



Highway (Railway Crossings) Act 1839

1839 CHAPTER 45

An Act to amend an Act of the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth relating to Highways. [17th August 1839]

WHEREAS by an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Highways in that Part of Great Britain called England*, it is amongst other things by the said Act enacted, that whenever a Railroad shall cross any Highway for Carts or Carriages the Proprietors of the said Railroad shall make and maintain good and sufficient Gates at each of the said Crossings, and shall employ good and proper Persons to attend to the opening and shutting of such Gates, so that the Persons, Carts, or Carriages passing along such Road shall not be exposed to any Danger or Damage by the passing of any Carriages or Engines along the said Railroad, and any Complaint for any Neglect in respect of the said Gates shall be made within One Month after the said Neglect to One Justice, who may summon the Party so complained against to appear before the Justices at their next Special Sessions for the Highways, who shall hear and decide upon the said Complaint, and the Proprietor so offending shall forfeit any Sum not exceeding Five Pounds : And whereas it is also by the said Act further enacted, that nothing in this Act contained shall apply to any Turnpike Roads, except where expressly mentioned, or to any Roads, Bridges, Carriageways, Cartways, Horseways, Bridleways, Footways, Causeways, Churchyards, or Pavements which now are or may hereafter be paved, repaired, or cleansed, broken up or diverted, under or by virtue of the Provisions of any Local or Personal Act or Acts of Parliament: And whereas it is deemed expedient to amend the said Provisions in the said Act, and to extend the same to Turnpike Roads in *England*:

Be it therefore 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,

Proprietors of Railroad to maintain Gates where any Railroad crosses the Highway, &c.

That wherever a Railroad crosses or shall hereafter cross any Turnpike Road or any Highway or Statute Labour Road for Carts or Carriages in *Great Britain*, the Proprietors or Directors of the Company of Proprietors of the said Railroad shall make and maintain

good and sufficient Gates across each End of such Turnpike or other Road as aforesaid at each of the said Crossings, and shall employ good and proper Persons to open and shut such Gates, so that the Persons, Carts, or Carriages passing along such Turnpike or Highway shall not be exposed to any Danger or Damage by the passing of any Carriages or Engines along the said Railroad; and any Complaint for any Neglect in respect of the said Gates shall be made within One Calendar Month after the said Neglect to any Justice of the Peace, or if in *Scotland* to the Sheriff of the County, who may summon the Party so complained against to appear before them or him at the next Petty Session or Court to be holden for the District or Division within which such Gates are situate, who shall hear and decide upon the said Complaint;

Penalty 5l. for each Day's Neglect.

and the Proprietor or Director so offending shall for each and every Day of such Neglect forfeit any Sum not exceeding Five Pounds, together with such Costs as to the Justices or Sheriff Depute aforesaid before whom the Conviction shall take place shall seem fit.

II How Penalties shall be recovered and applied.

And be it further enacted, That the Penalties by this Act imposed, and the Costs to be allowed and ordered by the Authority of this Act, shall in *England* be recovered and applied in the same Manner as any Penalties and Costs under the said Act, and in *Scotland* shall be recovered and applied to the Maintenance of the Statute Labour Roads within the District where the Offence is committed.

III Commencement of Act.

And be it further enacted, That this Act shall commence and take effect from and after the Thirtieth Day of *September* One thousand eight hundred and thirty-nine.