

RIXTON AND WARBURTON BRIDGE ORDER

THE TRANSPORT AND WORKS ACT 1992

THE TRANSPORT AND WORKS
(APPLICATIONS AND OBJECTIONS PROCEDURE) (ENGLAND AND WALES) RULES 2006



RIXTON AND WARBURTON BRIDGE
RWB/B2 - RAILWAYS CLAUSES ACT 1863

May 2022



Railways Clauses Act 1863

1863 CHAPTER 92 26 and 27 Vict

An Act for consolidating in One Act certain Provisions frequently inserted in Acts relating to Railways. [28th July 1863]

^{M1M2}Whereas the Railways Clauses Consolidation Act 1845 and the Railways Clauses Consolidation (Scotland) Act 1845, respectively, were passed in order to comprise in one general Act such provisions relating to railways in England or Ireland, or in Scotland, respectively, as were at the times of the passing of those Acts usually introduced into Acts of Parliament authorizing the construction of railways:

And whereas sundry provisions of the like nature, but not comprised in the said general Acts respectively, are now frequently introduced into Acts of Parliament relating to railways; and it is expedient to comprise such last-mentioned provisions also in one general Act, such Act to be applicable to England or Ireland, or to Scotland, as the case may require, and that as well for the purpose of avoiding the necessity of repeating such provisions in special Acts relating to railways, as for ensuring greater uniformity in the provisions themselves:

Modifications etc. (not altering text)

- C1** This Act is not necessarily in the form in which it has effect in Northern Ireland
- C2** [Act](#) incorporated in part (S.) (24.7.2006) by [Waverley Railway \(Scotland\) Act 2006 \(asp 13\)](#), s. 52 (with ss. 50(2), 51)

Marginal Citations

- M1** 1845 c. 20.
- M2** 1845 c. 33.

1 Short title

This Act may be cited as “The Railways Clauses Act 1863.”

2 Division of Act into parts.

This Act shall be deemed to be divided into five parts, as follows:

Changes to legislation: There are currently no known outstanding effects for the Railways Clauses Act 1863. (See end of Document for details)

Part I relating to construction of a railway;
Part II relating to extension of time;
Part III relating to working agreements;
Part IV relating to steam vessels;
Part V relating to amalgamation.

PART I

CONSTRUCTION OF A RAILWAY

Modifications etc. (not altering text)

- C3** Part I, except ss. 13-19, incorporated by [Heathrow Express Railway Act 1991 \(c. vii\)](#), **s. 3(1)(b)**
- C4** Part I, except ss. 13-19, incorporated (with modifications) by [London Underground \(Safety Measures\) Act 1991 \(c. xviii\)](#), **s. 3(1)(c)**
- C5** Part I, except ss. 13, 14, 18, 19, incorporated by [London Docklands Railway Act 1991 \(c. xxiii\)](#), **s. 3(1)(c)**
- C6** Pt. I (ss. 3-19), except ss. 13-19, incorporated (with modifications) (13.2.1992) by [British Railways Act 1992 \(c. i\)](#), **s. 3(1)(b)(2)**.
- C7** Pt. I (ss. 3-19), except ss. 13, 14, 18, 19, incorporated (with modifications) (16.3.1992) by [London Underground Act 1992 \(c. iii\)](#), **s. 3(1)(c)(2)**.
- C8** Pt. I (ss. 3-19), except ss. 14-17, incorporated (with modifications) (18.6.1992) by [British Railways \(No. 2\) Act 1992 \(c. xi\)](#), **s. 3(1)(b)(2)(a)**.
Pt. I (ss. 3-19), except ss. 13-19, incorporated (with modifications) (29.3.1993) by [1993 c. iv](#), **s. 3(1)(2)**
Pt. I, except ss. 13, 14, 18 and 19 thereof, incorporated (27.5.1993) by [1993 c. vii](#), **s. 3(1)(c)(2)**
- C9** Pt. I, except ss. 13, 14, 18, 19 thereof, incorporated (with modifications) (24.3.1994) by [1994 c. i](#), **s. 3(1)(c)(2)(a)** (with [ss. 29, 30, 34\(2\)\(15\)](#))
Pt. I, (ss. 1-19) incorporated (with modifications) (18.12.1996) by [1996 c. 61](#), **s. 20**, **Sch. 9 Pt. I para. 2**
Pt. I, except ss. 13, 14, 18, 19 thereof, incorporated (with modifications) (24.3.1994) by [1994 c. ii](#), **s. 3(1)(c)(2)(a)** (with [ss. 25, 27\(5\)](#))
Pt. I, except ss. 13, 14, 18, 19 thereof, incorporated (with modifications) (24.3.1994) by [1994 c. iii](#), **s. 3(1)(c)(2)(a)** (with [ss. 27, 29](#))
Pt. I, except ss. 13, 14, 18, 19 thereof, incorporated (with modifications) (31.3.1994) by [1994 c. iv](#), **s. 3(1)(b)(2)(a)** (with [s. 28](#))
- C10** Pt. I incorporated (S.) (11.8.2004) by [Stirling-Alloa-Kincardine Railway and Linked Improvements Act 2004 \(asp 10\)](#), **s. 37(1)(c)** (with [s. 33](#))
- C11** Pt. I incorporated in part (S.) (15.1.2007) by [Glasgow Airport Rail Link Act 2007 \(asp 1\)](#), **s. 47** (with [s. 50](#))
- C12** Pt. I incorporated in part (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), **Sch. 11 para. 4**

