



Railways Clauses Consolidation (Scotland) Act 1845

1845 CHAPTER 33

Bye Laws

And with respect to the Regulations of the Use of the Railway, be it enacted as follows :

CI Company to regulate the Use of the Railway.

It shall be lawful for the Company from Time to Time, subject to the Provisions and Restrictions in this and the special Act contained, to make Regulations for the following Purposes; (that is to say,)

For regulating the Mode by which and the Speed at which Carriages using the Railway are to be moved or propelled ;

For regulating the Times of the Arrival and Departure of any such Carriages ;

For regulating the loading or unloading of such Carriages, and the Weights which they are respectively to carry ;

For regulating the Receipt and Delivery of Goods and other Things which are to be conveyed upon such Carriages ;

For preventing the smoking of Tobacco, and the Commission of any other Nuisance, in or upon such Carriages, or in any of the Stations or Premises occupied by the Company ;

And, generally, for regulating the travelling upon or using and working of the Railway :

But no such Regulation shall authorize the closing of the Railway, or prevent the Passage of Engines or Carriages on the Railway, at reasonable Times, except at any Time when in consequence of any of the Works being out of repair, or from any other sufficient Cause, it shall be necessary to close the Railway or any Part thereof.

CII Power to make Regulations by Bye Laws.

For better enforcing the Observance of all or any of such Regulations it shall be lawful for the Company, subject to the Provisions of an Act passed in the Fourth Year of

Status: This is the original version (as it was originally enacted).

the Reign of Her present Majesty, intituled *An Act for regulating Railways*, to make Bye Laws, and from Time to Time to repeal or alter such Bye Laws, and make others, provided that such Bye Laws be not repugnant to the Laws of that Part of the United Kingdom where the same are to have Effect, or to the Provisions of this or the special Act; and such Bye Laws shall be reduced into Writing, and shall have affixed thereto the Common Seal of the Company; and any Person: offending against any such Bye Law shall forfeit for every such Offence any Sum not exceeding Five Pounds, to be imposed by the Company in such Bye Laws as a Penalty for any such Offence ; and if the Infraction or Non-observance of any such Bye Law or other such Regulation as aforesaid be attended with Danger or Annoyance to the Public or Hindrance to the Company in the lawful Use of the Railway, it shall be lawful for the Company summarily to interfere to obviate or remove such Danger, Annoyance, or Hindrance, and that without Prejudice to any Penalty incurred by the Infraction of any such Bye Law.

CIII Publication of such Bye Laws.

The Substance of such last-mentioned Bye Laws, when confirmed or allowed according to the Provisions of any Act in force regulating the Allowance or Confirmation of the same, shall be painted on Boards, or printed on Paper and pasted on Boards, and hung up and affixed and continued on the Front or other conspicuous Part of every Wharf or Station belonging to the Company, according to the Nature or Subject Matter of such Bye Laws respectively, and so as to give public Notice thereof to the Parties interested therein or affected thereby; and such Boards shall from Time to Time be renewed as often as the Bye Laws thereon, or any Part thereof, shall be obliterated or destroyed; and no Penalty imposed by any such Bye Law shall be recoverable unless the same shall have been published and kept published in manner aforesaid.

CIV Such Bye Laws to be binding on all Parties.

Such Bye Laws, when so confirmed, published, and affixed, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Persons acting under the same; and for Proof of the Publication of any such Bye Laws it shall be sufficient to prove that a printed Paper or painted Board, containing a Copy of such Bye Laws, was affixed and continued in manner by this Act directed, and in case of its being afterwards displaced or damaged then that such Paper or Board was replaced as soon as conveniently might be.