



# Accommodation Level Crossings Act 1995

CHAPTER viii

## ARRANGEMENT OF SECTIONS

### Section

1. Short title.
2. Application of section 75 and section 68 of Acts of 1845.
3. Repeals.

SCHEDULE



## ELIZABETH II



## 1995 CHAPTER viii

An Act to make further provision with respect to offences of failing to secure gates on certain railways.  
[8th November 1995]

**W**HEREAS—

- (1) Railtrack PLC (hereinafter referred to as “Railtrack”) is a public limited company registered under the Companies Act 1985 to which there was transferred on 1st April 1994, under a scheme made on 30th March 1994, pursuant to section 85 (1) of the Railways Act 1993 and by direction of the Secretary of State pursuant to section 85 (4) of that Act, that part of the undertaking of the British Railways Board which consisted of the management of the railway network in Great Britain and related property rights and liabilities: 1985 c. 6.  
1993 c. 43.
- (2) The undertaking of Railtrack includes a number of level crossings created for the benefit of owners or occupiers of land adjoining a railway (“accommodation crossings”):
- (3) Section 49 of the Transport and Works Act 1992 (“the 1992 Act”) amended section 75 of the Railways Clauses Consolidation Act 1845 and section 68 of the Railways Clauses Consolidation (Scotland) Act 1845 (which make it an offence for any person to fail to shut and fasten any gate at an accommodation crossing) so as to apply these provisions to a failure to lower a barrier and to increase the fine payable for an offence under these provisions: 1992 c. 42.  
1845 c. 20.  
1845 c. 33.

1845 c. 20.  
1845 c. 33.

(4) Certain railways under the management of Railtrack were authorised by legislation passed before 1845 which accordingly did not incorporate section 75 of the Railways Clauses Consolidation Act 1845 or section 68 of the Railways Clauses Consolidation (Scotland) Act 1845 and which contain alternative provisions creating an offence of failing to shut or fasten any gate (“the pre-1845 provisions”) not amended by section 49 of the 1992 Act:

(5) It is expedient for reasons of safety and administrative convenience that section 75 of the Railways Clauses Consolidation Act 1845 or section 68 of the Railways Clauses Consolidation (Scotland) Act 1845 as amended by section 49 of the 1992 Act should apply to every railway managed by Railtrack so as to create a single updated offence in relation to all accommodation crossings and that the pre-1845 provisions should cease to apply to those crossings:

(6) The pre-1845 Act provisions are, in so far as they apply to railway crossings other than accommodation crossings, now obsolete and it is accordingly expedient that they, and any other provisions which apply them to railways of Railtrack, should be repealed:

(7) The purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled and by the authority of the same, as follows:—

Short title.                   1. This Act may be cited as the Accommodation Level Crossings Act 1995.

Application of section 75 and section 68 of Acts of 1845.                   2. Section 75 of the Railways Clauses Consolidation Act 1845 or, in the case of a railway in Scotland, section 68 of the Railways Clauses Consolidation (Scotland) Act 1845, shall apply to every railway of Railtrack to which it does not already apply.

Repeals.                       3. The enactments listed in the Schedule to this Act (being enactments which create an offence of failing to shut or fasten any gate at certain railway crossings or apply provisions creating such an offence) are hereby repealed to the extent specified in the third column of that Schedule.