3 Application of Part I, and interpretation of terms.

This part of this Act shall apply to the railway authorized to be constructed by any special Act hereafter passed and incorporating this part of this Act.

In this part of this Act—

All terms used have the same meanings as the same terms have when used in the ^{M3}Railways Clauses Consolidation Act 1845, and the ^{M4}Railways Clauses Consolidation (Scotland) Act 1845, respectively:

Changes to legislation: There are currently no known outstanding effects for the Railways Clauses Act 1863. (See end of Document for details)

The term “tidal river” means any part of a river within the flow and ebb of the tide at ordinary spring tides:

The term “tidal water” means any part of the sea or any part of a river within the flow and ebb of the tide at ordinary spring tides:

The term “tidal lands” means such parts of the bed, shore, or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides.

The provisions respecting the recovery of penalties contained in the said Railways Clauses Consolidation Acts respectively, as the case may require, shall be incorporated with this part of this Act.

Modifications etc. (not altering text)

C13 Ss. 3-5, 12 incorporated (with modifications) (29.4.1992) by S.I. 1992/1113, art. 3(1)

Marginal Citations

M3 1845 c. 20.

M4 1845 c. 33.

Alteration of Engineering Works

4 Power to alter engineering works.

Notwithstanding anything in the said Railways Clauses Consolidation Acts, respectively contained, the company, in the construction of the railway may deviate from the line or level of any arch, tunnel or viaduct, described on the deposited plans or sections, so as the deviation be made within the limits of deviation shown on those plans, and subject to the limitations contained in sections eleven, twelve, and fifteen of those Acts respectively, and so as the nature of the work described be not altered, and may also substitute any engineering work not shown on the deposited plans or sections, for an arch, tunnel, or viaduct, as shown thereon; provided, that every such substitution be authorized by a certificate of the Board of Trade; and the Board of Trade may grant such certificate in case it appears to them, on due inquiry, that the company has acted in the matter with good faith, and that the owners, lessees, and occupiers of the lands in which the substitution is intended to be made consent thereto, and also that the safety and convenience of the public will not be diminished thereby. Provided, that nothing in the present section shall affect any power given to the company or to the Board of Trade by section eleven, twelve, fourteen, or fifteen of the last-mentioned Acts respectively.

Modifications etc. (not altering text)

C14 Functions of Board of Trade now exercisable by Minister of Transport: [Ministry of Transport Act 1919 \(c. 50\), s. 2](#), S.I. 1953/1204 (1953 I, p. 1225), art. 3(1), 1959/1768 (1959 I, p. 1793), art. 3(2), 1970/1681, art. 2(1) and 1979/571, art. 2(1)

C15 Ss. 3-5, 12 incorporated (with modifications) (29.4.1992) by S.I. 1992/1113, art. 3(1).
S. 4 incorporated (with modifications) (27.7.1993) by 1993 c. xv, s.3

C16 S. 4 incorporated (with modifications) (21.7.1994) by 1994 c. xi, s. 3(1)(2)(c) (with s. 39)
S. 4 incorporated (with modifications) (21.7.1994) by 1994 c. xv, s. 3(1)(2)(d)

Changes to legislation: There are currently no known outstanding effects for the Railways Clauses Act 1863. (See end of Document for details)

- C17** S. 4 incorporated (with modifications) (23.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), s. 70(1), [Sch. 29 para. 5](#)

Level Crossings

5 Trains not to be shunted over level crossings.

Where the company is authorized by the special Act to carry the railway across a turnpike road or public carriage road on a level, it shall not be lawful for the company in shunting trains to pass any train over the level crossing, or at any time to allow any train, engine, carriage or truck to stand across the same.

