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STATUTORY INSTRUMENTS

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**2018 No. 446**

**The Network Rail (Hope Valley Capacity) Order 2018**

**PART 1**

**PRELIMINARY**

**Incorporation of the Railway Clauses Acts**

**3.—(1)** The following provisions of the Railways Clauses Consolidation Act 1845<sup>(1)</sup> are incorporated in this Order—

section 58<sup>(2)</sup> (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”;

section 72 and 73 (supplementary provisions relating to accommodation works);

section 75<sup>(3)</sup> (omission to fasten gates);

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

sections 78 to 85E<sup>(4)</sup> 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<sup>(5)</sup>;

section 103<sup>(6)</sup> (refusal to quit carriage at destination);

section 105 (carriage of dangerous goods on railway), except for the words from “and if any person” to “for every such offence”; and

section 145<sup>(7)</sup> (recovery of penalties).

(2) Section 12 (signals, watchmen etc.) of the Railways Clauses Act 1863<sup>(8)</sup> is incorporated in this Order.

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(1) 1845 c. 20.

(2) Section 58 was amended by section 46 of, and part 3 of Schedule 7 to, the Justices of the Peace Act 1949 (c. 101).

(3) Section 75 was amended by section 49 of the Transport and Works Act 1992 (c. 42).

(4) Section 84, as substituted, was amended by part 3 of Schedule 7 to the Justices of the Peace Act 1949 (c. 101) and section 46 of the Criminal Justice Act 1982 (c. 48). Section 85C, as substituted, was amended by virtue of section 17(2)(a) of the Interpretation Act 1978 (c. 30).

(5) 1923 c. 20.

(6) Section 103 was amended by the Statute Law Revisions Act 1892 (c. 19), part 3 of Schedule 7 to the Justices of the Peace Act 1949 (c. 101) and section 46 of the Criminal Justice Act 1982 (c. 48).

(7) Section 145 was amended by the Statute Law Revision Act 1892 (c. 19) and part 2 of Schedule 12 to the Transport Act 1962 (c. 46).

(8) 1863 c. 92.

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

“the company” means Network Rail;

“goods” includes any thing conveyed on the railway authorised to be constructed by this Order;

“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 any railway authorised to be constructed by this Order and any other authorised works;

“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 any railway authorised to be constructed by this Order.