## SCHEDULE

## Section 3.

| Chapter<br>(1)                              | Title or short title<br>(2)  | Extent of repeal<br>(3) |
|---|--|-------------------------|
| 10 Geo. 4. c. lxxii<br>(1829).              | An Act for making and maintaining a Railway or Tramroad from the Town of Newcastle-upon-Tyne in the County of the Town of Newcastle-upon-Tyne to the City of Carlisle in the County of Cumberland, with a Branch thereout.   | Section 151.            |
| 11 Geo. 4 &<br>1 Will. 4. c. lxi<br>(1830). | An Act for making a Railway from the Cowley Hill Colliery in the Parish of Prescott to Runcorn Gap in the same Parish (with several Branches therefrom), all in the County Palatine of Lancaster; and for constructing a Wet Dock at the Termination of the said Railway at Runcorn Gap aforesaid. | Section 153.            |
| 4 & 5 Will. 4.<br>c. xxvi<br>(1834).        | An Act for making and maintaining a Railway from Blaydon to Hebburn, with Six Branches thereout, all within the County Palatine of Durham.   | Section 141.            |
| 4 & 5 Will. 4.<br>c. lxxviii<br>(1834).     | An Act for making and maintaining a Railway from Hayle in the Parish of Saint Erth in the County of Cornwall to Tresavean Mine in the Parish of Gwennap in the said County, with several Branches therefrom.   | Section 131.            |
| 4 & 5 Will. 4.<br>c. lxxxviii.              | London and South-western Railway Act 1834.   | Section 84.             |
| 5 & 6 Will. 4.<br>c. lxxviii<br>(1835).     | An Act for making a Railway from Preston to Wyre, and for improving the Harbour of Wyre, in the County Palatine of Lancaster.  | Section 66.             |
| 6 & 7 Will. 4.<br>c. xxxii<br>(1836).       | An Act for making and maintaining a Railway from the Royal Burgh of Dundee in the County of Forfar to the Royal Burgh of Arbroath in the same County.  | Section 118.            |
| 6 & 7 Will. 4.<br>c. xxxvi<br>(1836).       | An Act for making a Railway from Bristol to Exeter, with Branches to the Towns of Bridgwater in the County of Somerset and Tiverton in the County of Devon.  | Section 129.            |
| 6 & 7 Will. 4.<br>c. lxxv<br>(1836).        | An Act for making a Railway from the London and Croydon Railway to Dover, to be called the "South-eastern Railway."  | Section 80.             |
| 6 & 7 Will. 4.<br>c. lxxvii<br>(1836).      | An Act for making a Railway from Cheltenham and from Gloucester to join the Great Western Railway near Swindon, to be called "The Cheltenham and Great Western Union Railway," with a Branch to Cirencester.   | Section 97.             |

| Chapter<br>(1)                            | Title or short title<br>(2)   | Extent of repeal<br>(3)  |
|---|---|--|
| 6 & 7 Will. 4.<br>c. lxxix<br>(1836).     | An Act for making a Railway from the Basin of the Kensington Canal at Kensington to join the London and Birmingham and Great Western Railways at or near Holsden Green in the County of Middlesex, and to be called "The Birmingham, Bristol, and Thames Junction Railway." | Section 97.  |
| 6 & 7 Will. 4.<br>c. lxxxii<br>(1836).    | An Act for making a Railway from the City of York to and into the Township of Altofts, with various Branches of Railway, all in the West Riding of the County of York or County of the said City.   | Section 91.  |
| 6 & 7 Will. 4.<br>c. lxxxiii<br>(1836).   | An Act for making a Railway from Merthyr Tydfil to Cardiff, to be called "The Taff Vale Railway," with Branches.  | Section 81.  |
| 6 & 7 Will. 4.<br>c. ciii<br>(1836).      | An Act for making a Railway to form a Communication between London and Cambridge, with a view to its being extended hereafter to the Northern and Eastern Counties of England.  | Section 128.   |
| 6 & 7 Will. 4.<br>c. cx<br>(1836).        | An Act to enable the Hayle Railway Company to make certain Alterations in the Lines of such Railway, and for other purposes relating thereto.   | Section 1 in so far as it applies 4 & 5 Will. 4. c. lxxviii section 131. |
| 7 Will. 4 & 1 Vict.<br>c. xxii<br>(1837). | An Act for making and maintaining a Railway from the Town of Lancaster to the Town of Preston in the County Palatine of Lancaster.  | Section 48.  |
| 2 & 3 Vict. c. xlii<br>(1839).            | An Act to amend the Acts relating to the South-eastern Railway.   | Section 1 in so far as it applies 6 & 7 Will. 4. c. lxxv section 80.     |
| 4 & 5 Vict. c. xxiv<br>(1841).            | An Act to enable the Northern and Eastern Railway Company to make certain Deviations in the Line of their Railway, and to alter and amend the several Acts relating to the said Railway.  | Section 1 in so far as it applies 6 & 7 Will. 4. c. ciii section 128.    |
| 4 & 5 Vict. c. xlii<br>(1841).            | An Act to enable the Northern and Eastern Railway Company to make a Branch Line of Railway; and to alter and amend the several Acts relating to the said Railway.   | Section 1 in so far as it applies 6 & 7 Will. 4. c. ciii section 128.    |
| 6 & 7 Vict. c. x<br>(1843).               | An Act for making a Railway from the Great Western Railway to the City of Oxford.   | Section 329.   |
| 6 & 7 Vict.<br>c. xxviii (1843).          | An Act to enable the Northern and Eastern Railway Company to make an Extension of their present Railway; and to alter and amend the Acts relating to the said Railway.  | Section 1 in so far as it applies 6 & 7 Will. 4. c. ciii section 128.    |
| 6 & 7 Vict. c. lii<br>(1843).             | An Act to enable the South-eastern Railway Company to make a Branch Railway to the Town of Maidstone.   | Section 2 in so far as it applies 6 & 7 Will. 4. c. lxxv section 80.     |