Modifications etc. (not altering text)

- C18** Ss. 3-5, 12 incorporated (with modifications) (29.4.1992) by [S.I. 1992/1113](#), [art. 3\(1\)](#).
- C19** S. 5 incorporated (29.6.1995) by [S.I. 1995/2143](#), [art. 3\(2\)](#)
 S. 5 excluded (31.3.1994) by [1994 c. iv, s. 15\(3\)](#) (with s. 28)
 S. 5 incorporated (with modifications) (4.4.1996) by [S.I. 1996/937](#), [art. 3\(2\)\(3\)](#)
 S. 5 incorporated (with modifications) (16.10.1996) by [S.I. 1996/2660](#), [art. 4\(2\)\(3\)](#)
 S. 5 incorporated (2.11.1996) by [S.I. 1996/2867](#), [art. 3\(2\)](#)
 S. 5 incorporated (with modifications) (9.10.1997) by [S.I. 1997/2534](#), [art. 3\(2\)\(3\)](#)
- C20** S. 5 incorporated (with modifications) (E.W.S.) (3.7.2006) by [Port of Blyth \(Battleship Wharf Railway\) Order 2006 \(S.I. 2006/1518\)](#), arts. 1, [3\(2\)](#), 3(3)
- C21** S. 5 incorporated (with modifications) (E.W.S.) (14.10.2008) by [Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 \(S.I. 2008/2512\)](#), arts. 1, [3\(2\)](#), 3(3) (with art. 36(3))
- C22** Ss. 5-7 incorporated (E.W.) (26.9.2012) by [The Network Rail \(Ipswich Chord\) Order 2012 \(S.I. 2012/2284\)](#), arts. 1, [3\(2\)](#) (with art. 26(2))
- C23** S. 5 incorporated (with modifications) (E.W.S.) (6.11.2012) by [The Network Rail \(North Doncaster Chord\) Order 2012 \(S.I. 2012/2635\)](#), arts. 1, [3\(2\)](#), 3(3) (with art. 35(2))
- C24** S. 5 incorporated (with modifications) (E.W.S.) (21.11.2013) by [The Network Rail \(Redditch Branch Enhancement\) Order 2013 \(S.I. 2013/2809\)](#), arts. 1, [3\(2\)](#), 3(3) (with arts. 27(2), 39, Sch. 10 paras. 4)
- C25** S. 5 incorporated (with modifications) (E.W.S.) (21.4.2014) by [The Network Rail \(Norton Bridge Area Improvements\) Order 2014 \(S.I. 2014/909\)](#), arts. 1, [3\(2\)](#), 3(3) (with art. 34(2))

^{F16} **Company to erect lodge at point of crossing.**

For the greater convenience and security of the public, the company shall erect and permanently maintain a lodge at the point where the railway crosses on the level the turnpike road or public carriage road; and the company shall be subject to and shall abide by all such regulations with regard to the crossing thereof on the level, or with regard to the speed at which trains may pass the level crossing, as may from time to time be made by the Board of Trade.

If the company fails to erect, or to maintain, such lodge, or to appoint or keep a proper person to watch or superintend the level crossing, or to observe or abide by any such regulation as aforesaid, they shall for every such offence be liable to a penalty not exceeding [^{F2}£50], and also to a penalty of ten pounds for every day during which the offence continues after the penalty of [^{F2}£50] is incurred.

Changes to legislation: There are currently no known outstanding effects for the Railways Clauses Act 1863. (See end of Document for details)

Textual Amendments

- F1** S. 6 ceased to apply to the authorised railways (26.7.1994) by virtue of S.I. 1994/1803, **art. 3(1)**
- F2** Words substituted by virtue of (E.W.) **Criminal Law Act 1977 (c. 45), s. 31(5)(a)(6)(b)(9)** and (S.) **Criminal Procedure (Scotland) Act 1975 (c. 21), s. 289C(4)(a)(5)(b)(8)**

Modifications etc. (not altering text)

