
STATUTORY INSTRUMENTS

2008 No. 2512

The Felixstowe Branch Line and
Ipswich Yard Improvement Order 2008

PART 1

PRELIMINARY

Incorporation of Railways Clauses Acts

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

- section 46 (crossing of roads—level crossings), subject to paragraph (4);
- 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⁽²⁾;
- 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) The following provisions of the Railways Clauses Act 1863⁽³⁾ shall be incorporated in this Order—

- sections 5 and 7 (level crossings); and
- section 12 (signals, watchmen etc.).

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

(1) 1845 c. 20.
(2) 1923 c. 20.
(3) 1863 c. 92.

Status: This is the original version (as it was originally made).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

“the company” means the undertaker;

“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 the railway as defined in article 2(1);

“the special Act” means this Order;

“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.

(4) In section 46 of the said Act of 1845, as incorporated in this Order, for the proviso there shall be substituted the words “Provided always that, with the consent of the highway authority and subject to such conditions as the authority may reasonably impose, the railway may be carried across a highway on the level.”.