



Accommodation Level Crossings Act 1995

1995 CHAPTER viii

An Act to make further provision with respect to offences of failing to secure gates on certain railways. [8th November 1995]

WHEREAS—

- (1) Railtrack PLC (hereinafter referred to as “Railtrack”) is a public limited company registered under the Companies Act 1985 to which there was transferred on 1st April 1994, under a scheme made on 30th March 1994, pursuant to section 85 (1) of the Railways Act 1993 and by direction of the Secretary of State pursuant to section 85 (4) of that Act, that part of the undertaking of the British Railways Board which consisted of the management of the railway network in Great Britain and related property rights and liabilities:
- (2) The undertaking of Railtrack includes a number of level crossings created for the benefit of owners or occupiers of land adjoining a railway (“accommodation crossings”):
- (3) Section 49 of the Transport and Works Act 1992 (“the 1992 Act”) amended section 75 of the Railways Clauses Consolidation Act 1845 and section 68 of the Railways Clauses Consolidation (Scotland) Act 1845 (which make it an offence for any person to fail to shut and fasten any gate at an accommodation crossing) so as to apply these provisions to a failure to lower a barrier and to increase the fine payable for an offence under these provisions:
- (4) Certain railways under the management of Railtrack were authorised by legislation passed before 1845 which accordingly did not incorporate section 75 of the Railways Clauses Consolidation Act 1845 or section 68 of the Railways Clauses Consolidation (Scotland) Act 1845 and which contain alternative provisions creating an offence of failing to shut or fasten any gate (“the pre-1845 provisions”) not amended by section 49 of the 1992 Act:
- (5) It is expedient for reasons of safety and administrative convenience that section 75 of the Railways Clauses Consolidation Act 1845 or section 68 of the Railways Clauses

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Consolidation (Scotland) Act 1845 as amended by section 49 of the 1992 Act should apply to every railway managed by Railtrack so as to create a single updated offence in relation to all accommodation crossings and that the pre-1845 provisions should cease to apply to those crossings:

- (6) The pre-1845 Act provisions are, in so far as they apply to railway crossings other than accommodation crossings, now obsolete and it is accordingly expedient that they, and any other provisions which apply them to railways of Railtrack, should be repealed:
- (7) The purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled and by the authority of the same, as follows:

1 Short title

This Act may be cited as the Accommodation Level Crossings Act 1995.

2 Application of section 75 and section 68 of Acts of 1845

Section 75 of the Railways Clauses Consolidation Act 1845 or, in the case of a railway in Scotland, section 68 of the Railways Clauses Consolidation (Scotland) Act 1845, shall apply to every railway of Railtrack to which it does not already apply.

3 Repeals

The enactments listed in the Schedule to this Act (being enactments which create an offence of failing to shut or fasten any gate at certain railway crossings or apply provisions creating such an offence) are hereby repealed to the extent specified in the third column of that Schedule.

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SCHEDULE

Section 3.

Chapter (1)	Title or short title (2)	Extent of repeal (3)
10 Geo. 4. c. lxxii (1829).	An Act for making and maintaining a Railway or Tramroad from the Town of Newcastle-upon-Tyne in the County of the Town of Newcastle-upon-Tyne to the City of Carlisle in the County of Cumberland, with a Branch thereout.	Section 151.
11 Geo. 4 & 1 Will. 4. c. lxi (1830).	An Act for making a Railway from the Cowley Hill Colliery in the Parish of Prescott to Runcorn Gap in the same Parish (with several Branches therefrom), all in the County Palatine of Lancaster; and for constructing a Wet Dock at the Termination of the said Railway at Runcorn Gap aforesaid.	Section 153.
4 & 5 Will. 4. c. xxvi (1834).	An Act for making and maintaining a Railway from Blaydon to Hebburn, with Six Branches thereout, all within the County Palatine of Durham.	Section 141.
4 & 5 Will. 4. c. lxxviii (1834).	An Act for making and maintaining a Railway from Hayle in the Parish of Saint Erth in the County of Cornwall to Tresavean Mine in the Parish of Gwennap in the said County, with several Branches therefrom.	Section 131.
4 & 5 Will. 4. c. lxxxviii.	London and South-western Railway Act 1834.	Section 84.
5 & 6 Will. 4. c. lviii (1835).	An Act for making a Railway from Preston to Wyre, and for improving the Harbour of Wyre, in the County Palatine of Lancaster.	Section 66.
6 & 7 Will. 4. c. xxxii (1836).	An Act for making and maintaining a Railway from the Royal Burgh of Dundee	Section 118.