
STATUTORY INSTRUMENTS

2002 No. 1384

**The East Lancashire (Heywood
Extension) Light Railway Order 2002**

Incorporation and application of enactments

3.—(1) The provisions of the Railways Clauses Consolidation Act 1845⁽¹⁾ (except sections 8, 11 to 13, 15, 17, 32 to 44, 47 to 57, 59 to 66, 68, 71 to 73, 75, 77 to 85E, 88 to 95, 112 to 124, 162 and Schedules 1 to 3 (minerals under railways)) are incorporated with and form part of this Order so far as the same are applicable for the purposes of and are not inconsistent with or varied by the provisions of this Order.

(2) In the construction of the provisions of the Railways Clauses Consolidation Act 1845 as incorporated in this Order—

- (a) this Order shall be deemed to be the special Act for the purposes of the said incorporated provisions;
- (b) sections 7, 9 and 10 shall be read, construed and have effect as if the “proper officers of the Metropolitan Borough Councils of Bury and Rochdale” had been referred to therein instead of the “Clerks of the Peace”;
- (c) section 46 shall be read, construed and have effect as if for the proviso there were 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”; and
- (d) section 58 shall have effect as if the words “and if any question” to the end were omitted.

(3) Section 5 (penalty for avoiding payment of fare) of the Regulation of Railways Act 1889⁽²⁾ shall apply to the light railway.

(4) Without prejudice to the generality of the foregoing, sections 116 to 119 of the Transport Act 1968 shall apply to the light railway as if references therein to the Board were references to the person for the time being authorised to work the light railway under this Order.

(1) 1845 c. 20.
(2) 1889 c. 57.