



Railways Clauses Consolidation (Scotland) Act 1845

1845 CHAPTER 33 8 and 9 Vict

^{XI} *Working of mines*

72 If company unwilling to purchase, owner may work the mines.

- (1) If within thirty days from the service by a mine owner on the company of a notice of intention to work any minerals no counter-notice is served by the company, the mine owner may, after the expiration of those thirty days, and until a counter-notice is served, work any minerals to which the notice relates, so, nevertheless, that the same be done in the manner proper and necessary for the beneficial working thereof, and according to the usual manner of working such minerals in the district where the same shall be situated.

Where a counter-notice is served, whether before or after the expiration of the said thirty days, and the counter-notice does not require the mine owner to leave unworked the whole of the minerals to which the notice relates, the foregoing provisions shall apply to any minerals to which the notice relates which are not specified minerals in like manner as if no such counter-notice had been served.

- (2) If any damage or obstruction is occasioned to the railway or works by any improper working of such minerals, the same shall be forthwith repaired or removed (as the case may require) and such damage made good by the mine owner at his own expense; and if such repair or removal is not forthwith done, or, if the company think fit, without waiting for the same to be done by the mine owner, they may execute the same and recover from the mine owner the expense occasioned thereby by action.

Modifications etc. (not altering text)

- C1** S. 72 incorporated (S.) (27.5.1997) by 1997 c. 8, ss. 188(2), 278(2)
S. 72 applied (with modifications) (S.) (27.5.1997) by 1997 c. 9, ss. 47(2)(3), 83(2) (with s. 45(4))
S. 72 incorporated (S.) (17.7.1995) by 1994 c. 39, s. 98(2)(a); S.I. 1995/1898, art. 2
- C2** Ss. 70–76 applied by Enterprise and New Towns (Scotland) Act 1990 (c. 35, SIF 64), s. 36(3)

Changes to legislation:

There are currently no known outstanding effects for the Railways Clauses Consolidation (Scotland) Act 1845, Section 72.