



Railways Clauses Consolidation Act 1845

1845 CHAPTER 20 8 and 9 Vict

Crossing of roads and construction of bridges

47 Provision in cases where roads are crossed on a level.

If the railway cross any turnpike road or public carriage road on a level, the company shall erect and at all times maintain good and sufficient gates across such road, on each side of the railway, where the same shall communicate therewith, and shall employ proper persons to open and shut such gates; and such gates shall be kept constantly closed across such road on both sides of the railway, except during the time when horses, cattle, carts, or carriages passing along the same shall have to cross such railway; and such gates shall be of such dimensions and so constructed as when closed to fence in the railway, and prevent cattle or horses passing along the road from entering upon the railway; and the person intrusted with the care of such gates shall cause the same to be closed as soon as such horses, cattle, carts, or carriages shall have passed through the same, under a penalty of [^{F1}£25][^{F1}level 1 on the standard scale] or every default therein: Provided always, that it shall be lawful for the Board of Trade, in any case in which they are satisfied that it will be more conducive to the public safety that the gates on any level crossing over any such road should be kept closed across the railway, to order that such gates shall be kept so closed, instead of across the road, and in such case such gates shall be kept constantly closed across the railway, except when engines or carriages passing along the railway shall have occasion to cross such road, in the same manner and under the like penalty as above directed with respect to the gates being kept closed across the road.

Textual Amendments

- F1** Words substituted (E.W.) by virtue of [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [s. 31\(5\)\(6\)](#) and so substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)

Modifications etc. (not altering text)

- C1** S. 47 incorporated (28.9.1991) by [S.I.1991/2210](#), [art. 3\(1\)](#)
S. 47 excluded (31.3.1994) by [1994 c. iv](#), [s. 15\(1\)\(3\)](#)
S. 47 excluded (26.7.1994) by [S.I. 1994/1803](#), [art. 3\(1\)](#)

Changes to legislation: There are currently no known outstanding effects for the Railways Clauses Consolidation Act 1845, Section 47. (See end of Document for details)

- S. 47 excluded (27.12.1995) by S.I. 1995/3188, **arts. 1(2), 2(2)**
- S. 47 incorporated (with modifications) (16.10.1996) by S.I. 1996/2660, **art. 4(1)(3)**
- S. 47 excluded (23.9.1997) by S.I. 1997/2262, **art. 3**
- S. 47 incorporated (with modifications) (9.10.1997) by S.I. 1997/2534, **art. 3(1)(3)**
- S. 47 incorporated (with modifications) (21.7.1999) by S.I. 1999/2129, **art. 3(1)(2)**
- S. 47 excluded (with effect on the transfer date) by S.I. 2001/3413, **art. 3**
- S. 47 excluded (12.8.2002 with effect as mentioned in art. 3 of the amending S.I.) by S.I. 2002/1997, **art. 3**
- S. 47 power to repeal or modify conferred (N.I.) (14.10.2002) by 2002 c. 8 (N.I.), **s. 1(4)(b)**
- C2** S. 47 incorporated (E.W.) (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), **arts. 1, 3(1)**
- C3** S. 47 incorporated (with modifications) (28.9.2007) by London Gateway Logistics and Commercial Centre Order 2007 (S.I. 2007/2657), **arts. 1, 4(1)(2)** (with arts. 19, 28, Sch. 3 para. 13(2))
- C4** S. 47 incorporated (16.5.2008) by London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **arts. 1, 7(1)** (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))
- C5** S. 47 excluded (N.I.) (24.1.2011) by Level Crossing (Lissue) Order (Northern Ireland) 2010 (S.R. 2010/419), **arts. 1(1), 2(a)**
- C6** S. 47 excluded (E.W.S.) (20.5.2013) by The Transport for Greater Manchester (Light Rapid Transit System) (Miscellaneous Provisions) Order 2013 (S.I. 2013/1030), **arts. 1, 6(3)(c)** (with art. 6(4))
- C7** S. 47 excluded (N.I.) (20.10.2014) by The Level Crossing (McConaghy's) Order (Northern Ireland) 2014 (S.R. 2014/229), **arts. 1(1), 2(a)**
- C8** S. 47 excluded (N.I.) (16.2.2015) by The Level Crossing (Cullybackey South) Order (Northern Ireland) 2015 (S.R. 2015/13), **arts. 1(1), 2(a)**
- C9** S. 47 excluded (N.I.) (15.12.2016) by The Level Crossing (Castlerock) Order (Northern Ireland) 2016 (S.R. 2016/403), **arts. 1(1), 2(1)(a)**
- C10** S. 47 excluded (N.I.) (15.12.2016) by The Level Crossing (Bellarena) Order (Northern Ireland) 2016 (S.R. 2016/402), **arts. 1(1), 2(1)(a)**
- C11** S. 47 excluded (N.I.) (15.12.2016) by The Level Crossing (Coleraine (Bushmills Road)) Order (Northern Ireland) 2016 (S.R. 2016/404), **arts. 1(1), 2(1)(a)**
- C12** S. 47 incorporated (E.W.) (13.3.2019) by The Port of Tilbury (Expansion) Order 2019 (S.I. 2019/359), **arts. 1, 5(1)(2)** (with arts. 55, 56)
- C13** S. 47 excluded (E.W.) (5.11.2020) by The Wear Valley Railway (Transfer) Order 2020 (S.I. 2020/1137), **arts. 1, 3** (with art. 6(2))

Changes to legislation:

There are currently no known outstanding effects for the Railways Clauses Consolidation Act 1845, Section 47.