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STATUTORY INSTRUMENTS

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**2013 No. 2809**

**The Network Rail (Redditch Branch Enhancement) Order 2013**

**PART 1**

Preliminary

**Incorporation of the Railway Clauses Acts**

**3.—(1)** The following provisions of the Railways Clauses Consolidation Act 1845<sup>(1)</sup> are incorporated in this Order—

section 46 (crossing of roads – level crossings), subject to paragraph (4);

section 58 (company to repair roads used by them), except for the words from “and if any question” to the end;

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), 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 83, 85 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<sup>(2)</sup>; and

section 105 (carriage of dangerous goods on railway), except for the words from “and if any person” to “for every such offence”.

**(2)** The following provisions of the Railways Clauses Act 1863<sup>(3)</sup> are incorporated in this Order—

sections 5 and 7 (level crossings); and

section 12 (signals, watchmen etc.).

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

“the company” means Network Rail;

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<sup>(1)</sup> 1845 c. 20. Section 46 was amended by sections 109(1) and (3) of, and paragraph 22 of Schedule 8, and Schedule 10 to, the Courts Act 2003 (c.39). Section 58 was amended by section 46 of, and Part 3 of Schedule 7 to, the Justices of the Peace Act 1949 (c.101). Section 78 was amended by section 39(3) of, and Schedule 7 to, the Compulsory Purchase Act 1968 (c.56) and articles 5(1) and (2) of, and paras 1 and 3 of Schedule 1 to, S.I. 2009/1307. Section 105 was amended by section 46 of, and Part 3 of Schedule 7 to, the Justices of the Peace Act 1949 (c.101), and section 31(6) of the Criminal Law Act 1977 (c.45), and sections 37 and 49 of the Criminal Justice Act 1982 (c.48). There are other amendments to the 1845 Act not relevant to this Order.

<sup>(2)</sup> 1923 c. 20. Section 15 was amended by section 10(1) of the Decimal Currency Act 1969 (c.19).

<sup>(3)</sup> 1863 c. 92.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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“goods” includes any thing conveyed on the railway authorised to be constructed by this Order;

“lease” includes an agreement for a lease;

“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 any other authorised development; and

“the special Act” means this Order.

(4) In section 46 of the Railways Clauses Consolidation Act 1845, as incorporated in this Order, for the proviso there is substituted “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”.