



Highway (Railway Crossings) Act 1839

1839 CHAPTER 45 2 and 3 Vict

An Act to amend an Act of the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth relating to Highways. [17th August 1839]

Modifications etc. (not altering text)

- C1 Short Title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Preamble (which recites [Highways Act 1835 \(c. 50\)](#), **ss. 71, 113**) omitted under authority of [Statute Law Revision \(No. 2\) Act 1890 \(c. 51\)](#)
- C3 Act excluded by [Light Railways Act 1896 \(c. 48\)](#), s. 12, **Sch. 2**
- C4 Act excluded (29.4.1992) by S.I. 1992/1113, **art. 3(3)**
- C5 Act excluded (21.5.1992) by S.I. 1992/1267, **art. 4(2)**
Act excluded (22.6.1993) by S.I. 1993/1607, **art. 3(3)** (with arts. 8, 12(2), 13, 14)
Act excluded (29.6.1993) by S.I. 1993/1651, **art. 3(2)** (with arts. 6, 8, 9, 10(2))
Act excluded (27.7.1993) by 1993 c. xv, **s. 3(3)**
Act excluded (1.9.1993) by S.I. 1993/2154, **art. 3(2)** (with arts. 5, 7, 9(6), 10)
- C6 Act amended (2.2.1994) by virtue of 1993 c. 43, **ss. 117(1)(6), 150(1)(e)** (with S.I. 1990/1380, **arts. 3, 4**); S.I. 1994/202, **art. 2**
- C7 Act: power to repeal or modify conferred by 1974 c. 37, **s. 15** (as amended (2.2.1994) by 1993 c. 43, **ss. 117(1)(6), 150(1)(e)**; S.I. 1994/202, **art. 2**) and (2.2.1994) by 1993 c. 43, **ss. 117(4)(6), 150(1)(e)**; S.I. 1994/202, **art. 2**
- C8 Act excluded (24.3.1994) by 1994 c. ii, s. 1, **Sch. Pt. II para. 5(3)(b)**
Act excluded (31.3.1994) by 1994 c. iv, **Pt. II**, s. 15(3) (with s. 28)
Act excluded (21.7.1994) by 1994 c. xi, **s. 3(3)**
Act excluded (21.7.1994) by 1994 c. xv, **s. 3(4)**
Act excluded (18.12.1996) by 1996 c. 61, s. 20, **Sch. 9 Pt. II para. 3**
Act excluded (27.12.1995) by S.I. 1995/3188, **art. 2(2)**
Act excluded (11.11.1996) by S.I. 1996/2714, **art. 3(6)**
Act excluded (21.5.1997) by S.I. 1997/1266, **art. 3(6)**
Act excluded (27.8.1998) by S.I. 1998/1936, **art. 3(6)**
Act excluded (30.4.1999) by S.I. 1999/1306, **art. 3(4)**
Act excluded (21.7.1999) by S.I. 1999/2129, **art. 3(5)**
Act excluded (21.7.1999) by S.I. 1999/2382, **art. 4(1)**
Act excluded (24.7.2001) by S.I. 2001/3627, **art. 3(2)(3)**

Changes to legislation: There are currently no known outstanding effects for the Highway (Railway Crossings) Act 1839. (See end of Document for details)

- C9** Act disappplied (S.) (11.8.2004) by Stirling-Alloa-Kincardine Railway and Linked Improvements Act 2004 (asp 10), **Sch. 3 Pt. 3** (with s. 33)
- C10** Act excluded (3.7.2006) by Port of Blyth (Battleship Wharf Railway) Order 2006 (S.I. 2006/1518), **art. 3(4)(a)**
- C11** Act excluded (22.7.2008) by Crossrail Act 2008 (c. 18), **Sch. 11 para. 1**
- C12** Act excluded (18.5.2009) by Greater Manchester (Light Rapid Transit System) (Media City Extension) Order 2009 (S.I. 2009/1100), **art. 3(2)**
- C13** Act excluded (9.6.2009) by Nottingham Express Transit System Order 2009 (S.I. 2009/1300), **art. 3(2)** (with Sch. 13 para. 14(2), 14 para. 19, 16)
- C14** Act excluded (6.11.2013) by The Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013 (S.I. 2013/2587), **art. 3(2)** (with arts. 42, 43)
- C15** Act excluded (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), **art. 3(2)** (with arts. 57, 58, Sch. 11 para. 19)
- C16** Act excluded (16.12.2015) by The Network Rail (Tinsley Chord) Order 2015 (S.I. 2015/1876), arts. 1, **3(3)**
- C17** Act excluded (24.11.2016) by The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016 (S.I. 2016/1035), **art. 3(2)** (with arts. 43, 44)
- C18** Act excluded (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **Sch. 29 para. 1**
- C19** Act excluded (4.1.2018) by The Blackpool Tramway (Blackpool North Extension) Order 2017 (S.I. 2017/1214), **art. 3(2)** (with arts. 3(3), 58, 59)
- C20** Act excluded (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **Sch. 28 para. 1**
- C21** Act excluded (2.8.2023) by The Rother Valley Railway (Bodiam to Robertsbridge Junction) Order 2023 (S.I. 2023/815), arts. 1, **15(6)(a)** (with art. 42)

Commencement Information

- II** Act wholly in force at 30.9.1839 by s. 3 (now repealed)

1 Proprietors of Railroad to maintain Gates where any Railroad crosses the Highway, &c.

Wherever a railroad crosses or shall hereafter cross [^{F1}any turnpike road or any highway or statute labour road for carts or carriages in Great Britain][^{F1}the carriageway of a public road (within the meaning of the Roads (Scotland) Act 1984)], the proprietors or directors of the company of proprietors of the said railroad shall make and maintain good and sufficient gates across each end of such [^{F2}turnpike or other road as aforesaid][^{F2}carriageway] at each of the said crossings, and shall employ good and proper persons to open and shut such gates, so that the persons, carts, or carriages passing along such [^{F3}turnpike or highway][^{F3}carriageway] shall not be exposed to any danger or damage by the passing of any carriages or engines along the said railroad;

^{F4} . . .

Textual Amendments

- F1** Words commencing “the carriageway...” substituted (S.) for words commencing “any turnpike road...” by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 1(a)**
- F2** Word “carriageway” substituted (S.) for words commencing “turnpike or other road...” by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 1(b)**
- F3** Word “carriageway” substituted (S.) for “turnpike or highway” by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 1(b)**
- F4** Words in s. 1 repealed (10.5.1997) by S.I. 1997/553, reg. 12(1), **Sch. Pt. I**

Changes to legislation: There are currently no known outstanding effects for the Highway (Railway Crossings) Act 1839. (See end of Document for details)

Modifications etc. (not altering text)

C22 S. 1 excluded (20.5.2013) by The Transport for Greater Manchester (Light Rapid Transit System) (Miscellaneous Provisions) Order 2013 (S.I. 2013/1030), arts. 1, **6(3)(a)** (with art. 6(4))

F5**2**

Textual Amendments

F5 S. 2 repealed (10.5.1997) by S.I. 1997/553, reg. 12(1), **Sch. Pt. I**

F6**3**

Textual Amendments

F6 S. 3 repealed by Statute Law Revision (No. 2) Act 1874 (c. 96)

Changes to legislation:

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