



Railways Clauses Consolidation Act 1845

1845 CHAPTER 20 8 and 9 Vict

^{x1}Working of mines

85E Exemption from liability to leave support otherwise than under Act or agreement.

Save as in this Act, or the special Act, or under any agreement between the company and the mine owner expressly provided, the mine owner as between himself and the company—

- (a) shall not be under any liability to leave support either inside or outside the area of protection; and
- (b) shall be entitled to remove such support without being liable for any damage thereby caused to the railway or works or any part thereof; but so that the removal shall be done in a manner proper and necessary for the beneficial working of the minerals and according to the usual manner of working minerals in the district in which the same is situate.

Modifications etc. (not altering text)

- C1** Ss. 78, 85E incorporated (4.5.1995) by [S.I. 1995/1236, arts. 3\(1\)\(a\), 10\(7\), 11\(9\)](#)
Ss. 78-85E incorporated (with modifications) (29.6.1995) by [S.I. 1995/2143, arts. 3\(1\), 13\(7\)](#)
Ss. 78-85E incorporated (with modifications) (4.5.1996) by [S.I. 1996/1267, art. 3\(1\)\(2\)](#)
Ss. 78-85E incorporated (with modifications) (16.10.1996) by [S.I. 1996/2660, art. 4\(1\)\(3\)](#)
Ss. 78-85E incorporated (with modifications) (11.11.1996) by [S.I. 1996/2714, art. 3\(1\)\(2\)](#)
Ss. 77-85E incorporated (2.11.1996) by [S.I. 1996/2867, art. 3\(1\)](#)
Ss. 77-85E incorporated (with modifications) (22.1.1997) by [S.I. 1997/102, arts. 3\(1\), 12\(10\)](#)
Ss. 78-85E incorporated (with modifications) (10.2.1997) by [S.I. 1997/264, art. 3\(1\)\(3\)](#)
Ss. 78-85E applied (10.2.1997) by [S.I. 1997/264, art. 7\(3\)](#)
Ss. 78-85E incorporated (with modifications) (21.5.1997) by [S.I. 1997/1266, art. 3\(1\)\(2\)](#)
Ss. 78-85E incorporated (with modifications) (29.7.1997) by [S.I. 1997/1688, arts. 3\(1\)\(2\), 13\(7\)](#)
Ss. 78-85E incorporated (with modifications) (9.10.1997) by [S.I. 1997/2534, art. 3\(1\)\(3\)](#)
Ss. 78-85E incorporated (with modifications) (27.8.1998) by [S.I. 1998/1936, art. 3\(1\)\(2\)](#)
Ss. 78-85E incorporated (with modifications) (13.1.1999) by [S.I. 1998/3269, art. 3\(1\)\(2\)](#)
Ss. 78-85E incorporated (with modifications) (21.7.1999) by [S.I. 1999/2129, art. 3\(1\)\(2\)](#)

Changes to legislation: There are currently no known outstanding effects for the Railways Clauses Consolidation Act 1845, Section 85E. (See end of Document for details)

