
W E L S H S T A T U T O R Y I N S T R U M E N T S

2024 No. (W.)

TRANSPORT AND WORKS, WALES

BRECON MOUNTAIN RAILWAY (LIGHT RAILWAY) ORDER 202[]

Made 202[]

Coming into Operation 202[]

An application has been made to the Welsh Ministers in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(1) for an Order under sections 1 and 5 of the Transport and Works Act 1992(2) (“the 1992 Act”).

[The Welsh Ministers has caused an inquiry to be held for the purposes of the application under section 11 of the 1992 Act.]

The Welsh Ministers[, having considered the objections made and not withdrawn, and the report of the person who held the inquiry,] have decided to make an Order giving effect to the proposal comprised in the application [with modifications which in the opinion of the Welsh Ministers do not make any substantial change in the proposals].

Notice of the Welsh Minister’s decision was published in the London Gazette on [] 202[].

Accordingly, the Welsh Ministers in exercise of the powers conferred by sections 1 and 5 of, and paragraphs 1, 8, 12, , 15 and 17 of Schedule 1 to, the 1992 Act, now exercisable by them(3), make the following Order:-

PART 1

PRELIMINARY

1. Title and commencement

The title of this Order is the and it comes into force on

2. Interpretation

(1) In this Order –

“the Original Order” means The Brecon Mountain Railway (Light Railway) Order 1980;

“the Owner” means the Brecon Mountain Railway Company Limited, a company incorporated under the Companies Act 1967 (company number 01409791) as a company limited by shares, whose registered office is at Pant Station, Pontsticill, Merthyr Tydfil, Wales CF48 2UP;

“the railway” means the railway known as the ‘Brecon Mountain Railway’, which is a railway 8,720 metres or thereabouts in length including a tunnel commencing in the County and District of Merthyr Tydfil at reference point SO 059097 and terminating in the County of Powys at reference point SO 058170;

“the Transfer Date”, means in relation to the railway, the date on which title passes from the owner to the undertaker under article 3 (Transfer of railway to Undertaker);

“the Transferee” means any person to whom the railway, or any part of the railway, is leased or sold under the powers conferred by article 4 (Transfer of railway by Undertaker);

“the Transferred Undertaking” means so much of the railway as is leased or sold under the powers conferred by this Order; and

“the Undertaker” means the Vale of Rheidol Railway Limited, a company incorporated under the Companies Act 1985 (company number 02188631) as a company limited by shares and whose registered office is at Park Avenue, Aberystwyth, Ceredigion, Wales SY23 1PG.

- (2) All lengths and directions stated in any description of the railway are approximate.
- (3) References in this Order to points by letters, or letters and numbers are construed as references to points on the plans deposited with the original order and available for inspection at Pant Station, Pontsticill, Merthyr Tydfil, Wales CF48 2UP.
- (4) Any enactments by which the construction, maintenance, use and operation of the railway were authorised continue to have effect subject to this Order.

PART 2
TRANSFER AND OPERATION OF THE RAILWAY

3. Transfer of railway to Undertaker

- (1) The Owner and the Undertaker may enter into and be party to and carry into effect agreements providing for the transfer to, and vesting in, the Undertaker of all such title, rights, interests and powers as it may have in or in respect of the railway.
- (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 and consents applicable to the railway at that date (in so far as those provisions are still subsisting and 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 are still subsisting and capable of taking effect) to the intent that the owners shall simultaneously be released from all such obligations.

4. Transfer of railway by Undertaker

- (1) At any time after the Transfer Date the Undertaker may, with the consent of the Minister sell or lease the railway, or part of it, to any Transferee on such terms and conditions as may be agreed between the Undertaker and the Transferee.
- (2) Except as may be otherwise provided by this Order:
 - (a) the Transferred Undertaking will continue to be subject to all statutory or other provisions applicable to it at the date of the lease or sale (in so far as those provisions are still subsisting and capable of taking effect); and
 - (b) the Transferee is, to the exclusion of the Undertaker—
 - (i) entitled to the benefit of, and to exercise, all rights, powers and privileges applicable to the Transferred Undertaking; and
 - (ii) subject to all obligations, statutory or otherwise, relating to the transferred undertaking (in so far as those provisions are still subsisting and capable of taking effect) to the intent that the Undertaker is released from all such obligations.
- (3) Where an agreement has been made by virtue of paragraph (1) references in this Order to the Undertaker shall include references to the Transferee.
- (4) Paragraph (1), (2) and (3) have effect during the continuance of any lease granted and from the operative date of any sale, under the powers conferred by this article.

5. Power to operate and use railway

- (1) On and after the date the Order comes into force, the Undertaker or Transferee, as the case may be, may operate and use the railway as a system, or part of a system, of transport for the carriage of passengers.
- (2) The Undertaker may demand, take and recover or waive such charges for carrying passengers on the railway or for any services or facilities provided in connection with the operation of the railway, as it thinks fit.
- (3) Nothing in this Order or in any enactment applied by this Order, prejudices or affects the operation of Part 1 of the Railways Act 1993.

6. Motive power

- (1) In addition to the provisions of article 9 of the Original Order and subject to paragraphs (2) and (3), the motive to be used on the railway may include electric-battery or such other motive power as the Office of Rail and Road may in writing approve.
- (2) Nothing in this Order authorises the use of electrical power as motive power on the railway unless this 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 railways, the electrical power must not be used in such a way as to cause or be likely to cause any interference with electronic communications apparatus, if any, or with the use of that apparatus.

EXPLANATORY NOTE

(This note does not form part of the Order)

This Order enables the transfer of the powers and statutory obligations in The Brecon Mountain Railway (Light Railway) Order 1980 from the Brecon Mountain Railway Company Limited to the Vale of Rheidol Railway Limited.

Copies of the deposited plans referred to in article 2(3) of the Order may be inspected at the offices of the Owner at Pant Station, Pontsticill, Merthyr Tydfil, Wales CF48 2UP.

This Order does not authorise the construction of works.

- (1) S.I. 2006/1466, amended by S.I. 2010/439, S.I. 2011/2085, S.I. 2012/147, S.I. 2012/2590 and S.I. 2013/755.
- (2) 1992 c. 42. Section 1 was amended by paragraphs 51 and 52 of Schedule 2 to the Planning Act 2008 (c. 29), section 5 was amended by S.I. 2012/1659.
- (3) Powers under sections 1 and 5 of, and paragraphs 8, 15 and 16 of Schedule 1 to, the Act, are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously vested in the National Assembly for Wales by virtue of article 2 and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32), they were transferred to the Welsh Ministers.