
STATUTORY INSTRUMENTS

2009 No. 3281

The South Devon Railway Order 2009

PART 1

PRELIMINARY

Incorporation of Railways Clauses Consolidation Act 1845

3.—(1) The following provisions of the Railways Clauses Consolidation Act 1845⁽¹⁾ shall be incorporated in this Order and shall be applied to the new railways—

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 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 the provisions of the Railways Clauses Consolidation Act 1845 incorporated into this Order—

“the company” means the undertaker;

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

“the special Act” means this Order.

⁽¹⁾ 1845 c. 20.

⁽²⁾ 1923 c. 20.