- C22** Ss. 5-7 incorporated (E.W.) (26.9.2012) by **The Network Rail (Ipswich Chord) Order 2012 (S.I. 2012/2284), arts. 1, 3(2)** (with **art. 26(2)**)
- C26** Functions of Board of Trade now exercisable by Minister of Transport: **Ministry of Transport Act 1919 (c. 50), s. 2, S.I. 1953/1204 (1953 I, p. 1225), art. 3(1), 1959/1768 (1959 I, p. 1793), art. 3(2), 1970/1681, art. 2(1) and 1979/571, art. 2(1)**
- C27** S. 6 excluded (31.3.1994) by **1994 c. iv, s. 15(3)** (with **s. 28**)
S. 6 excluded (24.3.1994) by **1994 c. ii, s. 5(3)(b)** (with **ss. 25, 27(5)**)
- C28** s. 6 restricted (23.9.1997) by **S.I. 1997/2262, arts. 2, 3(1)**
S. 6 incorporated (with modifications) (9.10.1997) by **S.I. 1997/2534, art. 3(2)(3)**
S. 6 incorporated (with modifications) (16.10.1996) by **S.I. 1996/2660, art. 4(2)(3)**
S. 6 excluded (15.10.2001 with application as mentioned in arts. 2 and 3 of the amending S.I.) by **S.I. 2001/3413, art. 3**
S. 6 excluded (12.8.2002 with effect as mentioned in art. 3 of the amending S.I.) by **S.I. 2002/1997, art. 3**
- C29** S. 6 disappplied (S.) (11.8.2004) by **Stirling-Alloa-Kincardine Railway and Linked Improvements Act 2004 (asp 10), Sch. 5 Pt. 3** (with **s. 33**)
- C30** S. 6 excluded (N.I.) (24.1.2011) by **Level Crossing (Lissue) Order (Northern Ireland) 2010 (S.R. 2010/419), arts. 1(1), 2(b)**
- C31** S. 6 excluded (E.W.S.) (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)(d)** (with **art. 6(4)**)
- C32** S. 6 excluded (N.I.) (20.10.2014) by **The Level Crossing (McConaghy's) Order (Northern Ireland) 2014 (S.R. 2014/229), arts. 1(1), 2(b)**
- C33** S. 6 excluded (N.I.) (16.2.2015) by **The Level Crossing (Cullybackey South) Order (Northern Ireland) 2015 (S.R. 2015/13), arts. 1(1), 2(b)**
- C34** S. 6 excluded (N.I.) (15.12.2016) by **The Level Crossing (Bellarena) Order (Northern Ireland) 2016 (S.R. 2016/402), arts. 1(1), 2(1)(b)**
- C35** S. 6 excluded (N.I.) (15.12.2016) by **The Level Crossing (Coleraine (Bushmills Road)) Order (Northern Ireland) 2016 (S.R. 2016/404), arts. 1(1), 2(1)(b)**
- C36** S. 6 excluded (N.I.) (15.12.2016) by **The Level Crossing (Castlerock) Order (Northern Ireland) 2016 (S.R. 2016/403), arts. 1(1), 2(1)(b)**
- C37** S. 6 excluded (5.11.2020) by **The Wear Valley Railway (Transfer) Order 2020 (S.I. 2020/1137), arts. 1, 3** (with **art. 6(2)**)

7 Board of Trade may require bridge instead of level crossing.

The Board of Trade may, if it appears to them necessary for the public safety, at any time after the passing of the special Act, require the company, within such time as the Board of Trade directs, and at the expense of the company, to carry the turnpike road or public carriage road either under or over the railway by means of a bridge or arch, instead of crossing the same on the level, or to execute such other works as, under the circumstances of the case, may appear to the Board of Trade best adapted for removing or diminishing the danger arising from the level crossing.

Where the road is so carried either under or over the railway, it shall not be necessary for the company to erect or maintain a lodge at the point where the road is crossed,

Changes to legislation: There are currently no known outstanding effects for the Railways Clauses Act 1863. (See end of Document for details)

or to appoint a person to watch or superintend the crossing thereat, nor shall they be liable to any penalty for failure so to do.

Modifications etc. (not altering text)

