



Railways Clauses Act 1863

1863 CHAPTER 92

PART I

CONSTRUCTION OF A RAILWAY

Protection of Navigation

13 Lights on Works.

Where the Company is authorized by the Special Act to construct, alter, or extend any Work on, in, over, through, or across Tidal Lands or a Tidal Water, the Company shall, on or near the Work, during the whole Time of the constructing, altering, or extending thereof, exhibit and keep burning at their own Expense, every Night from Sunset to Sunrise, such Lights (if any) as the Board of Trade from Time to Time requires or approves ; and (notwithstanding the Enactments for the Time being in force respecting Lighthouses) shall also on or near the Work, when completed, always maintain, exhibit, and keep burning, at their own Expense, every Night from Sunset to Sunrise, such Lights (if any) for the Guidance of Ships as the Board of Trade from Time to Time requires or approves.

If the Company fails to comply in any respect with the Provisions of the present Section, they shall for each Night in which they so fail be liable to a Penalty not exceeding Twenty Pounds.

14 Construction of Bridges.

Where the Company is authorized or required by the Special Act to construct a Bridge over a navigable Tidal Water, and the-Special Act does not make express Provision respecting the Span or Spans thereof, then the Company shall construct the same with a Span or Spans of such Headway and Waterway, and with such opening Span or Spans (if any), and according to such Plan, as the Board of Trade directs or approves.

15 User of Bridges.

Where the Company constructs a Bridge with an opening Span, it shall not be lawful for the Company to detain any Vessel, Barge, or Boat at the Bridge for a longer Time than may be necessary for admitting a Carriage or Engine traversing the Railway and approaching the Bridge to cross the Bridge, and for opening the Bridge to admit the Vessel, Barge, or Boat to pass ;, and the Company shall be subject to and shall abide by such Regulations with regard to the User of the Bridge as may from Time to Time be made by the Board of Trade.

If the Company detains a Vessel, Barge, or Boat longer than the Time aforesaid, or fails in any respect to abide by any such Regulation as aforesaid, they shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds, without Prejudice to any Remedy against them for any Loss or Damage sustained by any Person.

16 Access to the shore under or across the Railway.

Where the Railway cuts off Access between the Land and a Tidal Water or Tidal Lands, then and in every such Case the Company shall, during the Construction of the Railway and from Time to Time thereafter, make, and shall permanently maintain, and allow to be used by all Persons, at all Times, free of Toll or other Charge all such Footways and Carriageways over, under, or across the Railway, or on a Level therewith, as the Board of Trade from Time to Time directs or approves : Provided always, as follows:

- (1) The Company shall not, be obliged to make a Footway or Carriageway over Lands for the Use of an Owner or Occupier who has agreed to receive and has been paid Compensation for the Severance thereof from the Tidal Water or Tidal Lands :
- (2) The Company shall not be obliged to make or to allow to be made a Footway or Carriageway in such Manner as. would interfere with the working or using of the Railway :
- (3) The Expense of the making and Maintenance of a Footway or Carriageway required to be made after the Construction of the Railway shall be defrayed by the Persons or Body interested in the Tidal Water or Tidal Lands for whose-Benefit or Convenience the same is required.

Where the Footway or Carriageway is made across the Railway on the Level, then the Manner of the making and watching of the level Crossing shall be subject to the Approval of the Board of Trade; and where the level Crossing is made after the Construction of the Railway, then all Expenses attending the watching thereof shall be defrayed by the Persons or Body interested in the Tidal Water or Tidal Lands for whose Benefit or Convenience the same is required.

17 Prohibition of Deviation of certain Works without Consent of Board of Trade.

Where the Company is authorized by the Special Act to construct a Railway skirting a public navigable Tidal River or Channel, the Company shall not make any Deviation of the Railway from the continuous centre Line thereof marked on the Plan deposited by them at the Board of Trade, even within the Limits of Deviation shown on that Plan, in such Manner as to diminish the navigable "Space, without the previous Consent of the Board of Trade, or otherwise than in such Manner as is expressly authorized by the Board of Trade.

If any Deviation is made in contravention of the present Section the Board of Trade may abate and remove the Work in the Construction whereof the Deviation is made, or any Part thereof, and restore the Site thereof to its former Condition at the Expense of the Company ; and the Amount of such Expense shall be a Debt due from the Company to the Crown, and be recoverable accordingly with Costs, or the same may be recovered, with Costs, as a Penalty is recoverable from the Company.

18 Abatement of Work abandoned or decayed.

If a Work constructed by the Company on, in, over, through, or across Tidal Lands or a Tidal Water is abandoned, or suffered to fall into Decay, the Board of Trade may abate and remove the Work, or any Part of it, and restore the Site thereof to its former Condition, at the Expense of the Company ; and the Amount of such Expense shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs, or the same may be recovered, with Costs, as a Penalty is recoverable from the Company.

19 Survey of Works by Board of Trade.

If at any Time the Board of Trade deems it expedient, for the Purposes of the Special Act or of this Part of this Act, to order a Survey and Examination of a Work constructed by the Company on, in, over, through, or across Tidal Lands or Tidal Water, or of the intended Site of any such Work, the Company shall defray the Expense of the Survey and Examination ; and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs, or the same may be recovered, with Costs, as a Penalty is recoverable from the Company.