



Railways Clauses Consolidation Act 1845

1845 CHAPTER 20 8 and 9 Vict

Recovery of damages and penalties

And with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to justices, be it enacted as follows:

140 Provision for damages not otherwise provided for.

In all cases where any damages, costs, or expences are by this or the special Act, or any Act incorporated therewith directed to be paid, and the method of ascertaining the amount or enforcing the payment thereof is not provided for, such amount, in case of dispute, shall be ascertained and determined by two justices.^{F1} . . .

Textual Amendments

F1 Words repealed (N.I.) by [Statute Law Revision \(Northern Ireland\) Act 1980 \(c. 59\)](#), s. 1, [Sch. Pt. IV](#); words wholly repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. XIV](#) Group 1

141^{F2}

Textual Amendments

F2 Ss. 45, 89, 96, 98–102, 106, 107, 125–137, 141 repealed by [Transport Act 1962 \(c. 46\)](#), s. 95(3), [Sch. 12 Pt.1](#); repealed by [S.I. 1984/1986 \(N.I. 15\)](#), art. 20, [Sch. 3](#)

142 Method of proceeding before justices in questions of damages, &c.

Where in this or the special Act any question of compensation, expences, charges, or damages, or other matter, is referred to the determination of any one justice, [^{F3} or more, it shall be lawful for any justice, upon the application of either party, to summon the other party to appear before one justice, or before two justices, as the case may require, at a time and place to be named in such summons; and upon the appearance

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Changes to legislation: There are currently no known outstanding effects for the Railways Clauses Consolidation Act 1845, Cross Heading: Recovery of damages and penalties. (See end of Document for details)

of such parties, or in the absence of any of them, upon proof of due service of the summons] , it shall be lawful for such one justice, [^{F3}or such two justices, as the case may be,] to hear and determine such question, [^{F3}and for that purpose to examine such parties or any of them, and their witnesses, on oath; and the cost of every such inquiry shall be in the discretion of such justices, and they shall determine the amount thereof.]

Textual Amendments

F3 Words repealed (N.I.) by [Statute Law Revision \(Northern Ireland\) Act 1980 \(c. 59\)](#), s. 1, [Sch. Pt. I](#)

143 ^{F4}

Textual Amendments

F4 S. 143 repealed by [Transport Act 1962 \(c. 46\)](#), s. 95(2), [Sch. 12 Pt. II](#)

144 **Penalty for defacing boards used for such publication.**

If any person pull down or injure any board put up or affixed [^{F5}for the purpose of publishing any byelaw of the company or any penalty imposed by this or the special Act] , or shall obliterate any of the letters or figures thereon, he shall forfeit for every such offence a sum not exceeding [^{F6}level 1 on the standard scale] , and shall defray the expences attending the restoration of such board.

Textual Amendments

F5 Words substituted by [Transport Act 1962 \(c. 46\)](#), s. [84\(4\)](#)

F6 For “£25” there is substituted (E.W.) “level 1 on the standard scale” by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. [46](#)

Modifications etc. (not altering text)

C1 S. 144 extended by [Transport Act 1962 \(c. 46\)](#), [Sch. 2 Pt. IV](#) and [Transport Act 1968 \(c. 73\)](#), [Sch. 16 para. 1](#)

S. 144 incorporated (with modifications) (29.3.2001) by [S.I. 2001/1347](#), [art. 4\(1\)\(2\)](#) (with arts. 15, 37, 38(2))

C2 S. 144 incorporated (with modifications) (22.3.2005) by [Midland Metro \(Wednesbury to Brierley Hill and Miscellaneous Amendments\) Order 2005 \(S.I. 2005/927\)](#), [art. 4\(1\)\(2\)](#) (with art. 51)

C3 S. 144 incorporated (with modifications) (E.W.) (22.7.2005) by [Midland Metro \(Birmingham City Centre Extension, etc.\) Order 2005 \(S.I. 2005/1794\)](#), arts. 1, [4](#) (with art. 47)

C4 S. 144 incorporated (with modifications) (25.11.2005) by [Docklands Light Railway \(Capacity Enhancement\) Order 2005 \(S.I. 2005/3105\)](#), arts. 1, [4\(1\)\(2\)](#) (with arts. 3(5), 15(3))

145 **Penalties to be summarily recovered before two justices.**

Every penalty or forfeiture imposed by this or the special Act, . . . ^{F7} the recovery of which is not otherwise provided for, may be recovered by summary proceeding before two justices . . . ^{F8}

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Textual Amendments

- F7** Words repealed by [Transport Act 1962 \(c. 46\)](#), [Sch. 12 Pt. II](#)
F8 Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

Modifications etc. (not altering text)

