



Railway Fires Act 1905

1905 CHAPTER 11 5 Edw 7

- 1 Liability of railway companies to make good damage to crops by their engines.**
- (1) When damage is caused to agricultural land or to agricultural crops, as in this Act defined, by fire arising from sparks or cinders emitted from any locomotive engine used on a railway, the fact that the engine was used under statutory powers shall not affect liability in an action for such damage.
- (2) Where any such damage has been caused through the use of an engine by one company on a railway worked by another company, either company shall be liable in such an action; but, if the action is brought against the company working the railway, that company shall be entitled to be indemnified in respect of their liability by the company by whom the engine was used.
- [^{F1}(2A) Any reference in subsection (2) above to a “company” includes a reference to any person—
- (a) who holds a network licence, station licence or light maintenance depot licence under Part I of the Railways Act 1993; or
 - (b) who is exempt, by virtue of a licence exemption under section 7 of that Act, from the requirement to be authorised by licence under that Part to be the operator of a network, station or light maintenance depot.
- (2B) A person such as is mentioned in subsection (2A) above shall be regarded for the purposes of subsection (2) above as working a railway which consists of the track (if any) comprised in any network, station or light maintenance depot of which he lawfully acts as the operator by virtue of the licence or licence exemption in question.]
- (3) This section shall not apply in the case of any action for damage unless the claim for damage in the action does not exceed [^{F2}£3,000 or such greater sum as may for the time being be prescribed by order made by the Secretary of State].
- [^{F3}(3A) An order under subsection (3) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3B) In the application of subsection (3) above to Northern Ireland for the reference to the Secretary of State there shall be substituted a reference to the Department of the

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Changes to legislation: There are currently no known outstanding effects for the Railway Fires Act 1905, Section 1. (See end of Document for details)

Environment for Northern Ireland and any order made by the Department under that subsection—

- (a) shall be made by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979; and
- (b) shall be subject to negative resolution as defined by section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if it were a statutory instrument within the meaning of that Act.]

Textual Amendments

- F1** S. 1(2A)(2B) inserted (E.W.S.) (1.4.1994) by 1993 c. 43, ss. 150(1)(o), 152(1), **Sch. 12 para. 2(1)**; S.I. 1994/571, **art. 5**
- F2** Words substituted by Transport Act 1981 (c. 56, SIF 126), **s. 38(1)**
- F3** S. 1(3A)(3B) inserted by Transport Act 1981 (c. 56, SIF 126), **s. 38(1)**

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