
STATUTORY INSTRUMENTS

2008 No. 1261

The London Gateway Port Harbour Empowerment Order 2008

PART 1

PRELIMINARY

Incorporation of the Railways Clauses Consolidation Act 1845

- 7.—(1) The following provisions of the 1845 Act shall be incorporated in this Order—
- section 24 (obstructing construction of railway);
 - section 46 (crossings of roads-level crossings), subject to paragraph (3);
 - section 47 (provision in cases where roads are crossed on a level);
 - section 58 (company to repair roads used by them), subject to paragraph (4);
 - 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), subject to paragraph (5);
 - sections 72 and 73 (supplementary provisions relating to accommodation works), subject to paragraph (6);
 - 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⁽¹⁾;
 - section 105 (carriage of dangerous goods on railway); and
 - section 145 (recovery of penalties).
- (2) In those provisions, as incorporated in this Order—
- “the company” means the Harbour Authority;
 - “the goods” includes anything conveyed on the railways authorised to be constructed by this Order;
 - “prescribed”, in relation to any such provision, means prescribed by this Order for the purposes of that provision;
 - “the railway” means any railway authorised to be constructed by this Order and, except where the context otherwise requires, any other authorised works; and
 - “the Special Act” means this Order.

(1) 1923 c. 20.

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

(4) In section 58 of the 1845 Act, as incorporated in this Order, for the words from “the determination of two justices” to the end there shall be substituted the word “arbitrations”.

(5) In section 71 of the 1845 Act, as incorporated in this Order, the words “or directed by such justices to be made by the company” shall be omitted, and for the words “authorised by two justices” there shall be substituted the words “determined by arbitration”.

(6) Any difference arising under section 72 of the 1845 Act, as incorporated in this Order, shall be referred to arbitration under article 66 (arbitration).

Commencement Information

II Art. 7 in force at 16.5.2008, see [art. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The London Gateway Port Harbour Empowerment Order 2008, Section 7.