- Ss. 78-85E incorporated (with modifications) (20.8.1999) by S.I. 1999/2336, **art. 3(1)(2)**
- Ss. 78-85E incorporated (with modifications) (4.8.2000) by S.I. 2000/2585, **art. 3(1)(2)**
- Ss. 78-85E incorporated (with modifications) (18.7.2001) by S.I. 2001/2870, **art. 3(1)(2)**
- Ss. 78-85E incorporated (with modifications) (9.11.2001) by S.I. 2001/3682, **art. 3(1)(3)**
- Ss. 78-85E incorporated (with modifications) (12.2.2002) by S.I. 2002/366, **art. 3(1)** (with Sch. 2)
- Ss. 78-85E incorporated (with modifications) (30.4.2002) by S.I. 2002/1065, **art. 3(1)**
- Ss. 78-85E incorporated (28.4.2003) by Network Rail (West Coast Main Line) Order 2003 (S.I. 2003/1075), **arts. 1, 3(1)** (with art. 40)
- Ss. 78-85E 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)**
- Ss. 78-85E 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)
- Ss. 78-85E incorporated (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), **arts. 1, 3(1)**
- Ss. 78-85E incorporated (with modifications) (3.7.2006) by Port of Blyth (Battleship Wharf Railway) Order 2006 (S.I. 2006/1518), **arts. 1, 3(1)(3)**
- Ss. 78-85E 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))
- Ss. 78-85E 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))
- Ss. 78-85E 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))
- Ss. 78-85E 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))
- C2** Ss. 78-85E incorporated (with modifications) (30.12.2009) by South Devon Railway Order 2009 (S.I. 2009/3281), **arts. 1, 3**
- C3** Ss. 78-85E incorporated (with modifications) (E.W.) (20.7.2010) by The Network Rail (Nuneaton North Chord) Order 2010 (S.I. 2010/1721), **arts. 1, 3(1)(3)**
- C4** Ss. 78-85E incorporated (with modifications) (E.W.) (21.4.2011) by The Network Rail (Hitchin (Cambridge Junction)) Order 2011 (S.I. 2011/1072), **arts. 1, 3**
- C5** Ss. 85-85E incorporated (E.W.) (26.9.2012) by The Network Rail (Ipswich Chord) Order 2012 (S.I. 2012/2284), **arts. 1, 3(1)** (with art. 26(2))
- C6** Ss. 85-85E incorporated (with modifications) (E.W.) (6.11.2012) by The Network Rail (North Doncaster Chord) Order 2012 (S.I. 2012/2635), **arts. 1, 3(1)(3)** (with art. 35(2))
- C7** Ss. 78-85E incorporated (with modifications) (E.W.) (13.11.2012) by The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 (S.I. 2012/2679), **arts. 1, 3(1)(3)** (with art. 42(2))
- C8** Ss. 78-85E incorporated (E.W.) (21.8.2013) by The Croxley Rail Link Order 2013 (S.I. 2013/1967), **arts. 1, 3(1)** (with art. 3(3))
- C9** Ss. 85-85E incorporated (with modifications) (E.W.) (21.11.2013) by The Network Rail (Redditch Branch Enhancement) Order 2013 (S.I. 2013/2809), **arts. 1, 3(1)(3)** (with arts. 27(2), 39, Sch. 10 para. 4)
- C10** Ss. 85-85E incorporated (with modifications) (E.W.) (21.4.2014) by The Network Rail (Norton Bridge Area Improvements) Order 2014 (S.I. 2014/909), **arts. 1, 3(1)(3)** (with art. 34(2))
- C11** Ss. 78-85E incorporated (E.W.) (19.8.2014) by The Network Rail (Huyton) Order 2014 (S.I. 2014/2027), **arts. 1, 3(1)** (with art. 31(2))
- C12** Ss. 85-85E incorporated (with modifications) (E.W.) (21.4.2015) by The Network Rail (Ordsall Chord) Order 2015 (S.I. 2015/780), **arts. 1, 3(1)(3)** (with art. 36(2))
- C13** Ss. 78-85E incorporated (with modifications) (E.W.) (12.1.2016) by The London Underground (Bank Station Capacity Upgrade) Order 2015 (S.I. 2015/2044), **arts. 1, 3(1)(3)**
- C14** Ss. 78-85E incorporated (with modifications) (E.W.) (19.12.2017) by The Network Rail (Buxton Sidings Extension) Order 2017 (S.I. 2017/1150), **arts. 1, 3(1)(3)** (with art. 32(2))
- C15** Ss. 78-85E incorporated (with modifications) (E.W.) (18.4.2018) by The Network Rail (Hope Valley Capacity) Order 2018 (S.I. 2018/446), **arts. 1, 3(1)(3)** (with arts. 24(8), 33(2))

Changes to legislation: There are currently no known outstanding effects for the
Railways Clauses Consolidation Act 1845, Section 85E. (See end of Document for details)

- C16** Ss. 85-85E incorporated (with modifications) (E.W.) (24.8.2018) by The Network Rail (Werrington Grade Separation) Order 2018 (S.I. 2018/923), arts. 1, **3(1)(3)** (with art. 31(2))
- C17** Ss. 78-85E incorporated (E.W.) (3.11.2022) by The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022 (S.I. 2022/1067), arts. 1, **3(1)** (with art. 46(2), Sch. 19 para. 61)
- C18** Ss. 85-85E incorporated (E.W.) (5.12.2022) by The Portishead Branch Line (MetroWest Phase 1) Order 2022 (S.I. 2022/1194), arts. 1, **3(1)(h)(3)** (with art. 51)
- C19** Ss. 78-85E incorporated (E.W.) (11.1.2023) by The Network Rail (Cambridge South Infrastructure Enhancements) Order 2022 (S.I. 2022/1406), arts. 1, **3(1)** (with art. 34(2), Sch. 12 paras. 5, 47, 79)

Changes to legislation:

There are currently no known outstanding effects for the Railways Clauses Consolidation Act 1845, Section 85E.