

2012 No. 1993

TRANSPORT AND WORKS, ENGLAND

TRANSPORT, ENGLAND

The Nene Valley Railway (Fletton Branch) Order 2012

Made - - - - *26th July 2012*

Coming into force - - *16th August 2012*

An application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(a) for an Order under sections 1 and 5 of the Transport and Works Act 1992(b) (“the 1992 Act”).

The Secretary of State has determined to make an Order giving effect to the proposals comprised in the application with modifications which in the Secretary of State’s opinion do not make any substantial change in the proposals.

Notice of the Secretary of State’s determination was published in the London Gazette on 20th July 2012.

The Secretary of State, in exercise of the powers conferred by sections 1 and 5 of, and paragraphs 1, 4, 8 and 15 of Schedule 1 to, the 1992 Act makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Nene Valley Railway (Fletton Branch) Order 2012 and comes into force on 16th August 2012.

(2) The Nene Valley Light Railway Orders 1977 to 1993 and this Order may be cited together as the Nene Valley Railway Orders 1977 to 2012.

Interpretation

2.—(1) In this Order—

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace and “maintenance” is to be construed accordingly;

“the owner” means BRB (Residuary) Limited a company incorporated under the Companies Act 1985 (registration number 4146505) and whose registered office is at One Kemble Street, London, WC2B 4AN;

(a) S.I. 2006/1466.

(b) 1992 c. 42. Part 1 of this Act is amended by S.I. 1995/1541, S.I.1998/2226, S.I 2000/3199 and S.I. 2006/958.

“the railway” means the portion of the Fletton branch line described in the Schedule together with all land and works relating to it;

“the transfer date” means the date on which the railway is sold by the owner to the undertaker under article 3 (transfer of railway to undertaker); and

“the undertaker” means the Nene Valley Railway Limited, a company incorporated under the Companies Acts 1948 to 1967 (registration number 01038056) as a private limited company without share capital and whose registered office is at Wansford Station, Old Great North Road, Stibbington, Peterborough, PE8 6LR.

(2) Any enactment by which the construction and operation of the railway was authorised has effect subject to the provisions of this Order.

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

Transfer of railway to undertaker

3.—(1) The owner and the undertaker may enter into and carry into effect agreements providing for the sale to, and vesting in, the undertaker of the railway or any part of it.

(2) Except as may be otherwise provided in this Order, as from the transfer date—

(a) the railway or any part of it continues to be subject to all statutory and other provisions applicable to the railway at that date (in so far as those provisions continue in force and are capable of taking effect); and

(b) the undertaker is to the exclusion of the owner—

(i) entitled to the benefit of, and to exercise, all rights, powers and privileges relating to the railway or any part of it; and

(ii) subject to all obligations statutory or otherwise relating to the railway or any part of it (in so far as those provisions continue in force and are capable of taking effect) to the intent that the owner is released from all such obligations.

(3) As from the transfer date sections 116 (transfer of responsibility for maintenance of highways on bridges over Boards’ railways, inland waterways, etc.) to 118 (duty of highway authorities, etc., as respects bridges over Boards’ railways or inland waterways.) of the Transport Act 1968^(a) apply to the railway or to the relevant part of it as if references to the British Railways Board were references to the undertaker.

Power to operate and use the railway

4.—(1) The undertaker may operate and use the railway as a system, or part of a system, of transport for the carriage of passengers and goods.

(2) Nothing in this Order, or in any enactment incorporated with or applied by this Order, prejudices or affects the operation of Part 1 of the Railways Act 1993^(b).

(3) Subject to paragraphs (4) and (5) the motive power to be used on the railway is to be steam, diesel-electric, diesel, internal combustion, electric-battery or such other motive power as the Office of Rail Regulation may in writing approve.

(4) Nothing in this Order authorises 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.

(5) If electrical power is used as motive power on the railway, such electrical power must not be used in such a manner as to cause or be likely to cause any interference with any electronic communications apparatus or with the use of such apparatus.

(a) 1968 c. 73.

(b) 1993 c. 43. As amended by the Transport Act 2000 (c. 38) and the Railways Act 2005 (c. 14).

(6) In this article—

- (a) “electronic communications apparatus” has the same meaning as in the electronic communications code; and
- (b) “the electronic communications code” has the same meaning as in Chapter 1 of Part 2 of the Communications Act 2003^(a).

Signed by authority of the Secretary of State

26th July 2012

Martin Woods
Head of the Transport and Works Act Orders Unit
Department for Transport

(a) 2003 c. 21.

SCHEDULE
THE RAILWAY

Article 2

A portion (2,380 metres in length) of the existing Fletton branch line authorised by the Great Northern Railway (Additional Powers) Act 1873^(a), in the City of Peterborough, commencing at a point 121 metres south west of the junction (Fletton Junction) with the East Coast Main Line and terminating 64 metres to the east of the former junction (Longueville Junction) with the Nene Valley Railway.

^(a) 1873 c. xc.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the transfer from BRB (Residuary) Limited to Nene Valley Railway Limited of the existing Fletton branch line in the City of Peterborough, together with certain statutory provisions and other rights and liabilities, and makes related provisions. At present the railway is leased by BRB (Residuary) Limited to Nene Valley Railway Limited. The applicant for the Order is the Nene Valley Railway Limited.

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STATUTORY INSTRUMENTS

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