
STATUTORY INSTRUMENTS

1998 No. 1936

The Greater Manchester (Light Rapid Transit System) (Ashton-under-Lyne Extension) Order 1998

PART I
PRELIMINARY

Application of enactments relating to railways

3.—(1) The following provisions of the Railways Clauses Consolidation Act 1845⁽¹⁾ shall be incorporated in this Order but shall apply only in relation to the authorised tramroads:—

section 46 (crossing of roads—level crossings);

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 75 (omission to fasten gates);

section 77 (presumption that minerals excepted from acquisition of land);

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⁽²⁾; and

section 145 (recovery of penalties).

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

“the company” means the undertaker;

“goods” includes anything conveyed on the authorised tramroads;

“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 the authorised tramroads and, except where the context otherwise requires, any authorised works ancillary to the authorised tramroads;

“the special Act” means this Order;

(1) 1845 c. 20.

(2) 1923 c. 20.

“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 authorised tramroad.

(3) In section 46 of the said Act of 1845, as incorporated in this Order, for the proviso there shall be 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”.

(4) The application of section 68 of the said Act of 1845 shall not be taken to require any fencing at the junction of an authorised tramroad with an authorised street tramway.

(5) The provisions of the Regulation of Railways Acts 1840 to 1893 shall not apply in relation to the authorised transit system.

(6) The provisions of the Highway (Railway Crossings) Act 1839⁽³⁾ shall not apply in relation to the authorised transit system.

(7) Nothing in this article shall be taken as affecting the application to the authorised tramroads of sections 32 to 34 of the Offences Against the Person Act 1861⁽⁴⁾.

⁽³⁾ 1839 c. 45.
⁽⁴⁾ 1861 c. 100.