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STATUTORY INSTRUMENTS

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**2022 No. 1067**

**The Network Rail (Huddersfield to Westtown  
(Dewsbury) Improvements) Order 2022**

**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 58<sup>(2)</sup> (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 (gates, bridges, &c);

section 71 (power to owners of land to make additional accommodation works), 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”;

section 72 (such works to be constructed under the superintendence of the company’s engineer) and 73 (accommodation works not to be required after five years);

section 75<sup>(3)</sup> (penalty on persons omitting to fasten gates);

section 77 (company not to be entitled to minerals, unless expressly purchased);

sections 78 to 85E<sup>(4)</sup> 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>(5)</sup>;

section 103<sup>(6)</sup> (penalty on passengers practising frauds on the company);

section 105<sup>(7)</sup> (penalty for bringing dangerous goods on railway), except for the words from “and if any person” to “for every such offence”; and

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<sup>(1)</sup> 1845 c. 20.

<sup>(2)</sup> Section 58 was amended by Section 46 of, and part 3 of Schedule 7 to, the Justices of the Peace Act 1949 (c. 101).

<sup>(3)</sup> Section 75 was amended by section 49 of the Transport and Works Act 1992 (c. 42).

<sup>(4)</sup> Section 84, as substituted, was amended by part 3 of Schedule 7 to the Justices of the Peace Act 1949 (c. 101) and section 46 of the Criminal Justice Act 1982 (c. 48). Section 85C, as substituted, was amended by virtue of section 17(2)(a) of the Interpretation Act 1978 (c. 30).

<sup>(5)</sup> 1923 c. 20.

<sup>(6)</sup> Section 103 was amended by the Statute Law Revision Act 1892 (c. 19), Part 3 of Schedule 7 to the Justices of the Peace Act 1949 (c. 101) and section 46 of the Criminal Justice Act 1982 (c. 48).

<sup>(7)</sup> Section 105 was amended by Part 3 of Schedule 7 to the Justices of the Peace Act 1949 (c. 101) and section 46 of the Criminal Justice Act 1983 (c. 48).

section 145(8) (penalties to be summarily recovered before two justices).

(2) Section 12 (as to expense of signals, watchmen, &c.) of the Railways Clauses Act 1863(9) is incorporated in this Order.

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

“the company” means Network Rail;

“goods” includes anything 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 works;

“the special Act” means this Order; and

“toll” includes any rate or charge or other payment payable under this Order or any other enactment for any passenger or goods conveyed on any railway authorised to be constructed by this Order.

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(8) Section 145 was amended by the Statute Law Revision Act 1892 (c. 19) and part 2 of Schedule 12 to the Transport Act 1962 (c. 46).

(9) 1863 c. 92.