- C5** S. 145 incorporated (with modifications) (29.6.1995) by [S.I. 1995/2143](#), [arts. 3\(1\)\(3\)](#), 13(7)
S. 145 incorporated (with modifications) (12.9.1995) by [S.I. 1995/2446](#), [art. 3](#)
S. 145 incorporated (with modifications) (21.9.1995) by [S.I. 1995/2501](#), [arts. 3](#), 9
S. 145 incorporated (with modifications) (20.11.1995) by [S.I. 1995/2952](#), [art. 3](#)
S. 145 incorporated (with modifications) (4.4.1996) by [S.I. 1996/937](#), [art. 3\(1\)\(3\)](#)
S. 145 incorporated (with modifications) (4.5.1996) by [S.I. 1996/1267](#), [art. 3\(1\)\(2\)](#)
S. 145 incorporated (with modifications) (16.10.1996) by [S.I. 1996/2660](#), [art. 4\(1\)\(3\)](#)
S. 145 incorporated (with modifications) (11.11.1996) by [S.I. 1996/2714](#), [art. 3\(1\)\(2\)](#)
S. 145 incorporated (2.11.1996) by [S.I. 1996/2867](#), [art. 3\(1\)](#)
S. 145 incorporated (with modifications) (10.2.1997) by [S.I. 1997/264](#), [art. 3\(1\)\(3\)](#)
S. 145 incorporated (with modifications) (21.5.1997) by [S.I. 1997/1266](#), [art. 3\(1\)\(2\)](#)
S. 145 incorporated (with modifications) (29.7.1997) by [S.I. 1997/1688](#), [arts. 3\(1\)\(2\)](#), 13(7)
S. 145 incorporated (with modifications) (9.10.1997) by [S.I. 1997/2534](#), [art. 3\(1\)\(3\)](#)
S. 145 incorporated (with modifications) (27.8.1998) by [S.I. 1998/1936](#), [art. 3\(1\)\(2\)](#)
S. 145 incorporated (with modifications) (13.1.1999) by [S.I. 1998/3269](#), [art. 3\(1\)\(2\)](#)
S. 145 incorporated (with modifications) (21.7.1999) by [S.I. 1999/2129](#), [art. 3\(1\)\(2\)](#)
S. 145 incorporated (with modifications) (20.8.1999) by [S.I. 1999/2336](#), [art. 3\(1\)\(2\)](#)
S. 145 incorporated (with modifications) (4.8.2000) by [S.I. 2000/2585](#), [art. 3\(1\)\(2\)](#)
S. 145 incorporated (with modifications) (29.3.2001) by [S.I. 2001/1347](#), [art. 4\(1\)\(2\)](#) (with arts. 15, 37, 38(2))
S. 145 incorporated (with modifications) (18.7.2001) by [S.I. 2001/2870](#), [art. 3\(1\)\(2\)](#)
S. 145 incorporated (with modifications) (9.11.2001) by [S.I. 2001/3682](#), [art. 3\(1\)\(3\)](#)
S. 145 incorporated (with modifications) (30.4.2002) by [S.I. 2002/1065](#), [art. 3\(1\)](#)
S. 145 incorporated (with modifications) (12.2.2002) by [S.I. 2002/366](#), [art. 3\(1\)](#) (with Sch. 2)
C6 S. 145 incorporated (28.4.2003) by [Network Rail \(West Coast Main Line\) Order 2003 \(S.I. 2003/1075\)](#), [arts. 1](#), [3\(1\)](#) (with art. 40)
C7 S. 145 incorporated (12.1.2004) by [The Alconbury Airfield \(Rail Facilities and Connection to East Coast Main Line\) Order 2003 \(S.I. 2003/3364\)](#), [arts. 1](#), [3\(1\)](#)
C8 S. 145 incorporated (with modifications) (4.3.2004) by [The Network Rail \(West Coast Main Line\) Order 2004 \(S.I. 2004/389\)](#), [arts. 1](#), [3\(1\)\(2\)](#) (with art. 38)
C9 S. 145 incorporated (with modifications) (22.3.2005) by [Midland Metro \(Wednesbury to Brierley Hill and Miscellaneous Amendments\) Order 2005 \(S.I. 2005/927\)](#), [art. 4\(1\)\(2\)](#) (with art. 51)
C10 S. 145 incorporated (4.5.2005) by [The Telford Railfreight Terminal \(Donnington\) Order 2005 \(S.I. 2005/1163\)](#), [arts. 1](#), [3\(1\)](#)
C11 S. 145 incorporated (with modifications) (22.7.2005) by [Midland Metro \(Birmingham City Centre Extension, etc.\) Order 2005 \(S.I. 2005/1794\)](#), [arts. 1](#), [4](#) (with art. 47)
C12 S. 145 incorporated (with modifications) (25.11.2005) by [Docklands Light Railway \(Capacity Enhancement\) Order 2005 \(S.I. 2005/3105\)](#), [arts. 1](#), [4\(1\)\(2\)](#) (with arts. 3(5), 15(3))
C13 S. 145 incorporated (with modifications) (3.7.2006) by [Port of Blyth \(Battleship Wharf Railway\) Order 2006 \(S.I. 2006/1518\)](#), [arts. 1](#), [3\(1\)\(3\)](#)
C14 S. 145 incorporated (with modifications) (13.12.2006) by [The Network Rail \(Thameslink 2000\) Order 2006 \(S.I. 2006/3117\)](#), [arts. 1](#), [3\(1\)\(2\)](#) (with arts. 34, 35(2))
C15 S. 145 incorporated (with modifications) (23.8.2007) by [Docklands Light Railway \(Capacity Enhancement and 2012 Games Preparation\) Order 2007 \(S.I. 2007/2297\)](#), [arts. 1](#), [4\(1\)](#) (with arts. 3(6), 12(3))

