

---

STATUTORY INSTRUMENTS

---

**1997 No. 102**

**TRANSPORT**

**The Yorkshire Dales Light Railway Order 1997**

*Made* - - - - 21st January 1997

*Coming into force* - - 22nd January 1997

The Secretary of State for Transport, on the application of the Yorkshire Dales Railway Museum Trust (Holdings) Limited for an Order under the Light Railways Act 1896(1) (hereinafter referred to as “the Act”), being satisfied in accordance with section 7 of the Act that its requirements in relation to the publication and service of notices, and consideration of objections, have been satisfied, and having considered the draft Order as required by section 9 of the Act, in exercise of powers conferred by sections 7 and 10 to 12 of the Act 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 Yorkshire Dales Light Railway Order 1997 and shall come into force on 22nd January 1997.

(2) The Yorkshire Dales Light Railway Orders 1979 to 1991 and this Order may be cited together as the Yorkshire Dales Light Railway Orders 1979 to 1997.

**Interpretation**

2. 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 Yorkshire Dales Railway Museum Trust (Holdings) Limited incorporated under the Companies Act 1948(3) and having its registered office at Albion House, Rope Walk, Otley Street, Skipton, North Yorkshire;

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(1) 1896 c. 48; sections 7 and 9 were repealed in part by the Railways Act 1921 (c. 55), section 86(2) and Schedule 9; section 10 was repealed in part by the Statute Law (Repeals) Act 1986 (c. 12), Schedule 1; section 11 was amended by the Light Railways Act 1912 (c. 19), section 5(3), and the Railways Act 1921, section 73(1), and was repealed in part and further amended in respects not relevant to this Order; section 12 was repealed in part by the Finance Act 1929 (c. 21), section 6 and Schedule.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

(3) 1948 c. 38.

“the Order of 1987” means the Yorkshire Dales Light Railway Order 1987(4);  
“the Order of 1991” means the Yorkshire Dales Light Railway Order 1991(5);  
“Prior’s Bridge” means the bridge in the parish of Draughton carrying the road known as Low Lane over the former railway; and  
“the railway” means the railway authorised to be constructed and maintained pursuant to article 5 of this Order together with all lands and works relating thereto and, where any part of the said railway and works remains uncompleted, includes the site of that part.

### **Incorporation and modification of enactments**

3.—(1) The following provisions of the Railways Clauses Consolidation Act 1845(6), so far as the same are applicable for the purposes of and are not inconsistent with, or varied by, the provisions of this Order, are incorporated with and form part of this Order:—

Section 16 (works to be executed);  
Section 61 (company to make sufficient approaches and fences to such highways crossing on the level);  
Section 68 (maintenance of gates, bridges, fences, drains, watering places);  
Section 75 (penalty on persons omitting to fasten gates); and  
Sections 77 to 85E (provisions with respect to mines lying under or near the railway).

(2) The following provisions shall apply to the railway:—

Regulation of Railways Act 1868(7)  
Section 22 (means of communication between passengers and railway servants);  
Regulation of Railways Act 1889(8)  
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.

### **Disapplication of provisions**

4. Section 6 (For protection of the Duke of Devonshire) of the Midland Railway (Additional Powers) Act 1883(9) shall not apply to the railway.

### **Power to construct and maintain railway**

5. The Company may on the line and to the extent of the former railway construct and maintain a railway with all the necessary works and conveniences connected therewith and work the same as a light railway under the Act and in accordance with the provisions of this Order.

### **Transfer of rights, etc, from Board**

6. Subject to the provisions of this Order, the railway or any part thereof shall be subject to all statutory and other provisions applicable to the former railway (insofar as the same are still subsisting

---

(4) S.I. 1987/1088.  
(5) S.I. 1991/111.  
(6) 1845 c. 20.  
(7) 1868 c. 119.  
(8) 1889 c. 57.  
(9) 1883 c.xxi.

and capable of taking effect) and 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 relating to the former railway (insofar as the same are still subsisting and capable of taking effect) to the intent that the Board shall be released from all such obligations.

### **Levels and formation of railway**

7. The railway shall be laid on the same levels as, and upon the existing formation of, the former railway, except for the length of the railway between a point 25 metres to the west of the centre of Prior's Bridge and a point 100 metres east of the centre of that bridge, where the railway shall be laid within the existing formation but at a level no more than 70 centimetres below the level of the former railway.

### **Provisions as to certain bridges**

8.—(1) In this article, “the bridges” means—

- (a) Prior's Bridge; and
- (b) the bridge (sometimes known as Prior's Bridge) carrying the road over the stream (Lillands Beck) forming the boundary between the parishes of Halton East and Draughton, which road is known (as to the Halton East side) as Prior's Lane and (as to the Draughton side) as Low Lane.

(2) Notwithstanding anything in this Order, the bridges shall be deemed not to form part of the railway or former railway and accordingly nothing in this Order shall impose on the Company any duty to maintain the bridges.

