



# Locomotive Act 1861

1861 CHAPTER 70 24 and 25 Vict

An Act for regulating the use of locomotives on turnpike and other roads, and the tolls to be levied on such locomotives and on the waggons and carriages drawn or propelled by the same. [1st August 1861]

**Modifications etc. (not altering text)**

- C1 Preamble omitted under authority of [Statute Law Revision Act 1892 \(c. 19\)](#)
- C2 Words of enactment repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

[<sup>F1</sup>1] **Scale of Tolls to be taken after passing of this Act.**

From and after the passing of this Act, all Trustees, Corporations, Commissioners, and other Persons acting under and in execution of any existing General or Local Turnpike Road Act or Public Bridge Act shall demand and take Tolls not exceeding the Tolls following ; that is to say,

For every Locomotive propelled by any Power, containing within itself the Machinery for its own Propulsion, such a Toll for every Two Tons Weight or fractional part of every Two Tons Weight that such Locomotive shall weigh as shall be equal to the Toll or Tolls by their respective Acts made payable for every Horse drawing any Waggon, Wain, Cart, or Carriage with Wheels of a Width similar to those of such Locomotive ; or in the Case of a Toll by any such Act made payable being charged on the Horse or Horses drawing any such Waggon, Wain, Cart, or Carriage, without reference to the Width of the Wheels thereof, then such a Toll for every Two Tons or fractional Part thereof that such Locomotive shall weigh as shall be equal to One Horse drawing such Waggon, Wain, Cart, or Carriage ; which Tolls respectively shall be payable so often as Tolls made payable as aforesaid for such Waggon, Wain, Cart, or Carriage shall be payable at the same Gate :

<sup>F2</sup>  
...

For every Waggon, Wain, Cart, or Carriage drawn or propelled by any Locomotive, for each Pair of Wheels thereof such a Toll as shall not exceed the Toll by their respective Acts made payable for Two Horses drawing any Waggon, Wain, Cart, or Carriage with Wheels of a similar Width, and for every additional

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Wheel thereof One Half Toll in addition to the said Toll ; or in the Case of a Toll by any such Act made payable being charged on the Horse or Horses drawing any such Waggon, Wain, Cart, or Carriage, without reference to the Width of the Wheels thereof, then such a Toll for each Wheel as shall be equal to One Horse drawing such Waggon, Wain, Cart, or Carriage ; which said Toll or Tolls shall be payable so often as the Toll made payable as aforesaid for such Waggon, Wain, Cart, or Carriage drawn by Horses shall be payable at the same Gate :

F2 . . .]

**Textual Amendments**

F1 S. 1 except as it applies to the Swinford Bridge Act 1767 and the Dunham Bridge Act 1830 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1, Pt.XV.

F2 Words in s. 1 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1, Pt. XV.

**Modifications etc. (not altering text)**

C3 The text of ss. 1, 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

C4 S. 1 excluded (5.7.1994) by 1994 c. viii, s. 46(1)

F3 2 .....

**Textual Amendments**

F3 S. 2 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1, Pt. XV.

3 ..... F4

**Textual Amendments**

F4 S. 3 repealed by Locomotives Amendment (Scotland) Act 1878 (c. 58), s. 3 and Highways and Locomotives (Amendment) Act 1878 (c. 77), s. 28

4 ..... F5

**Textual Amendments**

F5 Ss. 4, 12, 13 repealed by Road Traffic Act 1930 (c. 43), Sch. 5

5 ..... F6

**Textual Amendments**

F6 Ss. 5, 9, 11, 15 repealed by Locomotives Act 1865 (c. 83), s. 2

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6 ..... F7

**Textual Amendments**

**F7** S. 6 repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 1(8), **Sch. 7 para. 14(1)(a)**

**[<sup>F8</sup>7** **Damage caused by locomotives to bridges to be made good by owners.**

Where any turnpike or other roads, upon which locomotives are or hereafter may be used, pass or are or shall be carried over or across any stream or watercourse, navigable river, canal, or railway, by means of any bridge or arch (whether stationary or moveable), and such bridge or arch, or any of the walls, buttresses, or supports thereof, shall be damaged by reason of any locomotive or any waggon or carriage drawn or propelled by or together with a locomotive passing over the same or coming into contact therewith, none of the proprietors, undertakers, directors, conservators, trustees, commissioners, or other person interested in or having the charge of such navigable river, canal, or railway, or the tolls thereof, or of such bridge or arch, shall be liable to repair or make good any damage so to be occasioned, or to make compensation to any person for any obstruction, interruption, or delay which may arise therefrom to the use of such bridge or arch, navigable river, canal, or railway, but every such damage shall be forthwith repaired to the satisfaction of the proprietors, undertakers, directors, conservators, trustees, commissioners, or other persons as aforesaid respectively interested in or having the charge of such river, canal, or railway, or the tolls thereof, or of such bridge or arch, by and at the expense of the owner or owners or the person or persons having the charge of such locomotive at the time of the happening of such damage; and all such owner and owners, person and persons having the charge of such locomotive as aforesaid, shall also be liable, both jointly and severally, to reimburse and make good as well to the proprietors, undertakers, directors, conservators, trustees, commissioners, and other persons interested in or having the charge of any such navigable river, canal or railway, or the tolls thereof, or of such bridge or arch, as to all persons navigating on or using, or who but for such obstruction, interruption, or delay would have navigated on or used the same, all losses and expenses which they or any of them may sustain or incur by reason of any such obstruction, interruption, or delay, such losses and expenses to be recoverable by action at law; which action, in case of such proprietors, undertakers, directors, conservators, trustees, commissioners, or other persons so interested as aforesaid, may be brought in the name or names of their agent or agents, clerk or clerks for the time being, or by any person or persons legally authorized to act in their behalf.]

**Textual Amendments**

**F8** S. 7 repealed (*prosp.*) by Road Traffic Act 1960 (c. 16), ss. 266, 270, **Sch. 20 para. 5**

8 ..... F9

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**Textual Amendments**  
F9 S. 8 repealed by [Locomotives Amendment \(Scotland\) Act 1878 \(c. 58\)](#), [s. 3](#) and [Highways and Locomotives \(Amendment\) Act 1878 \(c. 77\)](#), [s. 30](#)

9 ..... F10

**Textual Amendments**  
F10 [Ss. 5, 9, 11, 15](#) repealed by [Locomotives Act 1865 \(c. 83\)](#), [s. 2](#)

F11 10 .....

**Textual Amendments**  
F11 [S. 10](#) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1, Pt. XV](#).

11 ..... F12

**Textual Amendments**  
F12 [Ss. 5, 9, 11, 15](#) repealed by [Locomotives Act 1865 \(c. 83\)](#), [s. 2](#)

12, 13. .... F13

**Textual Amendments**  
F13 [Ss. 4, 12, 13](#) repealed by [Road Traffic Act 1930 \(c. 43\)](#), [Sch. 5](#)

14 **Short title.**  
This Act may be cited as “The Locomotive Act, 1861.”

15 ..... F14

**Textual Amendments**  
F14 [Ss. 5, 9, 11, 15](#) repealed by [Locomotives Act 1865 \(c. 83\)](#), [s. 2](#)

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