
STATUTORY INSTRUMENTS

1996 No. 2660

The Duffield and Wirksworth Light Railway Order 1996

Incorporation and application of enactments

4.—(1) Subject to the provisions of this Order the following provisions of the Railways Clauses Consolidation Act 1845⁽¹⁾ are hereby incorporated with, and form part of, this Order:—

section 24 (obstructing construction of railway);

section 46 (crossing of roads-level crossings);

section 47 (provision in cases where roads are crossed on a level);

section 58 (company to repair roads used by them), except for the words from “and if any question” to the end;

section 61 (company to make sufficient approaches and fences to highways crossing on the level);

section 68 (accommodation works by company);

section 71 (additional accommodation works by owners), except for the words “or directed by such justices to be made by the company” and “or, in the case of difference, as shall be authorised by two justices”;

sections 72 and 73 (supplementary provisions relating to accommodation works);

section 75 (omission to fasten gates);

section 77 (presumption that minerals excepted from acquisition of land);

sections 78 to 85E and Schedules 1 to 3 (minerals under railways), as respectively substituted and inserted by section 15 of the Mines (Working Facilities and Support) Act 1923⁽²⁾;

sections 103 and 104 (refusal to quit carriage at destination);

section 105 (carriage of dangerous goods on railway);

section 145 (recovery of penalties); and

section 154 (transient offenders).

(2) The following provisions of the Railways Clauses Act 1863⁽³⁾ shall be incorporated in this Order—

sections 5, 6 and 7 (level crossings); and

section 12 (signals, watchmen etc.).

(3) In those provisions, as incorporated in this Order—

“the company” means the Company;

“goods” includes any thing conveyed on the Company’s Railway;

“lease” includes an agreement for a lease;

(1) 1845 c. 20.

(2) 1923 c. 20.

(3) 1863 c. 92.

“prescribed”, in relation to any such provision, means prescribed by this Order for the purposes of that provision;

“the railway” means the Company’s Railway;

“the special Act” means this Order; and

“toll” includes any rate or charge or other payment payable under this Order or any other enactment for any passenger or goods conveyed on any railway authorised to be worked by this Order.

(4) In section 46 of the said Act of 1845, as incorporated in this Order, for the proviso there shall be substituted the words “Provided always, that, with the consent of the highway authority and subject to such conditions as the authority may reasonably impose, the railway may be carried across a highway on the level”.

(5) In accordance with the provisions of subsection (1) of section 12 of the Act, and subject to paragraph (6) below, the following enactments shall apply to the Company’s Railway:—

The Regulation of Railways Act 1868⁽⁴⁾—

Section 22 (Means of communication between passengers and the company’s servants to be provided);

The Regulation of Railways Act 1889⁽⁵⁾—

Section 1 (power to order certain provisions to be made for public safety);

Section 5 (penalty for avoiding payment of fare).

(6) In its application to the Company’s Railway section 22 of the Regulation of Railways Act 1868 shall have effect as if the words “and travels more than twenty miles without stopping” were omitted therefrom.

(7) Without prejudice to the foregoing provisions of this article, sections 116 to 118 of the Transport Act 1968 shall apply to bridges over the Company’s Railway as if references in those sections to the British Railways Board were references to the Company.

(4) 1868 c. 119.

(5) 1889 c. 57.