



Railway Companies (Scotland) Act 1867

1867 CHAPTER 126 30 and 31 Vict

An Act to amend the Law relating to Railway Companies in Scotland. [20th August 1867]

Preliminary

1 Short title.

This Act may be cited as “The Railway Companies (Scotland) Act 1867”.

2 Extent of Act.

Except as in this Act expressly otherwise provided, this Act shall extend to Scotland only.

3 Interpretation of terms.

In this Act—

The term “company” means a railway company; that is to say, a company constituted by Act of Parliament, or by certificate under Act of Parliament, for the purpose of constructing, maintaining, or working a railway (either alone or in conjunction with any other purpose):

The term “decree” includes decree of court (whether in absence or in foro contradictorio) and decree of registration (whether on deeds containing a clause of registration or on registered protests of promissory notes or bills of exchange):

The term “share” includes stock:

The term “person” includes corporation:

The terms “Court of Session” and “Court” shall mean either division of the Court of Session, or in time of vacation the Lord Ordinary officiating on the Bills.

Changes to legislation: There are currently no known outstanding effects for the Railway Companies (Scotland) Act 1867. (See end of Document for details)

Modifications etc. (not altering text)

- C1** Reference to Lord Ordinary officiating on the Bills to be construed as reference to the judge acting as vacation judge in pursuance of [Administration of Justice \(Scotland\) Act 1933 \(c. 41\)](#), s. 4: *ibid.*, s. 3

Protection of Rolling Stock and Plant

4 Restriction on diligence against moveable property of company; but the person who has obtained decree may obtain appointment of a judicial factor.

The engines, tenders, carriages, trucks, machinery, tools fittings, materials, and effects constituting the rolling stock and plant used or provided by a company for the purposes of the traffic on their railway, or of their stations or workshops, shall not, after their railway or any part thereof is open for public traffic, be liable to be attached by diligence. . . ^{F1} but the person who has obtained any such decree may obtain the appointment of a judicial factor on the undertaking of the company, on application by petition in a summary way to the Court; and all money received by such judicial factor shall, after due provision for the working expenses of the railway and other proper outgoings in respect of the undertaking, be applied and distributed under the direction of the Court, in payments of the debts of the company and otherwise according to the rights and priorities of the persons for the time being interested therein; and on payment of the amount due to every such person who has obtained decree as aforesaid the Court may, if it think fit, discharge such judicial factor.

Textual Amendments

- F1** Words repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

5 Determination of questions respecting diligence.

If in any case where property of a company has been attached by diligence a question arises whether or not it is liable to be so attached notwithstanding this Act, the same may be heard and determined on an application by either party by petition in a summary way to the Court, and such determination shall be final and binding.

6—37. ^{F2}

Textual Amendments

- F2** [Ss. 6-37](#) repealed by [Transport Act 1962 \(c. 46\)](#), s. 95(3), [Sch. 12 Pt. I](#)

Changes to legislation:

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