
STATUTORY INSTRUMENTS

1997 No. 1688

The Golden Valley Railway Order 1997

Incorporation and application of enactments

3.—(1) The following provisions of the Act of 1845 shall be incorporated in this Order:—

section 24 (obstructing construction of railway);

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 such 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 75 (omission to fasten gates);

sections 78 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⁽¹⁾;

section 87 (company empowered to contract with other companies);

sections 103 and 104 (refusal to quit carriage at destination);

section 105 (carriage of dangerous goods on railway);

sections 115 to 119 (engines and carriages not to be used on the railway unless approved; unfit engines to be removed);

section 145 (recovery of penalties); and

section 154 (transient offenders).

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

“the company” means the undertaker;

“goods” includes any thing conveyed on the railways;

“prescribed”, in relation to any such provision, means prescribed by this Order for the purposes of that provision;

“the railway” means the railways;

“the special Act” means this Order;

“toll” includes any rate or charge or other payment payable under this Order or any other enactment for any passenger or goods conveyed on the railways.

(3) In its application to the railways, section 24 of the said Act of 1845 shall have effect as if the maximum fine which may be imposed on summary conviction for an offence under that section

(1) 1923 c. 20.

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were, instead of a fine not exceeding level 2 on the standard scale, a fine not exceeding level 3 on the standard scale.

(4) In its application to the railways, section 22 of the Regulation of Railways Act 1868⁽²⁾ shall have effect as if the words “and travels more than twenty miles without stopping” were omitted therefrom.

(2) 1868 c. 119.