- C22** Ss. 5-7 incorporated (E.W.) (26.9.2012) by [The Network Rail \(Ipswich Chord\) Order 2012 \(S.I. 2012/2284\)](#), arts. 1, **3(2)** (with art. 26(2))
- C38** Functions of Board of Trade now exercisable by Minister of Transport: [Ministry of Transport Act 1919 \(c. 50\)](#), s. 2, S.I. 1953/1204 (1953 I, p. 1225), art. 3(1), 1959/1768 (1959 I, p. 1793), art. 3(2), 1970/1681, art. 2(1) and 1979/571, art. 2(1)
- C39** S. 7 excluded (31.3.1994) by [1994 c. iv, s. 15\(3\)](#) (with s. 28)
S. 7 incorporated (with modifications) (16.10.1996) by 1996/2660, art. 4(2)(3)
- C40** S. 7 incorporated (with modifications) (9.10.1997) by [S.I. 1997/2534](#), art. **3(2)(3)**
- C41** S. 7 incorporated (with modifications) (E.W.S.) (14.10.2008) by [Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 \(S.I. 2008/2512\)](#), arts. 1, **3(2)**, 3(3) (with art. 36(3))
- C42** S. 7 incorporated (with modifications) (E.W.S.) (6.11.2012) by [The Network Rail \(North Doncaster Chord\) Order 2012 \(S.I. 2012/2635\)](#), arts. 1, **3(2)**, 3(3) (with art. 35(2))
- C43** S. 7 incorporated (with modifications) (E.W.S.) (21.11.2013) by [The Network Rail \(Redditch Branch Enhancement\) Order 2013 \(S.I. 2013/2809\)](#), arts. 1, **3(2)**, 3(3) (with arts. 27(2), 39, Sch. 10 paras. 4)
- C44** S. 7 incorporated (with modifications) (E.W.S.) (21.4.2014) by [The Network Rail \(Norton Bridge Area Improvements\) Order 2014 \(S.I. 2014/909\)](#), arts. 1, **3(2)**, 3(3) (with art. 34(2))

8—11. F3

Textual Amendments

- F3** Ss. 8-11, 22-29 repealed by [Transport Act 1962 \(c. 46\)](#), s. 95(3), [Sch. 12 Pt. I](#)

Junctions

12 As to expense of signals, watchmen, &c.

The company or person with whose railway the junction is made may from time to time erect such signals and conveniences incident to the junction, either on their or his own lands or on the lands of the company making the junction, and may from time to time appoint and remove such watchmen, switchmen, or other persons, as may be necessary for the prevention of danger to or interference with the traffic at and near the junction. The working and management of such signals and conveniences, wherever situated, shall be under the exclusive regulation of the company or person with whose railway the junction is made; and all the expenses of erecting and maintaining those signals and conveniences, and of employing those watchmen, switchmen, and other persons, and all incidental current expenses, shall, at the end of every half year, be repaid by the company making the junction, and in default thereof may be recovered from them in any court of competent jurisdiction.

Modifications etc. (not altering text)

- C45** Ss. 3-5, 12 incorporated (with modifications) (29.4.1992) by [S.I. 1992/1113](#), art. **3(1)**
S. 12 incorporated (2.11.1996) by [S.I. 1996/2867](#), art. **3(2)**

Changes to legislation: There are currently no known outstanding effects for the Railways Clauses Act 1863. (See end of Document for details)

