



Railway Companies (Scotland) Act 1867

1867 CHAPTER 126 30 and 31 Vict

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F1 Words repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)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

Changes to legislation: There are currently no known outstanding effects for the Railway Companies (Scotland) Act 1867, Cross Heading: Protection of Rolling Stock and Plant. (See end of Document for details)

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Textual Amendments

F2 Ss. 6-37 repealed by [Transport Act 1962 \(c. 46\)](#), s. 95(3), **Sch. 12 Pt.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

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