SCHEDULES

SCHEDULE 11

Section 35

APPLICATION OF OTHER RAILWAY LEGISLATION

Highway (Railway Crossings) Act 1839 (c. 45)

1 The Highway (Railway Crossings) Act 1839 shall not apply to a railway authorised by this Act.

Railway Regulation Act 1842 (c. 55)

2 Section 9 of the Railway Regulation Act 1842 shall not apply to a railway authorised by this Act.

Railways Clauses Consolidation Act 1845 (c. 20)

3 (1) The Railways Clauses Consolidation Act 1845, insofar as applicable for the purposes of this Act and not inconsistent with its provisions, is hereby incorporated with this Act.

(2) The following provisions are excepted from incorporation by virtue of sub-paragraph (1)—

sections 1, 7 to 9, 11 to 15, 17, 19, 20, 22, 23, 42, 47, 48, 59 to 62, 74, 75, 77 to 85, 87, 88, 94, 95 and 112 to 124.

(3) In their application by virtue of sub-paragraph (1)—

(a) section 2 shall have effect with the substitution for "so incorporated as aforesaid" of "incorporated";

(b) section 6 shall have effect with the omission of the words "and to take lands for that purpose", "taken or" and "for the value of the lands so taken or used, and";

(c) sections 18 and 21 shall not apply in any case where the relations between the nominated undertaker and any other person are regulated by sections 84 and 85 of the New Roads and Street Works Act 1991 (c. 22) or Part 2 of Schedule 17 to this Act;

(d) section 68 shall have effect with the omission of the words from "Such and" to "formation thereof" and from "together with all necessary gates" to "all necessary stiles".

Railways Clauses Act 1863 (c. 92)

4 (1) Part 1 of the Railways Clauses Act 1863, insofar as applicable for the purposes of this Act and not inconsistent with its provisions, is hereby incorporated with this Act.

(2) The following provisions are excepted from incorporation by virtue of sub-paragraph (1)—

sections 5 to 7 and 13 to 19.

Railway Companies (Accounts and Returns) Act 1911 (c. 34)

5 For the purposes of the Railway Companies (Accounts and Returns) Act 1911, a person shall not be a railway company by virtue of working a railway authorised by this Act.

British Transport Commission Act 1949 (c. xxix)

6 (1) Section 55 the British Transport Commission Act 1949 (penalty for trespass on railways etc.) shall also apply in relation to any railway, siding, tunnel, railway embankment, cutting or similar work constructed in exercise of the powers conferred by this Act.

(2) Section 56 of that Act (penalty for stone throwing etc. on railways) shall also apply in relation to any railway or siding constructed in exercise of the powers conferred by this Act.

Miscellaneous

7 (1) In their application to—

(a) a Crossrail undertaker,

(b) Crossrail, or

(c) any train being used to provide services for the carriage of passengers or goods on Crossrail,

the enactments specified in column (1) of the following table (which create the offences broadly described in column (2) of the table) shall each have effect as if the maximum fine which may be imposed on summary conviction of any offence specified in the enactment were, instead of that specified in column (3) of the table, a fine not exceeding the level specified in column (4) of the table.

(1) *Enactment*	*(2)* *Description of offence*	*(3)* *Maximum fine otherwise applicable (level on standard scale)*	*(4)* *Maximum fine (level on standard scale)*
Section 16 of the Railway Regulation Act 1840 (c. 97).	Obstruction of officers of railway company or trespass upon railway.	Level 1	Level 3
Section 17 of the Railway Regulation Act 1842 (c. 55).	Misconduct of persons employed on railways.	Level 1	Level 3
The Regulation of Railways Act 1889 (c. 57)—			

(1) *Enactment*	*(2)* *Description of offence*	*(3)* *Maximum fine otherwise applicable (level on standard scale)*	*(4)* *Maximum fine (level on standard scale)*
section 5(1)	Failure to produce ticket, to pay fare or to give name and address.	Level 1	Level 2
section 5(3).	Travel with intent to avoid payment of fare.	Level 2	Level 3

(2) In such application—

(a) section 16 of the Railway Regulation Act 1840 (c. 97) shall have effect as if the court had, as an alternative to imposing a fine, the power to award imprisonment for a period not exceeding 51 weeks;

(b) section 5(2) of the Regulation of Railways Act 1889 (power to arrest passenger who fails to produce ticket and refuses to give his name and address) shall have effect as if after the word "refuses" there were inserted the words "or fails".

(3) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44), the reference in subsection (2)(a) to 51 weeks shall be read as a reference to one month.

(4) In this paragraph, "Crossrail undertaker" means a person who, under section 39, is the nominated undertaker for any purpose of section 1(1), so far as relating to Crossrail.