### **Gauge of railway and motive power**

9.—(1) 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 in writing approve.

(2) 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.

(3) 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(10)) or with telecommunication by means of such apparatus.

### **Conveyance of passengers**

10. No part of the railway shall be used for the conveyance of passengers without the prior written permission of the Secretary of State.

### **For protection of Trustees of Chatsworth Settlement**

11.—(1) Article 12 (For protection of Trustees of Chatsworth Settlement) of the Order of 1987 shall apply to the railway as it applies to the railway authorised by and defined in that Order.

(2) The provisions of the said article 12, as so applied, shall have effect—

---

(10) 1984 c. 12.

- (a) as if for references to the coming into operation of the Order of 1987 there were substituted references to the date of the coming into force of this Order; and
- (b) as if for references to the operators there were substituted references to the Company.

### **For protection of water and sewerage undertakers**

**12.**—(1) For the protection of water and sewerage undertakers (in this article referred to as “the undertakers”) the following provisions shall apply unless otherwise agreed in writing between the Company and the undertakers concerned.

(2) In this article—

“relevant pipe”, in relation to any of the undertakers, has the meaning given in section 179(7) of the Water Industry Act 1991<sup>(11)</sup>; and

“the signed plan” means the plan of which three copies have been signed by David Barlow, the Chairman of the Company, on behalf of the Company and by John Layfield, Director of Production and Technology, Yorkshire Water Plc, on behalf of Yorkshire Water Plc, and deposited respectively in the Department of Transport, the principal office of the Company and the principal office of Yorkshire Water Plc.

(3) Nothing in section 18 of the Railways Clauses Consolidation Act 1845 in its application to the railway shall authorise the Company to raise, sink or otherwise alter the position of, or in any way interfere with, any relevant pipe without the consent in writing of the undertaker concerned, such consent not to be unreasonably withheld.

(a) (4) (a) In this paragraph “the main” means the raw water mains forming part of the Hambleton Beck section of the Barden to Gilstead aqueduct, the approximate position of which is indicated by red lines on the signed plan.

(b) The Company shall not within the boundaries of the lands comprised in the railway and without the consent of the undertakers concerned—

(i) place or deposit any materials or erect any structure or works; or

(ii) make any excavation to a depth of more than 300 millimetres below the surface of the ground,

insofar as the same is or would be carried out or situated within 15 metres (measured in any direction) of any part of the main.

(c) The undertakers concerned shall not unreasonably withhold their consent under this paragraph to the construction of a single or double line of rails and shall not otherwise unreasonably withhold their consent under this paragraph but may grant their consent subject to reasonable conditions for the protection of the main.

(a) (5) (a) Where any relevant pipe is situated in or under any land owned or held for the purpose of the railway the Company shall at their own expense maintain all culverts over such relevant pipe which are in existence at the coming into force of this Order so as to leave the relevant pipe accessible for the purpose of repairs.

(b) Nothing in this paragraph shall have the effect of requiring the Company to carry out works of maintenance in respect of any culvert which the undertakers or any other person are liable to maintain.

(6) The Company shall afford reasonable facilities to the undertakers for the execution and doing of all such works and things as may be reasonably necessary to enable them to inspect, repair, maintain, renew, replace, remove, alter or use any relevant pipe.

(7) The Company shall compensate the undertakers—

---

(11) 1991 c. 56.

(a) for any damage done or disturbance caused to any relevant pipe, and  
(b) for any other expenses, loss, damages, penalty or costs incurred by the undertakers,  
by reason or in consequence of the execution, maintenance, user or failure of any of the works authorised by this Order or otherwise by reason or in consequence of the exercise by the Company of the powers of this Order.

(8) Nothing in the foregoing paragraph shall entitle the undertakers to any payment in respect of damage attributable to the neglect or default of the undertakers, their servants or agents.

(9) Nothing in this Order shall prejudice or affect the rights of the undertakers in respect of any relevant pipe or the provisions of any agreement regulating the relationship between the Company and the undertakers with regard to any relevant pipe and whether made before or after this Order comes into force.

(10) The provisions of the Railways Clauses Consolidation Act 1845 applied by this Order shall be subject to the provisions of this article.

(11) Any difference arising between the Company and the undertakers under this article shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President for the time being of the Institution of Civil Engineers.

Signed by authority of the Secretary of State

21st January 1997

*A. S. D. Whybrow*  
Head of Traffic Policy Division  
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

Article 2

So much of the Skipton and Ilkley railway or former railway of the Board in the county of North Yorkshire, district of Craven, parishes of Draughton and Halton East described in and authorised by section 4 of the Midland Railway (Additional Powers) Act 1833 as extends from a point 25 metres to the west of the centre of Prior's Bridge (being the eastern terminus of the portion of the said railway described in the Schedule to the Order of 1991) to a point 200 metres east of the eastern end of the disused platform of the former Bolton Abbey Station.