



Railway Fires Act 1905

1905 CHAPTER 11 5 Edw 7

2 Powers for extinction and prevention of fire.

- (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.
- (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.
- (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 ^{M1}Lands Clauses Consolidation Act 1845, and in Scotland by the sheriff in manner provided by section twenty-two of the ^{M2}Lands Clauses Consolidation (Scotland) Act 1845.

Modifications etc. (not altering text)

- C1** S. 2 extended by [Transport Act 1962 \(c. 46\), Sch. 2](#)
- C2** Reference to Ireland to be construed as exclusive of Republic of Ireland: S.R. & O. 1923/405 (Rev. V, p. 298; 1923, p. 400), art. 2

Marginal Citations

- M1** 1845 c. 18.
- M2** 1845 c. 19.

Changes to legislation:

There are currently no known outstanding effects for the Railway Fires Act 1905, Section 2.