
STATUTORY INSTRUMENTS

1991 No. 1162

TRANSPORT

The Tanfield Railway (Causey Extension) Light Railway Order 1991

Made - - - - *3rd May 1991*
Coming into force - - *4th May 1991*

The Secretary of State for Transport, on the application of the Tanfield Railway Company Limited and in exercise of powers conferred by sections 7 and 9 to 12 of the Light Railways Act 1896(1), and by section 121(4) of the Transport Act 1968(2) and now vested in him(3) and of all other powers enabling him in that behalf hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Tanfield Railway (Causey Extension) Light Railway Order 1991 and shall come into force on 4th May 1991.

Interpretation

2. In this Order, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

“the Company” means the Tanfield Railway Company Limited incorporated under the Companies Acts 1948 to 1967 and having its registered office at 33 Stocksfield Avenue, Newcastle upon Tyne NE5 2DX;

“the County Council” means Durham County Council;

“the deposited plan” and “the deposited section” mean respectively the plan and section deposited in respect of the application for this Order with the Department of Transport;

“the existing railway” means the line from Sunnyside in the County of Tyne and Wear at the side of the A6076 road (Ordnance Survey Grid Reference No. NZ209585) to Marley Hill in the County of Tyne and Wear (Ordnance Survey Grid Reference No. NZ207573) approximately $\frac{3}{4}$ mile south of Sunnyside;

(1) 1896 c. 48; sections 7 and 9 were repealed in part by the Railways Act 1921 (c. 55), section 86(2) and Schedule 9; section 10 was repealed in part by the Statute Law (Repeals) Act 1986 (c. 12), Schedule 1; section 11 was amended by the Light Railways Act 1912 (c. 19), section 5(3), and the Railways Act 1921, section 73(1), and was repealed in part and further amended in respects not relevant to this Order; section 12 was repealed in part by the Finance Act 1929 (c. 21), section 6 and Schedule.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) 1968 c. 73.
(3) S.I. 1970/1681, 1979/571 and 1981/238.

“the level crossing” means the level crossing located on the road;

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

“the railway” means the railway described in the Schedule to this Order;

“the road” means the unclassified road between Tanfield and Causey joining the A6076 at Causey in the County of Durham (Ordnance Survey Grid Reference No. NZ206563);

“Strathmore Estates” means Strathmore English Estates, Norham House, 12 New Bridge Street West, Newcastle upon Tyne NE1 8AD.

Incorporation and application of enactments

3.—(1) The following provisions of the Railways Clauses Consolidation Act 1845⁽⁴⁾ 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:—

Sections 3, 7, 13, 16, 24, 46, 49, 50 to 58, 65 to 68, 86 to 88, 103 and 138.

(2) Subject to the provisions of this Order such of the enactments mentioned in the Second Schedule to the principal Act as are still in force shall not apply to the railway except for section 22 of the Regulation of Railways Act 1868⁽⁵⁾ (means of communication between passengers and Company's servants to be provided) and section 1 (power to order certain provisions to be made for public safety) and section 5 (penalty for avoiding payment of fare) of the Regulation of Railways Act 1889⁽⁶⁾.

(3) In its application to the railway section 22 of the Regulation of Railways Act 1868 shall be read construed and have effect as if the words “and travels more than twenty miles without stopping” had been omitted.

(4) Without prejudice to the generality of the foregoing, sections 116 to 118 of the Transport Act 1968 shall apply to the railway as if for the references therein to the Board there were substituted references to the Company.

Power to make railway

4. Subject to the provisions of this Order the Company may on lands leased or held on licence from Strathmore Estates or held on lease from the County Council in the line and situation and upon the lands delineated on the deposited plan and according to the level shown on the deposited section make and maintain the railway with all necessary works and conveniences connected therewith and may work the railway as a light railway under the principal Act.

