



Road and Rail Traffic Act 1933

1933 CHAPTER 53 23 and 24 Geo 5

PART II

RAILWAY TRAFFIC

37 F1

Textual Amendments

F1 S. 37 repealed by [Transport Act 1962 \(c. 46\), s. 95\(3\), Sch. 12 Pt. I](#)

38 F2

Textual Amendments

F2 S. 38 repealed by [Transport Charges &c. \(Miscellaneous Provisions\) Act 1954 \(c. 64\), Sch. 2 Pt. II](#)

39 F3

Textual Amendments

F3 S. 39 repealed by [Transport Act 1962 \(c. 46\), s. 95\(3\), Sch. 12 Pt. I](#)

40 F4

Changes to legislation: There are currently no known outstanding effects for the Road and Rail Traffic Act 1933, Part II. (See end of Document for details)

Textual Amendments

F4 S. 40 repealed by Statute Law Revision Act 1959 (c. 68)

F5 **41**

Textual Amendments

F5 S. 41 repealed (5.4.1994) by Transport and Works Act 1992 (c. 42), ss. 68(1), **Sch. 4 Pt.I**; S.I. 1994/718, **art. 2** (with saving in **art. 3(1)**) and subject to an amendment (21.7.1994) by 1994 c. xi, **s. 3(3)**

42 Amendments as to level crossings.

- (1) The Minister, if upon an application made to him by the railway company concerned he is satisfied that it is expedient so to do, may direct that the gates on any level crossing over a public road shall, instead of being kept closed across the road, be kept closed across the railway, either constantly, or on such days, or during such portions of any day, as he thinks fit, and, if he so directs, the gates shall, notwithstanding anything in any Act (whether a public general Act or not) to the contrary, be kept closed in accordance with his direction, except when engines or vehicles passing along the railway have occasion to cross the road, and, if the person entrusted with the care of the gates fails to comply with the direction of the Minister, he shall on summary conviction be liable to a penalty of [^{F6}level 1 on the standard scale] for each offence.
- (2) The powers conferred upon the Minister by the preceding subsection shall be deemed to be in addition to, and not in derogation of, any powers conferred upon him by section forty-seven of the ^{M1}Railways Clauses Consolidation Act 1845, or section forty of the ^{M2}Railways Clauses Consolidation (Scotland) Act 1845, or by any provision in a local and personal or private Act which relates to the closing of gates on level crossings.
- (3) So much of section forty-eight of the ^{M3}Railways Clauses Consolidation Act 1845, and of section forty-one of the ^{M4}Railways Clauses Consolidation (Scotland) Act 1845, as requires that, where a railway crosses a road to which the section in question applies on a level adjoining to a station, all trains shall be made to slacken their speed before arriving at the road, and shall not cross it at a greater rate of speed than four miles an hour, and so much of any section of a local and personal or private Act as contains provisions substantially to the like effect, shall cease to have effect.

Textual Amendments

F6 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G**

Modifications etc. (not altering text)

C1 S. 42 excluded (27.7.1993) by 1993 c. xv, **s. 3(3)**
 S. 42 amended (2.2.1994) by virtue of 1993 c. 43, **ss. 117(1)(6)** (with S.I. 1990/1380, **arts. 3, 4**); S.I. 1994/202, **art. 2**
 S. 42: power to repeal or modify conferred (2.2.1994) by 1993 c. 43, **ss. 117(4)(g)(6)**, 150(1)(e); S.I. 1994/202, **art. 2**

Changes to legislation: There are currently no known outstanding effects for the Road and Rail Traffic Act 1933, Part II. (See end of Document for details)

S. 42 excluded (1.7.1994) by S.I. 1994/1761, **art. 3(4)**
S. 42 excluded (21.7.1994) by 1994 c. xi, **s. 3(3)**
S. 42 excluded (21.7.1994) by 1994 c. xv, **s. 3(4)**

Marginal Citations

- M1** 1845 c. 20.
- M2** 1845 c. 33.
- M3** 1845 c. 20.
- M4** 1845 c. 33.

^{F7}**43**

Textual Amendments

- F7** S. 43 repealed (26.2.1998) by Transport and Works Act 1992 (c. 42), ss. 68(1), **Sch. 4 Pt.I**; S.I. 1998/274, art. 2, **Sch.**

44 ^{F8}

Textual Amendments

- F8** S. 44 repealed by Statute Law Revision Act 1959 (c. 68)

45 Interpretation of Part II.

In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

[^{F9} “Carriageway” has the same meaning as in the Roads (Scotland) Act 1984;]

..... ^{F10}

“Minister” means the Minister of Transport;

[^{F11}“Public road” has the same meaning as in the Roads (Scotland) Act 1984;]

“Railway” includes a light railway, not being a light railway which is laid wholly or mainly along [^{F12}a public carriage way][^{F12}the carriageway of a public road]and is used wholly or mainly for the carriage of passengers;

“Railway company” includes any person or body of persons whether incorporated or not, being the owner or owners or lessee or lessees of, or working, a railway;

..... ^{F10}

Textual Amendments

- F9** Definition inserted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 28(a)**
- F10** Definitions repealed by Transport Act 1962 (c. 46), **Sch. 12 Pt. I**
- F11** Definition inserted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 28(b)**

Changes to legislation: There are currently no known outstanding effects for the Road and Rail Traffic Act 1933, Part II. (See end of Document for details)

F12 Words “the carriageway of a public road” substituted (S.) for “a public carriageway” by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 28(c)**

Changes to legislation:

There are currently no known outstanding effects for the Road and Rail Traffic Act 1933, Part II.