
STATUTORY INSTRUMENTS

2024 No. 526

**The Network Rail (Church Fenton
Level Crossing Reduction) Order 2024**

PART 1

PRELIMINARY

Incorporation of the Railway Clauses Acts

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

- (a) section 58⁽²⁾ (company to repair roads used by them), except for the words from “and if any question” to the end;
- (b) section 75⁽³⁾ (penalty on persons omitting to fasten gates);
- (c) section 77 (company not to be entitled to minerals, unless expressly purchased);
- (d) sections 78 to 85E⁽⁴⁾ and Schedules 1 to 3 (minerals under railways); and
- (e) section 145⁽⁵⁾ (penalties to be summarily recovered before two justices).

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

“the company” means Network Rail;

“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; and

“the special Act” means the Order.

(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) Sections 78, 79 and 80 to 85 were substituted, and sections 78A, 79A and 85A to 85E inserted, by section 15 of the Mines (Working Facilities and Support) Act 1923 (c. 20). Section 84 was amended by Part 3 of Schedule 7 to the Justices of the Peace Act 1949 and section 46 of the Criminal Justice Act 1982 (c. 48). Section 85C was amended by section 17(2)(a) of the Interpretation Act 1978 (c. 30).

(5) 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).