Power to deviate

5. In the construction of the railway or any part thereof the Company may deviate vertically from the level shown on the deposited section to any extent not exceeding 0.50 metres upwards or downwards or to such further extent as the Secretary of State may approve:

Provided that where the railway crosses the road the Company shall not deviate vertically from the level shown on the deposited section to any extent beyond 10 millimetres upwards or downwards.

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

As to crossing of road on the level

6.—(1) The Company may in the construction of the railway carry the same with a single line across and on the level of the road to the west of the Causey Arch Inn within the area of the level crossing as shown as on the deposited plan and section.

(2) The rails of the railway shall be laid and maintained within the area of the level crossing so that the upper surface is upon a level with the surface of the carriageway or footway of the road.

(3) The Company shall erect and maintain gates across the railway on each side of the road.

(4) The Company shall employ a proper person or proper persons to open and close such gates.

(5) Such gates shall be kept constantly closed across the railway except during the time when engines, carriages or trucks passing along the railway shall have occasion to cross the road and shall be of such dimensions and so constructed as when closed across the railway or across the road to fence in the railway sufficiently.

(6) The Company shall not within the area of the level crossing obstruct or hinder the traffic or persons passing along the road for longer than is reasonably necessary in taking any train, engine, carriage or truck across the road.

(7) The surface of the carriageway over the crossing shall be maintained in good and even condition.

(8) The ground at the two edges of the carriageway where it passes over the crossing shall be made up to the level of the carriageway for a distance of approximately 2 metres beyond each edge.

(9) The Company shall provide, maintain and operate at the level crossing such lights, traffic signs and other devices and appliances as the Secretary of State may from time to time require.

Power to stop up road

7.—(1) Subject to the provisions of this Order, the Company may for the purpose of or in connection with the construction and maintenance of the railway temporarily stop up, open, break up, interfere with, alter or divert all or any part of the carriageway or footway of the part of the road within the area of the level crossing and may execute and do all necessary works and things for or in connection with such stopping up, opening, breaking up, interference, alterations or diversion, and for keeping such carriageway or footway open for traffic, and may remove or alter any lamp-posts, posts and other erections upon the land so affected.

(2) The Company shall provide reasonable access for all persons bonafide going to or returning from any premises fronting the road or to which access is gained from the road during any stopping up, interference, alteration or diversion under the powers of this section.

(3) The exercise by the Company of the powers of this article in relation to any road or footpath shall not prejudice or affect the right of telecommunication operators to maintain, inspect, repair, renew or remove telecommunication apparatus or break open that road or footpath for any of those purposes.

Gauge of railway and motive power

8. The railway shall be constructed on a gauge of 1435 millimetres and the motive power of the railway shall be diesel, diesel electric, steam or such other motive power as the Secretary of State may approve:

Provided that nothing in this Order shall authorise the use of 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⁽⁷⁾) or with telecommunications by means of such apparatus.

Restrictions as to weight, speed and conveyance of passengers

9.—(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 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 any conditions which the Secretary of State may from time to time prescribe for the safety of persons using the Company's railway.

(4) If the Company contravenes any of the provisions of this article it shall for each offence be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Public liability insurance

10.—(1) In this article:—

“insurer” means any insurer or insurers authorised under the Insurance Companies Act 1982⁽⁸⁾ 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 £1 million.

(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 level 5 on the standard scale 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 by the Company.

Signed by authority of the Secretary of State for Transport

3rd May 1991

J. R. Coates
An Under-Secretary in the
Department of Transport

(7) 1984 c. 12.

(8) 1982 c. 50.

SCHEDULE

A railway situate partly in the district of Derwentside in the County of Durham and partly in the Metropolitan Borough of Gateshead (Tyne and Wear) 3198 metres or thereabouts in length commencing at a point adjacent to Marley Hill Terrace (Ordnance Survey Grid Ref. No. NZ208 574), such point being a junction with the existing railway, proceeding thence in a generally southerly direction to and terminating at a point adjacent to the road known as Tanfield Lane (Ordnance Survey Grid Ref. No. NZ194 548).