- S. 12 incorporated (with modifications) (E.W.S.) (10.2.1997) by S.I. 1997/264, **art. 3(2)(3)**
- C46** S. 12 incorporated (with modifications) (16.10.1996) by S.I. 1996/2660, **art. 4(2)(3)**
- S. 12 incorporated (with modifications) (9.10.1997) by S.I. 1997/2534, **art. 3(2)(3)**
- S. 12 incorporated (9.11.2001) by S.I. 2001/3682, **art. 3(2)(3)**
- S. 12 incorporated (with modifications) (30.4.2002) by S.I. 2002/1065, **art. 3(2)(3)**
- C47** S. 12 incorporated (E.W.S.) (12.1.2004) by The Alconbury Airfield (Rail Facilities and Connection to East Coast Main Line) Order 2003 (S.I. 2003/3364), arts. 1, **3(2)**
- C48** S. 12 incorporated (with modifications) (S.) (19.4.2007) by Edinburgh Airport Rail Link Act 2007 (asp 16), **s. 58** (with ss. 52, 60)
- C49** S. 12 incorporated (with modifications) (S.) (8.5.2007) by Airdrie-Bathgate Railway and Linked Improvements Act 2007 (asp 19), **s. 57** (with ss. 48, 59)
- C50** S. 12 incorporated (with modifications) (E.W.S.) (14.10.2008) by Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), arts. 1, **3(2)**, 3(3) (with art. 36(3))
- C51** S. 12 incorporated (with modifications) (E.W.S.) (20.7.2010) by The Network Rail (Nuneaton North Chord) Order 2010 (S.I. 2010/1721), arts. 1, **3(2)**, 3(3)
- C52** S. 12 incorporated (E.W.) (26.9.2012) by The Network Rail (Ipswich Chord) Order 2012 (S.I. 2012/2284), arts. 1, **3(2)** (with art. 26(2))
- C53** S. 12 incorporated (with modifications) (E.W.S.) (6.11.2012) by The Network Rail (North Doncaster Chord) Order 2012 (S.I. 2012/2635), arts. 1, **3(2)**, 3(3) (with art. 35(2))
- C54** S. 12 incorporated (with modifications) (E.W.S.) (13.11.2012) by The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 (S.I. 2012/2679), arts. 1, **3(2)**, 3(3) (with art. 42(2))
- C55** S. 12 incorporated (E.W.S.) (21.8.2013) by The Croxley Rail Link Order 2013 (S.I. 2013/1967), arts. 1, **3(2)** (with art. 3(3))
- C56** S. 12 incorporated (with modifications) (E.W.S.) (21.11.2013) by The Network Rail (Redditch Branch Enhancement) Order 2013 (S.I. 2013/2809), arts. 1, **3(2)**, 3(3) (with arts. 27(2), 39, Sch. 10 paras. 4)
- C57** S. 12 incorporated (with modifications) (E.W.S.) (21.4.2014) by The Network Rail (Norton Bridge Area Improvements) Order 2014 (S.I. 2014/909), arts. 1, **3(2)**, 3(3) (with art. 34(2))
- C58** S. 12 incorporated (E.W.S.) (19.8.2014) by The Network Rail (Huyton) Order 2014 (S.I. 2014/2027), arts. 1, **3(2)** (with art. 31(2))
- C59** S. 12 incorporated (with modifications) (E.W.S.) (21.4.2015) by The Network Rail (Ordsall Chord) Order 2015 (S.I. 2015/780), arts. 1, **3(2)**, 3(3) (with art. 36(2))
- C60** S. 12 incorporated (with modifications) (E.W.S.) (12.1.2016) by The London Underground (Bank Station Capacity Upgrade) Order 2015 (S.I. 2015/2044), arts. 1, **3(2)(3)**
- C61** S. 12 incorporated (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), **Sch. 29 para. 5**
- C62** S. 12 incorporated (S.) (11.4.2017) by The Network Rail (Glasgow Queen Street Station) Order 2017 (S.S.I. 2017/100), arts. 1, **3(1)(b)(2)** (with art. 37)
- C63** S. 12 incorporated (with modifications) (E.W.S.) (19.12.2017) by The Network Rail (Buxton Sidings Extension) Order 2017 (S.I. 2017/1150), arts. 1, **3(2)(3)** (with art. 32(2))
- C64** S. 12 incorporated (with modifications) (E.W.S.) (18.4.2018) by The Network Rail (Hope Valley Capacity) Order 2018 (S.I. 2018/446), arts. 1, **3(2)(3)** (with arts. 24(8), 33(2))
- C65** S. 12 incorporated (with modifications) (E.W.S.) (24.8.2018) by The Network Rail (Werrington Grade Separation) Order 2018 (S.I. 2018/923), arts. 1, **3(2)(3)** (with art. 31(2))

Protection of Navigation

Modifications etc. (not altering text)

- C66** Functions of Board of Trade under ss. 13-19 now exercisable concurrently by Secretary of State: S.I. 1970/1537, **art. 2**

Changes to legislation: There are currently no known outstanding effects for the Railways Clauses Act 1863. (See end of Document for details)

13 Lights on works.

Where the company is authorized by the special Act to construct, alter, or extend any work on, in, over, through, or across tidal lands or a tidal water, the company shall, on or near the work, during the whole time of the constructing, altering, or extending thereof, exhibit and keep burning at their own expense, every night from sunset to sunrise, such lights (if any) as the Board of Trade from time to time requires or approves; and (notwithstanding the enactments for the time being in force respecting lighthouses) shall also on or near the work, when completed, always maintain, exhibit, and keep burning, at their own expense, every night from sunset to sunrise, such lights (if any) for the guidance of ships as the Board of Trade from time to time requires or approves.

If the company fails to comply in any respect with the provisions of the present section, they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

14 Construction of bridges.

Where the company is authorized or required by the special Act to construct a bridge over a navigable tidal water, and the special Act does not make express provision respecting the span or spans thereof, then the company shall construct the same with a span or spans of such headway and waterway, and with such opening span or spans (if any), and according to such plan, as the Board of Trade directs or approves.

Modifications etc. (not altering text)

C67 Functions of Board of Trade under ss. 13-19 now exercisable concurrently by Secretary of State: [S.I. 1970/1537, art. 2](#)

15 User of bridges.

Where the company constructs a bridge with an opening span, it shall not be lawful for the company to detain any vessel, barge, or boat at the bridge for a longer time than may be necessary for admitting a carriage or engine traversing the railway and approaching the bridge to cross the bridge, and for opening the bridge to admit the vessel, barge, or boat to pass; and the company shall be subject to and shall abide by such regulations with regard to the user of the bridge as may from time to time be made by the Board of Trade.

