



# Railway and Canal Traffic Act 1888

1888 CHAPTER 25 51 and 52 Vict

## PART I

### COURT AND PROCEDURE OF RAILWAY AND CANAL COMMISSIONERS

2—5. ....<sup>F1</sup>

#### Textual Amendments

**F1** Ss. 2–5 repealed by [Railway and Canal Commission \(Abolition\) Act 1949 \(c. 11\)](#), [Sch.](#)

6 .....<sup>F2</sup>

#### Textual Amendments

**F2** S. 6 repealed by [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\)](#), s. 226, [Sch. 6](#)

7—12. ....<sup>F3</sup>

#### Textual Amendments

**F3** Ss. 7–12 repealed by [Transport Act 1962 \(c. 46\)](#), s. 93(3), [Sch. 12 Pt. I](#)

13 .....<sup>F4</sup>

*Status: Point in time view as at 01/10/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Railway and Canal Traffic Act 1888, Part I. (See end of Document for details)*

**Textual Amendments**

**F4** S. 13 repealed by [Statute Law Revision Act 1959 \(c. 68\)](#)

**14, 15.** ..... <sup>F5</sup>

**Textual Amendments**

**F5** Ss. 14, 15 repealed by [Transport Act 1962 \(c. 46\)](#), s. 93(3), **Sch. 12 Pt. I**

*Jurisdiction*

**16 Power to apportion expenses between railway company and applicants for works.**

- (1) Where the Board of Trade . . . <sup>F6</sup> in the exercise of any power given by any general or special Act, on application order a company to which this part of this Act applies, to provide a bridge, subway, or approach, or any work of a similar character, the Board of Trade . . . <sup>F6</sup>, may require as a condition of making the order that an agreement to pay the whole or a portion of the expenses of complying with the order shall be entered into by the applicants or some of them, or such other persons as the Board of Trade . . . <sup>F6</sup> think fit, and any of the following local authorities, namely, any sanitary authority, [<sup>F7</sup>any local highway authority][<sup>F8</sup>or local roads authority (within the meaning of the Roads (Scotland) Act 1984)], or any other authority having power to levy rates, shall have power, if such authority think fit, to enter into any such agreement as is sanctioned by the Board of Trade . . . <sup>F6</sup> for the purpose of the order.
- (2) In such case any question respecting the persons by whom or the proportions in which the expenses of complying with the order are to be defrayed may, on the application of any party to the application, or on a certificate of the Board of Trade, be determined by the Commissioners.
- (3) ..... <sup>F9</sup>

**Textual Amendments**

**F6** Words repealed by [Transport Act 1962 \(c. 46\)](#), s. 95(3), **Sch. 12 Pt. I**

**F7** Words substituted (E.W.) by [Highways Act 1959 \(c. 25\)](#), **Sch. 22**

**F8** Words substituted (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), **Sch. 9 para. 14(a)**

**F9** S. 16(3) repealed by [Highways Act 1959 \(c. 25\)](#), **Sch. 25** and [London Government Act 1963 \(c. 33\)](#), **Sch. 6 para. 70** and expressed to be repealed by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1)(3), **Sch. 9 para. 14(b)**, Sch. 11

**Modifications etc. (not altering text)**

**C1** Functions of Commissioners under s. 16(2) now exercisable by (E.W.) High Court and (S.) Court of Session: [Transport Act 1947 \(c. 49\)](#), s. 75, **Sch. 11** and [Transport Act 1962 \(c. 46\)](#), s. 57(8)(10)

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*Status: Point in time view as at 01/10/2009.*

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17— ..... F10  
22.

**Textual Amendments**

**F10** Ss. 17–22 repealed by [Railway and Canal Commission \(Abolition\) Act 1949 \(c. 11\)](#), [Sch.](#) and it is expressed that s. 17(5) shall cease to have effect (1.10.2009) by 2005 c. 4, s. 148(1), Sch. 17 para. 12, Sch. 18; S.I. 2009/1604, art. 2(e)(f)

*Supplemental*

**23 Company to which Part I applies.**

This part of this Act shall apply to any railway company, and to any canal company, and to any railway and canal company.

**Status:**

Point in time view as at 01/10/2009.

**Changes to legislation:**

There are currently no known outstanding effects for the Railway and Canal Traffic Act 1888, Part I.