies Acts 1948 and 1967 having its registered office at the Railway Station, Havenstreet, Ryde, Isle of Wight PO33 4DS;

“the former railway” means the railway or former railway of the Board described in Schedule 1 to this Order together with all lands and works relating thereto;

(1) 1896 c. 48; sections 7 and 9 were repealed in part by the Railways Act 1921 (c. 55), section 86(2) and Schedule 9; section 10 was repealed in part by the Statute Law (Repeals) Act 1986 (c. 12), Schedule 1; section 11 was amended by the Light Railways Act 1912 (c. 19), section 5(3) and the Railways Act 1921, section 73(1) and was repealed in part and further amended in respects not relevant to this Order; section 12 was repealed in part by the Finance Act 1929 (c. 21), section 6 and Schedule.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

(3) S.I. 1978/1119.

“the plans” and “sections” means respectively the plans and sections deposited with the Department of Transport in connection with the application for this Order;

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

“the railway” means the railway authorised to be constructed, made and maintained pursuant to article 5 (Power to make railway) of this Order together with all lands and works relating thereto, and, where any part of the said railway and works remains uncompleted, the expression includes the site of that part.

(2) In this Order, all distances, lengths, measurements and directions stated in any description of works, powers or lands shall be construed as if the words “or thereabouts” were inserted after each such distance, length, measurement or direction.

Incorporation and modification of enactments

3. –

(1) The provisions of the Railways Clauses Consolidation Act 1845⁽⁴⁾, except sections 8, 9, 11 to 15, 32 to 44, 46 to 57, 59 to 62, 94, 95, 97 and 115 to 124, so far as the same are applicable for the purposes and are not inconsistent with, or varied by, the provisions of this Order, are incorporated with, and form part of, this Order which shall be deemed to be the special Act for the purposes of those incorporated provisions.

(2) Notwithstanding the provisions of subsection (1) of section 12 of the Light Railways Act 1896, the following provisions shall apply to the railway:–

Regulation of Railways Act 1868⁽⁵⁾–

Section 22 (means of communication between passengers and the Company’s servants to be provided);

Regulation of Railways Act 1889⁽⁶⁾–

Section 1 (power to order certain provisions to be made for public safety); and

Section 5 (penalty for avoiding payment of fare).

(3) In its application to the railway, 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.

Transfer of rights, etc., from Board

4. –

(1) Except as may be otherwise provided in this Order, the Company 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 (insofar as the same are still subsisting and capable of taking effect) relating to the former railway to the intent that the Board shall be released from all such obligations.

(2) Paragraph (1) above shall have effect in relation to any part of the former railway which at the date of this Order is not vested in the Company as from the date upon which the freehold interest in such part is transferred by agreement to and vested in the Company.

Power to make railway

5. –

(4) 1845 c. 20.
(5) 1868 c. 119.
(6) 1889 c. 57.

(1) Subject to the provisions of this Order, the Company may, when they have acquired the former railway (if not already owned by them) or obtained sufficient interest therein, on the line and to the extent of the former railway and in the lines or situations, and within the limits of deviation shown on the plans and according to the levels shown on the sections, make and maintain a railway with all necessary works and conveniences connected therewith.

(2) Subject to the provisions of this Order, the Company may work and maintain the railway as a light railway under the principal Act.

Power to deviate

6. In the construction of the railway or any part thereof the Company may deviate laterally from the line or situations thereof shown on the plans to the extent of the said limits of deviation and may deviate vertically from the levels shown on the sections to any extent not exceeding two metres upwards or downwards.

Level crossings

7. –

(1) The Company may in the construction of the railway carry the same across and on the level of the footpaths and bridleways mentioned in column 1 of Schedule 2 to this Order and situated in the local authority areas, and at the locations, mentioned respectively in columns 2 and 3 of that Schedule.

(2) The railway may be carried over the footpaths mentioned in the second entry in Schedule 2 to this Order with a double line of rails and over the footpath and bridleways mentioned in the other entries in that Schedule with a single line of rails.

(3) Notwithstanding anything in the Ryde and Newport Railway Act 1872(7) or in any enactment incorporated therewith and except as hereinafter provided:–

- (a) the Company shall not be required to erect or maintain a station or lodge at any of the said level crossings or be subject to any regulations with regard to the speed of trains thereover except as provided in this Order;
- (b) the Company shall provide at each of the said level crossings and shall maintain and operate the signs and other devices and appliances specified in Schedule 3 to this Order.