If the company detains a vessel, barge, or boat longer than the time aforesaid, or fails in any respect to abide by any such regulation as aforesaid, they shall for every such offence be liable to a penalty not exceeding twenty pounds, without prejudice to any remedy against them for any loss or damage sustained by any person.

Modifications etc. (not altering text)

C68 Functions of Board of Trade under ss. 13-19 now exercisable concurrently by Secretary of State: [S.I. 1970/1537, art. 2](#)

Changes to legislation: There are currently no known outstanding effects for the Railways Clauses Act 1863. (See end of Document for details)

16 Access to the shore under or across the railway.

Where the railway cuts off access between the land and a tidal water or tidal lands, then and in every such case the company shall, during the construction of the railway, and from time to time thereafter, make, and shall permanently maintain, and allow to be used by all persons, at all times, free of toll or other charge, all such footways and carriageways over, under, or across the railway, or on a level therewith, as the Board of Trade from time to time directs or approves: Provided always, as follows:-

- (1) The company shall not be obliged to make a footway or carriageway over lands for the use of an owner or occupier who has agreed to receive and has been paid compensation for the severance thereof from the tidal water or tidal lands:
- (2) The company shall not be obliged to make or to allow to be made a footway or carriageway in such manner as would interfere with the working or using of the railway:
- (3) The expense of the making and maintenance of a footway or carriageway required to be made after the construction of the railway shall be defrayed by the persons or body interested in the tidal water or tidal lands for whose benefit or convenience the same is required.

Where the footway or carriageway is made across the railway on the level, then the manner of the making and watching of the level crossing shall be subject to the approval of the Board of Trade; and where the level crossing is made after the construction of the railway, then all expenses attending the watching thereof shall be defrayed by the persons or body interested in the tidal water or tidal lands for whose benefit or convenience the same is required.

Modifications etc. (not altering text)

C69 Functions of Board of Trade under ss. 13-19 now exercisable concurrently by Secretary of State: [S.I. 1970/1537, art. 2](#)

17 Prohibition of deviation of certain works without consent of Board of Trade.

Where the company is authorized by the special Act to construct a railway skirting a public navigable tidal river or channel, the company shall not make any deviation of the railway from the continuous centre line thereof marked on the plan deposited by them at the Board of Trade, even within the limits of deviation shown on that plan, in such manner as to diminish the navigable space, without the previous consent of the Board of Trade, or otherwise than in such manner as is expressly authorized by the Board of Trade.

If any deviation is made in contravention of the present section, the Board of Trade may abate and remove the work in the construction whereof the deviation is made, or any part thereof, and restore the site thereof to its former condition, at the expense of the company; and the amount of such expense shall be a debt due from the company to the Crown, and be recoverable accordingly with costs; or the same may be recovered, with costs, as a penalty is recoverable from the company.

Changes to legislation: There are currently no known outstanding effects for the Railways Clauses Act 1863. (See end of Document for details)

Modifications etc. (not altering text)

C70 Functions of Board of Trade under ss. 13-19 now exercisable concurrently by Secretary of State: [S.I. 1970/1537, art. 2](#)

18 Abatement of work abandoned or decayed.

If a work constructed by the company on, in, over, through, or across tidal lands or a tidal water is abandoned, or suffered to fall into decay, the Board of Trade may abate and remove the work, or any part of it, and restore the site thereof to its former condition, at the expense of the company; and the amount of such expense shall be a debt due from the company to the Crown, and be recoverable accordingly, with costs; or the same may be recovered, with costs, as a penalty is recoverable from the company.

Modifications etc. (not altering text)

C71 Functions of Board of Trade under ss. 13-19 now exercisable concurrently by Secretary of State: [S.I. 1970/1537, art. 2](#)

19 Survey of works by Board of Trade.

If at any time the Board of Trade deems it expedient, for the purposes of the special Act or of this part of this Act, to order a survey and examination of a work constructed by the company on, in, over, through, or across tidal lands or tidal water, or of the intended site of any such work, the company shall defray the expense of the survey and examination; and the amount thereof shall be a debt due from the company to the Crown, and be recoverable accordingly, with costs; or the same may be recovered, with costs, as a penalty is recoverable from the company.

Modifications etc. (not altering text)

C72 Functions of Board of Trade under ss. 13-19 now exercisable concurrently by Secretary of State: [S.I. 1970/1537, art. 2](#)

PART II

EXTENSION OF TIME

Modifications etc. (not altering text)

C73 Pt. II (ss. 20, 21) incorporated (with modifications) (18.6.1992) by [British Railways \(No. 2\) Act 1992 \(c. xi\), s. 3\(1\)\(b\)\(2\)\(a\)](#).

