



## CHAPTER 11.

An Act to give Compensation for Damage by Fires A.D. 1905.  
caused by Sparks or Cinders from Railway Engines.

[4th August 1905.]

**B**E it enacted by the King'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.—(1) When, after this Act comes into operation, damage is caused to agricultural land or to agricultural crops, as in this Act defined, by fire arising from sparks or cinders emitted from any locomotive engine used on a railway, the fact that the engine was used under statutory powers shall not affect liability in an action for such damage. Liability of railway companies to make good damage to crops by their engines.

(2) Where any such damage has been caused through the use of an engine by one company on a railway worked by another company, either company shall be liable in such an action ; but, if the action is brought against the company working the railway, that company shall be entitled to be indemnified in respect of their liability by the company by whom the engine was used.

(3) This section shall not apply in the case of any action for damage unless the claim for damage in the action does not exceed one hundred pounds.

2.—(1) A railway company may enter on any land and do all things reasonably necessary for the purpose of extinguishing or arresting the spread of any fire caused by sparks or cinders emitted from any locomotive engine. Powers for extinction and prevention of fire.

(2) A railway company may, for the purpose of preventing or diminishing the risk of fire in a plantation, wood, or orchard through sparks or cinders emitted from any locomotive engine, enter upon any part of the plantation, wood, or orchard, or on any land adjoining thereto, and cut down and clear away any undergrowth, and take any other precautions reasonably necessary for the purpose ; but they shall not, without the consent of the owner of the plantation, wood, or orchard, cut down or injure any trees, bushes, or shrubs.

A.D. 1905.

(3) A railway company exercising powers under this section shall pay full compensation to any person injuriously affected by the exercise of those powers, including compensation in respect of loss of amenity, and any compensation so payable shall, in case of difference, be determined in England and Ireland by two justices in manner provided by section twenty-four of the Lands Clauses Consolidation Act, 1845, and in Scotland by the sheriff in manner provided by section twenty-two of the Lands Clauses Consolidation (Scotland) Act, 1845.

8 & 9 Vict.  
c. 18.8 & 9 Vict.  
c. 19.Notice of  
claim.

3. This Act shall not apply in the case of any action for damage by fire brought against any railway company unless notice of claim and particulars of damage, in writing, shall have been sent to the said railway company within seven days of the occurrence of the damage as regards the notice of claim, and within fourteen days as regards the particulars of damage.

Definitions  
and applica-  
tion.

## 4. In this Act—

The expression “agricultural land” includes arable and meadow land and ground used for pastoral purposes or for market or nursery gardens, and plantations and woods and orchards, and also includes any fences on such land, but does not include any moorland or buildings;

The expression “agricultural crops” includes any crops on agricultural land, whether growing or severed, which are not led or stacked;

The expression “railway” includes any light railway and any tramway worked by steam power.

This Act shall apply to agricultural land under the management of the Commissioners of Woods, and to agricultural crops thereon.

Short title

5. This Act shall come into operation on the first day of January one thousand nine hundred and eight, and may be cited as the Railway Fires Act, 1905.

---

Printed by EYRE and SPOTTISWOODE,

FOR

ROWLAND BAILEY, Esq., M.V.O., I.S.O., the King's Printer of Acts of Parliament.