
STATUTORY INSTRUMENTS

1999 No. 2129

The Welsh Highland Railway Order 1999

PART I

PRELIMINARY

Incorporation and exclusion of Acts

- 3.—(1) The following provisions of the Act of 1845 shall be incorporated in this Order—
- section 24 (obstructing construction of railway);
 - section 47 (provision in cases where roads are crossed on the level);
 - 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⁽¹⁾;
 - sections 103 and 104 (refusal to quit carriage at destination);
 - section 105 (carriage of dangerous goods on railway);
 - 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 railway;
 - “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 Works Nos. 1 to 3 authorised to be constructed by this Order and, except where the context otherwise requires, any other authorised works;

(1) 1923 c. 20.

Status: This is the original version (as it was originally made).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

“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 the railway.

(3) In its application to the railway, section 24 of the Act of 1845 shall have effect as if the maximum fine which may be imposed on summary conviction of an offence under that section were, instead of a fine not exceeding level 2 on the standard scale, a fine not exceeding level 3 on the standard scale.

(4) The provisions of the Regulation of Railways Acts 1840 to 1893, except the provisions of the Regulation of Railways Act 1871(2), shall not apply in relation to Work No. 3.

(5) The provisions of the Highway (Railway Crossings) Act 1839(3) shall not apply in relation to Work No. 3.

(6) Nothing in this article shall be taken as affecting the application to Work No. 3 of sections 32 to 34 of the Offences Against the Person Act 1861(4).

(2) 1871 c. 78.

(3) 1839 c. 45.

(4) 1861 c. 6.