
STATUTORY INSTRUMENTS

2002 No. 366

The Bitton Railway Order 2002

PART I

PRELIMINARY

Incorporation of the Railways Clauses Consolidation Act 1845

- 3.—(1) The following provisions of the 1845 Act shall be incorporated in this Order—
- section 18 (alteration of water and gas pipes etc.);
 - section 24 (obstructing construction of railway);
 - section 58 (company to repair roads used by them), except for the words from “and if any question” to the end;
 - 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⁾;
 - section 87 (company empowered to contract with other companies);
 - sections 103 and 104 (refusal to quit carriage at destination);
 - section 105 (carriage of dangerous goods on railway);
 - sections 115 to 119 (carriages and engines);
 - 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;
 - “prescribed”, in relation to any such provision, means prescribed by this Order for the purposes of that provision;
 - “the railway” means the railway as defined in this Order;
 - “the special Act” means this Order; and

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“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.