Changes to legislation: There are currently no known outstanding effects for the Railways Clauses Act 1863. (See end of Document for details)

20 Parties aggrieved by extension of time may have compensation for additional damage.

Where a railway is authorized to be constructed by a special Act passed either before or after the passing of this Act, and the time limited by the special Act for the exercise of powers of compulsory purchase of lands, or of powers for construction of the railway and works, is extended by a special Act hereafter passed and incorporating this part of this Act,—then and in every such case the justices, arbitrators, umpires, or juries, as the case may be, who award or assess the compensation to be made by the company to the owners or occupiers of, or other persons interested in, lands taken or used for the purposes of the railway and works, or injuriously affected by the construction thereof, shall, in estimating the amount of such compensation, have regard to, and assess compensation for, the additional damage (if any) sustained by those owners, occupiers, or other persons, by reason of the extension of time.

21 Existing contracts and notices to take lands not to be affected.

The extension of time shall not affect any contract entered into or notice given by the company before the passing of the special Act granting the extension, for purchasing, taking, or using any lands which the company was entitled to purchase, take, or use; but every such contract and notice shall be construed and take effect, and the same proceedings may be had thereunder, and all parties thereto shall be entitled to the same rights and remedies in respect thereof, at law and in equity, as if the extension had not been granted.

PART III

22— ^{F4}
29.

Textual Amendments

F4 Ss. 8-11, 22-29 repealed by [Transport Act 1962 \(c. 46\), s. 95\(3\), Sch. 12 Pt. I](#)

PART IV

STEAM VESSELS

30 ^{F5}

Textual Amendments

F5 [S. 30](#) repealed by [Transport Charges &c. \(Miscellaneous Provisions\) Act 1954 \(c. 64\), Sch. 2 Pt. I](#)

31 ^{F6}

Changes to legislation: There are currently no known outstanding effects for the Railways Clauses Act 1863. (See end of Document for details)

Textual Amendments

F6 S. 31 repealed by [Statute Law Revision Act 1966 \(c. 5\)](#)

32 **F7**

Textual Amendments

F7 S. 32 repealed by [Transport Act 1962 \(c. 46\)](#), s.67(13), [Sch.12 Pt.II](#)

33 Recovery of money by distress.

All tolls and charges for the steam vessels due and payable to the company on any account whatsoever, and all costs, damages, and expenses by the special Act directed to be paid in respect of the steam vessels, may be levied by distress; and in England or Ireland any justice, and in Scotland the sheriff, may, on application by or on behalf of the company, issue his warrant accordingly.

The justice or sheriff who issues the warrant of distress may order that the costs of the proceedings for the recovery of the toll or sum shall be paid by the person liable to pay the toll or sum; and the costs shall be ascertained by the justice or sheriff, and shall be included in the warrant of distress for the recovery of the toll or sum.

[^{F8}In this section as it applies in England and Wales—

- (a) for “levied by distress” substitute “ recovered using the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (taking control of goods) ”;
- (b) for “warrant of distress” substitute “ warrant of control ”.]

Textual Amendments

F8 Words in s. 33 inserted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 12](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)

Modifications etc. (not altering text)

C74 Reference to Ireland to be construed as exclusive of Republic of Ireland: S.R.& O. 1923/405 (Rev. X, p. 298; 1923, p. 400), art. 2

34 Several names in one warrant.

Any number of names and sums may be included in any warrant of distress or notice obtained or given by the company for any of the purposes of this part of this Act, or of the provisions of the special Act with respect to the steam vessels, and may be stated either in the body of the warrant or notice, or in a schedule thereto.

[^{F9}In this section as it applies in England and Wales for “warrant of distress” substitute warrant of control]

*Changes to legislation: There are currently no known outstanding effects
for the Railways Clauses Act 1863. (See end of Document for details)*

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Textual Amendments

F9 Words in s. 34 inserted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, **Sch. 13 para. 13** (with s. 89); S.I. 2014/768, art. 2(1)(b)

35 **F10**

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Textual Amendments

F10 S. 35 repealed by [Transport Act 1962 \(c. 46\)](#), s. 67(13), **Sch. 12 Pt. II**

PART V

36— **F11**
55.

.....
Textual Amendments

F11 Ss. 36-55 repealed by [Statute Law Revision Act 1966 \(c. 5\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Railways Clauses Act 1863.