



Railway Companies Act 1867

1867 CHAPTER 127 30 and 31 Vict

E+W+N.I.

An Act to amend the Law relating to Railway Companies.

[20th August 1867]

Modifications etc. (not altering text)

- C1 References to Ireland to be construed as exclusive of Republic of Ireland: S.R. & O. 1923/405 (Rev. X, p. 298; 1923, p. 400), art. 2
- C2 This Act is not necessarily in the form in which it has effect in Northern Ireland

Preliminary

1 Short title. **E+W+N.I.**

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

2 Extent of Act. **E+W+N.I.**

.....^{F1}, this Act shall not extend to Scotland.

Textual Amendments

- F1 Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. X](#)

3 Interpretation of terms. **E+W+N.I.**

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 “action” includes suit or other proceeding:

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

The term “judgment” includes decree, order, or rule:

F2

The term “person” includes corporation:

The term “Court of Chancery” or “Court” means [F3 the High Court] in England or Ireland, as the case requires:

F2

Textual Amendments

F2 Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1 Pt. X](#)

F3 Words substituted by virtue of [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\), ss. 18, 224\(1\)](#)

Protection of Rolling Stock and Plant

4 **Restriction on execution against personal property of company.** **E+W+N.I.**

The engine, 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 taken in execution at law or in equity. . . F4 where the judgment on which execution issues is recovered in an action on a contract entered into after the passing of this Act, or in an action not on a contract commenced after the passing of this Act; but the person who has recovered any such judgment may obtain the appointment of a receiver, and, if necessary, of a manager, of the undertaking of the company, on application by petition in a summary way to the Court of Chancery in England or in Ireland, according to the situation of the railway of the company; and all money received by such receiver or manager 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 payment 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 judgment creditor as aforesaid the Court may, if it think fit, discharge such receiver or such receiver and manager.

Textual Amendments

F4 Words repealed by the Act 38 & 39 Vict. c. 31, s. 1 and [Statute Law Revision Act 1893 \(c. 14\)](#)

5 **Determination of questions respecting executions.** **E+W+N.I.**

If in any case where property of a company has been taken in execution a question arises whether or not it is liable to be so taken notwithstanding this Act, the same may be heard and determined on an application by either party by summons in a summary way to the court out of which the execution issued, or if the Court is one of the Superior Courts of Law, then to a judge of any one of those courts, and such determination shall be final and binding.

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

6—36.^{F5} **E+W+N.I.**

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Textual Amendments

F5 Ss. 6–36 repealed by Transport Act 1962 (c. 46), s.95(3), **Sch. 12 Pt. 1** and expressed to be repealed by S.I. 1984/1986 (N.I. 15), art. 20, **Sch. 3**

37^{F6} **E+W+N.I.**

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Textual Amendments

F6 S. 37 repealed by Statute Law Revision Act 1875 (c. 66)

Changes to legislation:

There are currently no known outstanding effects for the Railway Companies Act 1867.