



Railways Clauses Consolidation Act 1845

1845 CHAPTER 20 8 and 9 Vict

^{XI} *Working of Mines [Editorial note: ss. 77-85 as originally enacted follow]*

78 *Mines lying near the railway not to be worked if the company willing to purchase them.*

If the owner, lessee, or occupier of any mines or minerals lying under the railway, or any of the works connected therewith, or within the prescribed distance, or, where no distance shall be prescribed, forty yards therefrom, be desirous of working the same, such owner, lessee, or occupier shall give to the company notice in writing of his intention so to do thirty days before the commencement of working; and upon the receipt of such notice it shall be lawful for the company to cause such mines to be inspected by any person appointed by them for the purpose; and if it appear to the company that the working of such mines or minerals is likely to damage the works of the railway, and if the company be willing to make compensation for such mines or any part thereof to such owner, lessee, or occupier thereof, then he shall not work or get the same; and if the company, and such owner, lessee, or occupier, do not agree as to the amount of such compensation, [^{F1}the question shall be referred to and determined by the Lands Tribunal].

Textual Amendments

- F1** Words substituted, in section as originally enacted and as incorporated in any Act, by [Compulsory Purchase Act 1965 \(c. 56\), s. 39\(3\), Sch. 7](#)

Modifications etc. (not altering text)

- C1** S. 78 modified by [Settled Land Act 1925 \(c. 18\), s. 58\(3\)](#) and [Universities and Colleges Estates Act 1925 \(c. 24\), s. 17\(3\)](#)
- C2** Power to incorporate s. 77 and ss. 78–85 as originally enacted, conferred by [New Towns Act 1981 \(c. 64, SIF 123:3\), s. 14\(3\)\(4\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Railways Clauses Consolidation Act 1845, Section 78.