
STATUTORY INSTRUMENTS

2005 No. 1163

The Telford Railfreight Terminal (Donnington) Order 2005

PART 1

PRELIMINARY

Incorporation of Railways Clauses Consolidation Act 1845

3.—(1) The following provisions of the Railways Clauses Consolidation Act 1845⁽¹⁾ shall be incorporated in this Order—

section 24 (obstructing construction of railway), subject to the modification in paragraph (3);

section 46 (crossing of roads—level crossings), subject to the modification in paragraph (4);

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 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 case of difference, as shall be authorised by two justices”;

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

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⁾;

section 145 (recovery of penalties); and

section 154 (transient offenders).

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

“the company” means the Council;

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

“the special Act” means this Order.

(3) Section 24 of the said Act of 1845, as incorporated in this Order, shall have effect as if the maximum fine which may be imposed on summary conviction for an offence under that section were, instead of a fine not exceeding level 2 on the standard scale, a fine not exceeding level 3 on the standard scale.

(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

(1) 1845 c. 20.

(2) 1923 c. 20.

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and subject to such conditions as the authority may reasonably impose, the railway may be carried across a highway on the level”.