Gauge of railway and motive power

8. The railway shall be constructed and operated on a nominal gauge of 1.435 metres (4 feet 8½ inches) and the motive power shall be steam, diesel-electric, diesel, 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 Company to use electrical power as motive power on the railway 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 railway, 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(8), or with telecommunication by means of such apparatus.

(7) 1872 c. cxxxv.

(8) 1984 c. 12.

Extension of byelaws

9. All byelaws made by the Company in relation to the existing railway authorised by the Isle of Wight (Havenstreet and Wootton) Light Railway Order 1978 and confirmed by the Secretary of State before the date upon which this Order comes into force shall apply to the railway as they apply to the said existing railway.

Restrictions and conditions as to working of railway

10. –

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

(3) No part of the railway shall be used for the conveyance of passengers without the prior written permission of the Secretary of State and the Company 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 railway.

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

Public liability insurance

11. –

(1) In this article–

“insurer” means any insurer or insurers authorised under the Insurance Companies Act 1982⁽⁹⁾ to carry on in the United Kingdom insurance business of a relevant class or who has corresponding permission under the law of another member state of the European Economic Community;

“policy” means a public liability policy with an insurer providing maximum cover in respect of any one accident on or occasioned by the operation of the railway of not less than £2,000,000.

(a) (2) (a) The Company shall not work the railway unless there is in force a policy in accordance with the provisions of this article.

(b) If the Company contravene the provisions of this article they shall be liable on summary conviction to a fine not exceeding the statutory maximum or, on conviction on indictment, to a fine.

(3) The adequacy of the cover provided by a policy maintained in accordance with this article shall be regularly reviewed and increased by the Company.

Saving as to land drainage

12. Nothing in this Order or in any enactment incorporated with or applied by this Order shall prejudice or affect the application of any byelaws made under the Land Drainage Act 1976⁽¹⁰⁾ or relieve any person of the obligation to obtain consent under the provisions of that Act or to obtain any licence or consent from the National Rivers Authority required under the Water Act 1989⁽¹¹⁾, the Water Resources Act 1963⁽¹²⁾ or any other enactment.

⁽⁹⁾ 1982 c. 50.

⁽¹⁰⁾ 1976 c. 70.

⁽¹¹⁾ 1989 c. 15.

⁽¹²⁾ 1963 c. 38.

Signed by authority of the Secretary of State for Transport

25th June 1991

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 1

THE FORMER RAILWAY

So much of the railway or former railway (5,050 metres in length) in the boroughs of Medina and South Wight in the county of the Isle of Wight described in and authorised by the Ryde and Newport Railway Act 1872 as commences at a point in the borough of Medina 600 metres east of the signal box at Havenstreet station (being the point of termination of the railway authorised by the Isle of Wight (Havenstreet and Wootton) Light Railway Order 1978), extends eastwards through the said borough and through the borough of South Wight and terminates at a point in the borough of Medina on the west side of the Ryde to Shanklin railway of the Board 180 metres south of the bridge carrying Smallbrook Lane over the said Ryde to Shanklin railway.

SCHEDULE 2

PARTICULARS OF LEVEL CROSSINGS

(1) Footpath or bridleway	(2) Local authority area	(3) Location of crossing
Bridleway R21	Borough of Medina	690 metres to the east of the bridge carrying Rowlands Lane over the railway.
Footpath R97 (on north side of railway) and Footpaths R28 and R29 (on south side of railway)	Borough of Medina	55 metres to the west of the station house at Ashy.
Footpath R33	Borough of Medina	210 metres to the west of Whitefield Farm House.
Bridleway B19	Borough of South Wight, Parish of Brading	220 metres to the north of Whitefield Farm House.

SCHEDULE 3

PARTICULARS OF SIGNS AND OTHER DEVICES AND APPLIANCES

- (1) A self-closing wicket gate shall be provided on each side of the railway.
- (2) A sign bearing the wording “WARNING—STOP, LOOK AND LISTEN BEFORE CROSSING THE LINE” shall be provided on the left hand side of the footpath or, as the case may be, bridleway on both sides of the railway and shall face towards pedestrians approaching the level crossing.