Railways Act (Northern Ireland) 1934 [F1]

1934 CHAPTER 5

An Act to amend the law relating to railways. [5th June 1934]

Annotations:
F1 functions transf. by SR 1999/481

1 Power to hold, sell or otherwise dispose of lands.

(1) A railway company shall have power, and shall be deemed always to have had power, to sell, lease, grant in fee farm, exchange, mortgage or otherwise dispose of any land, vested in the company or hereafter acquired by the company under the powers of any enactment, which is not at the time of such sale or other disposition being used for the purposes of the company's undertaking, whether or not such land has been previously so used, or to retain, hold and use such land.

(2) On any sale or other disposition by a railway company under this section the other party thereto shall not be concerned or entitled to enquire whether or not the land is or is not being used for the purposes of the company's undertaking.

(3) Sections one hundred and twenty-seven to one hundred and thirty-one of the Lands Clauses Consolidation Act, 1845 , shall not apply to any land vested in a railway company or hereafter acquired by a railway company under the powers of any enactment.

(4) The purchase money arising from sales of land under this section shall be applied only to purposes to which capital is properly applicable.

2 Amendments as to level crossings.

(1) If, upon an application made to the Ministry by the railway company concerned, the Ministry is satisfied that it is expedient so to do, it may direct that the gates on any level crossing over a public road shall, instead of being kept closed across the road, be kept closed across the railway, either constantly, or on such days, or during such portions of any day, as the Ministry thinks fit, and, if the Ministry so directs, the gates shall, notwithstanding anything in any enactment to the contrary, be kept closed in accordance with its direction, except when engines or vehicles passing along the

Changes to legislation: *There are currently no known outstanding effects for the Railways Act (Northern Ireland) 1934. (See end of Document for details)*

railway have occasion to cross the road and if the person entrusted with the care of the gates fails to comply with the direction of the Ministry, such person shall on summary conviction be liable to a penalty of**[**F2 level 1 on the standard scale**]** for each offence.

(2) The powers conferred upon the Ministry by the preceding sub-section shall be deemed to be in addition to, and not in derogation of, any powers conferred upon it by section forty-seven of the Railways Clauses Consolidation Act, 1845 , or by any provision in any other enactment which relates to the closing of gates on level crossings.

(3) So much of section forty-eight of the Railways Clauses Consolidation Act, 1845, as requires that where a railway crosses a road, to which the said section applies, on a level adjoining to a station, all trains shall be made to slacken their speed before arriving at the road, and shall not cross it at a greater rate of speed than four miles an hour, and so much of any section of any other enactment as contains provisions substantially to the like effect, shall cease to have effect.

Annotations:
F2 1984 NI 3

3 F3 Amendment as to duty of railway company to report certain accidents.

(1) Section six of the Regulation of Railways Act, 1871 M1 (which imposes upon a railway company the duty of notifying to the Ministry certain accidents) as extended by sub-section (2) of section thirteen of the Railway Employment (Prevention of Accidents) Act, 1900 M2, shall have effect subject to the following modifications:—

(i) An accident which is attended with personal injury to a person or persons in the employment of the railway company, but which does not disable any such person for more than three days from earning full wages at the work at which he was employed, need not be notified to the Ministry if, but for the fact that it was attended with personal injury, notification would not have been required by the said section six as so extended; but if, and so soon as, it is known that any person injured has been so disabled for more than three days, the company shall notify the accident by the earliest practicable post;

(ii) An accident which occurs to a person not in the employment of the railway company, and which is not connected with the movement of any engine or railway vehicle, need not be notified to the Ministry by the earliest practicable post, but all such accidents as are referred to in this paragraph shall be notified to the Ministry in such manner and at such times as may be required by directions given by it under the said section six.

(2) Nothing in the Notice of Accidents Acts, 1894 and 1906 , shall be construed as requiring notice to be given of any accident if, but for the provisions of this section, notification of that accident would have been required by section six of the Regulation of Railways Act, 1871, as so extended as aforesaid.

Annotations:
F3 prosp. rep., 2002 c. 8 (NI)

Marginal Citations
M1 1871 c. 78
M2 1900 c. 27