

SCHEDULES

SCHEDULE 9

Section 20.

APPLICATION OF OTHER RAILWAY LEGISLATION

PART I

RAILWAYS CLAUSES ACTS

Railways Clauses Consolidation Act 1845 (c. 20)

- 1 (1) The Railways Clauses Consolidation Act 1845, insofar as applicable for the purposes of this Act and not inconsistent with its provisions, is hereby incorporated with this Act.
- (2) The following provisions are excepted from incorporation by virtue of sub-paragraph (1) above—
sections 1, 7 to 9, 11 to 15, 17, 19, 20, 22, 23, 42, 47, 48, 59 to 62, 74, 75, 77 to 85, 87, 88, 94, 95 and 112 to 124.
- (3) In their application by virtue of sub-paragraph (1) above—
- (a) section 2 shall have effect with the substitution for “so incorporated as aforesaid” of “incorporated”,
 - (b) section 6 shall have effect with the omission of the words “and to take lands for that purpose”, “taken or” and “for the value of the lands so taken or used, and”,
 - (c) section 16, so far as relating to the erection and construction of new stations, shall only have effect, so far as concerns the railways comprised in the rail link or the accommodation works connected therewith, to authorise the erection and construction of stations at St. Pancras in London and Ebbsfleet in Kent,
 - (d) sections 18 and 21 shall not apply in any case where the relations between the nominated undertaker and any other persons are regulated by sections 84 and 85 of the New Roads and Street Works Act 1991 or Part II of Schedule 15 to this Act,
 - (e) section 46 shall have effect with the omission of the proviso, and
 - (f) section 68 shall have effect with the omission of the words from “Such and” to “formation thereof” and from “together with all necessary gates” to “all necessary stiles”.

Railways Clauses Act 1863 (c. 92)

- 2 (1) Part I of the Railways Clauses Act 1863, insofar as applicable for the purposes of this Act and not inconsistent with its provisions, is hereby incorporated with this Act.

Status: This is the original version (as it was originally enacted).

- (2) The following provisions are excepted from incorporation by virtue of sub-paragraph (1) above—
 sections 5 to 7 and 13 to 19.

PART II

OTHER LEGISLATION

Highway (Railway Crossings) Act 1839 (c. 45)

- 3 The Highway (Railway Crossings) Act 1839 shall not apply to a railway authorised by this Act.

Railway Regulation Act 1842 (c. 55)

- 4 Section 9 of the Railway Regulation Act 1842 shall not apply to a railway authorised by this Act.

Regulation of Railways Act 1871 (c. 78)

- 5 In section 2 of the Regulation of Railways Act 1871, in the definition of the term “railway”, the reference to any special Act of Parliament shall be construed as including this Act.

Railway Companies (Accounts and Returns) Act 1911 (c. 34)

- 6 For the purposes of the Railway Companies (Accounts and Returns) Act 1911, a person shall not be a railway company by virtue of working a railway authorised by this Act.

British Transport Commission Act 1949 (c. xxix)

- 7 (1) This paragraph has effect in relation to the British Transport Commission Act 1949.
- (2) Section 55 (penalty for trespass on railways etc.) shall apply in relation to any railway, siding, tunnel, railway embankment, cutting or similar work comprised in the rail link as it applies in relation to any railway, siding, tunnel, railway embankment, cutting or similar work belonging to the British Railways Board.
- (3) Section 56 (penalty for stone throwing etc. on railways) shall apply in relation to any railway or siding comprised in the rail link as it applies in relation to any railway or siding belonging to the British Railways Board.

Miscellaneous

- 8 (1) In their application to—
- (a) a rail link undertaker,
 - (b) the rail link, or
 - (c) any train of a rail link undertaker being used to provide services for the carriage of passengers or goods involving travel through the Channel Tunnel,

Status: This is the original version (as it was originally enacted).

the enactments specified in column (1) of the following table (which create the offences broadly described in column (2) of the table) shall each have effect as if the maximum fine which may be imposed on summary conviction of any offence specified in the enactment were, instead of that specified in column (3) of the table, a fine not exceeding the level specified in column (4) of the table.

THE TABLE

<i>(1)</i> <i>Enactment</i>	<i>(2)</i> <i>Description of offence</i>	<i>(3)</i> <i>Maximum otherwise applicable (level on standard scale)</i>	<i>(4)</i> <i>Maximum fine (level on standard scale)</i>
Section 16 of the Railway Regulation Act 1840.	Obstruction of officers of railway company or trespass upon railway.	Level 1	Level 3
Section 17 of the Railway Regulation Act 1842.	Misconduct of persons employed on railways.	Level 1	Level 3
Section 22 of the Regulation of Railways Act 1868.	Provision and improper use of means of communication.	Level 1	Level 2
The Regulation of Railways Act 1889— section 5(1).	Failure to produce ticket, to pay fare or to give name and address.	Level 1	Level 2
section 5(3).	Travel with intent to avoid payment of fare.	Level 2	Level 3

(2) In such application—

- (a) section 16 of the Railway Regulation Act 1840 shall have effect as if the court had, as an alternative to imposing a fine, the power to award imprisonment for a period not exceeding one month; and
- (b) section 17 of the Railway Regulation Act 1842 shall have effect as if, instead of the power to award imprisonment for a period not exceeding two months, the court had power to award imprisonment for a period not exceeding three months; and
- (c) section 5(2) of the Regulation of Railways Act 1889 (power to arrest passenger who fails to produce ticket and refuses to give his name and address) shall have effect as if after the word “refuses” there were inserted the words “or fails”.