| Chapter<br>(1)                   | Title or short title<br>(2)   | Extent of repeal<br>(3)  |
|----------------------------------|---|--|
| 7 & 8 Vict. c. xviii<br>(1844).  | An Act to consolidate the North Midland, Midland Counties, and Birmingham and Derby Junction Railways.  | Section 239.   |
| 7 & 8 Vict. c. xxi<br>(1844).    | An Act for vesting the Leeds and Selby Railway in the York and North Midland Railway Company, and for enabling that Company to raise a further Sum of Money to complete the Purchase of such Railway.                                     | Section 9 in so far as it applies 6 & 7 Will. 4. c. lxxxii section 91.   |
| 7 & 8 Vict. c. xxv<br>(1844).    | An Act to enable the South-eastern Railway Company to make a Railway from the said South-eastern Railway near Ashford to the City of Canterbury and the Towns of Ramsgate and Margate, and to join the Canterbury and Whitstable Railway. | Section 2 in so far as it applies 6 & 7 Will. 4. c. lxxv section 80.     |
| 7 & 8 Vict. c. xxxiv.            | Blackburn and Preston Railway Act 1844.   | Section 337.   |
| 7 & 8 Vict. c. xxxv<br>(1844).   | An Act to enable the Northern and Eastern Railway Company to make certain Deviations in the Line of their Railway between Bishops-Stortford and Newport; and to alter and amend the Acts relating to the said Railway.                    | Section 1 in so far as it applies 6 & 7 Will. 4. c. ciii section 128.    |
| 7 & 8 Vict. c. xxxvii<br>(1844). | An Act for making a Railway from the Lancaster and Preston Junction Railway at Lancaster to or near to the City of Carlisle.  | Section 351.   |
| 7 & 8 Vict. c. lx<br>(1844).     | An Act for making a Railway from the Manchester and Bolton Railway in the Parish of Eccles to the Parish of Whalley, all in the County Palatine of Lancaster, to be called The Manchester, Bury and Rossendale Railway.                   | Section 352.   |
| 7 & 8 Vict. c. lxi<br>(1844).    | An Act for enabling the York and North Midland Railway Company to make a Railway from York to Scarborough, with a Branch to Pickering.  | Section 4 in so far as it applies 6 & 7 Will. 4. c. lxxxii section 91.   |
| 7 & 8 Vict. c. lxiii.            | Salisbury Branch Railway Act 1844.  | Section 2 in so far as it applies 4 & 5 Will. 4. c. lxxxviii section 84. |
| 7 & 8 Vict. c. lxiv<br>(1844).   | An Act for making a Railway from the Town and Port of Whitehaven to the Town and Port of Maryport in the County of Cumberland.  | Section 347.   |
| 7 & 8 Vict. c. lxv.              | Chester and Holyhead Railway Act 1844.  | Section 396.   |
| 7 & 8 Vict. c. lxvii<br>(1844).  | An Act for making a Railway from the Shoreham Branch of the London and Brighton Railway to Chichester.  | Section 348.   |

| Chapter<br>(1)                    | Title or short title<br>(2)   | Extent of repeal<br>(3)   |
|-----------------------------------|---|---|
| 7 & 8 Vict. c. lxxviii<br>(1844). | An Act for making a Railway from Exeter to Plymouth, to be called "The South Devon Railway".                          | Section 381.  |
| 7 & 8 Vict. c. lxxxii<br>(1844).  | An Act for making a Railway from the Manchester and Leeds Railway to the Towns of Ashton-under-Lyne and Staly Bridge. | Section 363.  |
| 7 & 8 Vict. c. xci.               | Brighton, Lewes, and Hastings Railway Act 1844.   | Section 352.  |
| 8 & 9 Vict. c. lvii.              | Whitby and Pickering Railway Act 1845.  | Section 10 in so far as it applies 6 & 7 Will. 4. c. lxxxii section 91. |
| 9 & 10 Vict. c. ccxli.            | Hull and Selby Railway Purchase Act 1846.   | Section 11 in so far as it applies 6 & 7 Will. 4. c. lxxxii section 91. |
| 9 & 10 Vict.<br>c. cccxxvi.       | Bristol and Birmingham and Midland Railways Act 1846.   | Section 9 in so far as it applies 7 & 8 Vict. c. xviii section 239.     |

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