Railways Clauses Consolidation Act 1845

1845 CHAPTER 20 8 and 9 Vict

Interpretations in this Act

And with respect to the construction of this Act and of other Acts to be incorporated therewith, be it enacted as follows:

2 "Special Act:"

The expression "the special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed authorizing the construction of a railway, and with which this Act shall be so incorporated as aforesaid; and the word

"prescribed" used in this Act, in reference to any matter herein stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act; and the sentence in which such word shall occur shall be construed as if instead of the word "prescribed" the expression "prescribed for that purpose in the special Act" had been used; and the expression

"the lands" shall mean the lands which shall by the special Act be authorized to be taken or used for the purposes thereof; and the expression

"the undertaking" shall mean the railway and works, of whatever description, by the special Act authorized to be executed.

Modifications etc. (not altering text)

C1 Ss. 2-4 incorporated (with modifications) (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), **Sch. 29 para. 4**

C2 Ss. 2-4 incorporated (with modifications) (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), **Sch. 28 para. 4**

Changes to legislation: *There are currently no known outstanding effects for the Railways Clauses Consolidation Act 1845, Cross Heading: Interpretations in this Act. (See end of Document for details)*

3 Interpretations in this and the special Act:

The following words and expressions, both in this and the special Act, shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

Words importing the singular number only shall include the plural number; and words importing the plural number only shall include also the singular number:

Words importing the masculine gender only shall include females:

The word "lands" shall include messuages, lands, tenements, and hereditaments, of any tenure

The word "lease" shall include an agreement for a lease:

The word "toll" shall include any rate or charge or other payment payable under the special Act . . . . [F1] for any passenger, animal, carriage, goods, merchandize, articles, matters, or things, conveyed on the railway:

The word "goods" shall include things of every kind conveyed upon the railway:

Theword "month" shall mean calendar month:

The expression "superior courts" shall mean her Majesty's superior courts of record at **[**[F2]The Royal Courts of Justice**]** or **[**[F3]Belfast**]**, as the case may require:

. . . [F4]

[F5] . . .

The word "sheriff" shall include under sheriff or other legally competent deputy; and where any matter in relation to any lands is required to be done by any sheriff or clerk of the peace, the expression "the sheriff," or the expression "the clerk of the peace," shall in such case be construed to mean the sheriff or the clerk of the peace of the [F6]. . . place where such lands shall be situate; and if the lands in question, being the property of one and the same party, be situate not wholly in one [F6]. . . place, the same expression shall be construed to mean the sheriff or clerk of the peace of any [F6]. . . place where any part of such lands shall be situate:

[F7] . . .

Where under the provisions of this or the special Act any notice shall be required to be given to the owner of any lands or where any Act shall be authorized or required to be done with the consent of any such owner, the word "owner" shall be understood to mean any person or corporation who, under the provisions of this or the special Act or any Act incorporated therewith, would be enabled to sell and convey lands to the company:

The expression "the company" shall mean the company or party which shall be authorized by the special Act to construct the railway:

Theexpression "the railway" shall mean the railway and works by the special Act authorized to be constructed:

The expression "the Bank" shall mean the Bank of England, where the same shall relate to moneys to be paid or deposited in respect of lands situate in England, and shall mean the Bank of Ireland where the same shall relate to moneys to be paid or deposited in respect of lands situate in Ireland:

The expression "turnpike road" shall, when applied to any road in Ireland, include any road upon which her Majesty's mails are or shall be carried in mail carriages, or such other roads as the commissioners of public works in Ireland shall consider to require arches of greater width or height than by this Act is required for public carriage roads:

Theexpression "surveyor," applied to a road or highway, shall as to railways in Ireland, include the county surveyor:

. . . . . [F8]

Textual Amendments

F1 Words repealed by Transport Act 1962 (c. 46), s. 95(3), **Sch. 12 Pt. I**

F2 Words substituted by virtue of Supreme Court of Judicature (Consolidation) Act 1925 (c. 49), **s. 224(1)**

F3 Word substituted by virtue of S.R. & O. 1921/1804 (Rev. XVI, p. 967; 1921, p. 422), art. 7(b)

F4 S. 3 definition of "oath" repealed by Statute Law (Repeals) Act 1981 (c. 19), s. 1(1), **Sch. 1 Pt. VIII**

F5 S. 3 definition of "county" repealed (N.I.) by Statute Law Revision (Northern Ireland) Act 1980 (c. 59), s. 1, **Sch. Pt. I**; definition of "county" wholly repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Group 1

F6 Words in s. 3 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Group 1

F7 Words in s. 3 repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 20, Sch. **10**; S.I. 2005/910, art. 3(y)

F8 Definitions repealed by Statute Law Revision Act 1891 (c. 67) and Statute Law Revision Act (Northern Ireland), 1954 (c. 35)

Modifications etc. (not altering text)

C1 Ss. 2-4 incorporated (with modifications) (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), **Sch. 29 para. 4**

C2 Ss. 2-4 incorporated (with modifications) (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), **Sch. 28 para. 4**

C3 References to clerks of the peace to be construed as references to proper officers of county councils Courts Act 1971 (c. 23), **Sch. 8 para. 1(2)** and Local Government Act 1972 (c. 70), **Sch. 29 Pt. I para. 4(1)(b)**

C4 S. 3 incorporated (4.5.1991) by S.I. 1991/1162, **art. 3(1)**

4 Short title of the Act.

In citing this Act in other Acts of Parliament and in legal instruments it shall be sufficient to use the expression "The Railways Clauses Consolidation Act 1845".

Modifications etc. (not altering text)

C1 Ss. 2-4 incorporated (with modifications) (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), **Sch. 29 para. 4**

C2 Ss. 2-4 incorporated (with modifications) (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), **Sch. 28 para. 4**

[F9]5 . . . . . .

Textual Amendments

F9 S. 5 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Group 1

Changes to legislation:
There are currently no known outstanding effects for the Railways Clauses Consolidation Act 1845, Cross Heading: Interpretations in this Act.