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- C16** S. 145 incorporated (with modifications) (28.9.2007) by [London Gateway Logistics and Commercial Centre Order 2007 \(S.I. 2007/2657\)](#), arts. 1, **4(1)(2)** (with arts. 19, 28, Sch. 3 para. 13(2))
- C17** S. 145 incorporated (16.5.2008) by [London Gateway Port Harbour Empowerment Order 2008 \(S.I. 2008/1261\)](#), arts. 1, **7(1)** (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))
- C18** S. 145 incorporated (with modifications) (14.10.2008) by [Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 \(S.I. 2008/2512\)](#), arts. 1, **3(1)(3)** (with art. 36(3))

146, ^{F9}
147.

Textual Amendments
F9 Ss. 146, 147 repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

^{F10}**148**

Textual Amendments
F10 S. 148 repealed (N.I.) by [Statute Law Revision \(Northern Ireland\) Act 1980 \(c. 59\)](#), s. 1, **Sch. Pt. IV**;
s. 148 wholly repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), **Sch. 1 Pt. XIV** Group 1

[149 ^{F11} **Distress not unlawful for want of form.**

No distress levied by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser ab initio on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action upon the case.]

Textual Amendments
F11 S. 149 repealed (E.W.) (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), **Sch. 1** PT. XIV Group 1

150 ^{F12}

Textual Amendments
F12 S. 150 repealed by [Justices of the Peace Act 1949 \(c. 101\)](#), **Sch. 7 Pt. III**

151 ^{F13}

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Textual Amendments

F13 Ss. 151, 155 repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

^{F14}**152**

Textual Amendments

F14 S. 152 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. XIV](#) Group 1

^{F15}**153**

Textual Amendments

F15 S. 153 repealed (N.I.) by [Statute Law Revision \(Northern Ireland\) Act 1980 \(c. 59\)](#), s. 1, [Sch. Pt. IV](#);
s. 153 wholly repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. XIV](#) Group 1

^{F16}**154 Transient offenders.**
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Textual Amendments

F16 S. 154 repealed (1.1.2006 for E.W.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 7 para. 5\(3\)](#), [Sch. 17 Pt. 2](#); [S.I. 2005/3495](#), art. 2(1)(m)(u) (repealed 1.3.2007 for N.I. by [The Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(No. 288 \(N.I.\)\)](#), art. 1(2), [Sch. 1 para. 4](#), [Sch. 2](#))

Modifications etc. (not altering text)

- C19** S. 154 incorporated (with modifications) (3.7.2006) by [Port of Blyth \(Battleship Wharf Railway\) Order 2006 \(S.I. 2006/1518\)](#), arts. 1, [3\(1\)\(3\)](#)
- C20** S. 154 incorporated (with modifications) (13.12.2006) by [The Network Rail \(Thameslink 2000\) Order 2006 \(S.I. 2006/3117\)](#), arts. 1, [3\(1\)\(2\)](#) (with arts. 34, 35(2))
- C21** S. 154 incorporated (with modifications) (23.8.2007) by [Docklands Light Railway \(Capacity Enhancement and 2012 Games Preparation\) Order 2007 \(S.I. 2007/2297\)](#), arts. 1, [4\(1\)](#) (with arts. 3(6), 12(3))
- C22** S. 154 incorporated (with modifications) (28.9.2007) by [London Gateway Logistics and Commercial Centre Order 2007 \(S.I. 2007/2657\)](#), arts. 1, [4\(1\)\(2\)](#) (with arts. 19, 28, [Sch. 3 para. 13\(2\)](#))
- C23** S. 154 incorporated (with modifications) (14.10.2008) by [Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 \(S.I. 2008/2512\)](#), arts. 1, [3\(1\)\(3\)](#) (with art. 36(3))

155 ^{F17}

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Textual Amendments

F17 Ss. 151, 155 repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

156 **F18**

Textual Amendments

F18 S. 156 repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), **Sch. 1 Pt. XIX**

157— **F19**
159.

Textual Amendments

F19 Ss. 157-159 repealed by [Transport Act 1962 \(c. 46\)](#), s. 95(3), **Sch. 12 Pt. I**

160 **F20**

Textual Amendments

F20 S. 160 repealed by [Perjury Act 1911 \(c. 6\)](#), **Sch.**

161 **F21**

Textual Amendments

F21 Ss. 161, 165 repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

Status:

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