



# Railway Regulation Act 1842

## 1842 CHAPTER 55 5 and 6 Vict

### 17 **Punishment of persons employed on railways guilty of misconduct.**

<sup>F1</sup> It shall be lawful for any officer or agent of any railway company, [<sup>F2</sup>or for any special constable duly appointed], and all such persons as they may call to their assistance, to seize and detain any engine driver, waggon driver, guard, porter, servant, or other person employed by the said or by any other railway company or by any other company or person, in conducting traffic upon the railway belonging to the said company, or in repairing and maintaining the works of the said railway, who shall be found drunk while so employed upon the said railway, who shall commit any offence against any of the bye-laws, rules, or regulations of the said company, or who shall wilfully, maliciously, or negligently do or omit to do any act whereby the life or limb of any person passing along or being upon such railway or the works thereof respectively shall be or might be injured or endangered, or whereby the passage of any engines, carriages, or trains shall be or might be obstructed or impeded, and to convey such engine driver, guard, porter, servant, or other person so offending, or any person counselling, aiding, or assisting in such offence, with all convenient despatch, before some justice of the peace for the place within which such offence shall be committed, without any other warrant or authority than this Act; and every such person so offending, and every person counselling, aiding, or assisting therein, as aforesaid, shall, when convicted upon the oath of one or more credible witness or witnesses before such justice as aforesaid (who is hereby authorized and required, upon complaint to him made . . . <sup>F3</sup>, without information in writing, to take cognizance thereof, and to act summarily in the premises), in the discretion of such justice, be imprisoned, . . . . . <sup>F4</sup>, for any term not exceeding [<sup>F5</sup>two calendar months,][<sup>F5</sup>three calendar months] or, in the like discretion of such justice, shall for every such offence forfeit to her Majesty any sum not exceeding [<sup>F6</sup>level 1 on the standard scale][<sup>F7</sup>£200][<sup>F8</sup>level 3 on the standard scale], and in default of payment thereof shall be imprisoned, . . . <sup>F4</sup>, as aforesaid, for such period not exceeding [<sup>F5</sup>two calendar months][<sup>F5</sup>three calendar months] as such justice shall appoint, such commitment to be determined on payment of the amount of the penalty; and every such penalty shall be returned to the next ensuing court of quarter sessions in the usual manner.

*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

*Changes to legislation: Railway Regulation Act 1842, Section 17 is up to date with all changes known to be in force on or before 12 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Textual Amendments

- F1** Recital omitted by virtue of Statute Law Revision (No. 2) Act 1890 (c. 51)
- F2** Words repealed (E.W.) by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119, **Sch. 7 Pt. I**.
- F3** Words repealed by Magistrates' Courts Act 1952 (c. 55), s. 132(2)-(4), **Sch. 6**
- F4** Words omitted by virtue of (E.W.) Criminal Justice Act 1948 (c. 58), **s. 1(2)** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21), **s. 221(2)**
- F5** Words “three calendar months” substituted, in relation to London Transport Executive, for words “two calendar months” by London Transport Act 1977 (c. xii), **s. 12(2)**
- F6** Words substituted (E.W.S.) for “£25” by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G**
- F7** “£200” substituted for “£25” in relation to (a) British Railways Board by British Railways Act 1977 (c. xvii), **Sch. 1** and (b) London Transport Executive by London Transport Act 1977 (c. xii), **Sch.**
- F8** Words substituted (E.W.S.) for “£200” by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G**

### Modifications etc. (not altering text)

- C1** S. 17 modified by Channel Tunnel Act 1987 (c. 53, SIF 102), ss. 43, 45, Sch. 6 para. 4(1)(2)(b), **Sch. 7 Pt. VI para. 2**

**Status:**

Point in time view as at 01/02/1991. This version of this provision has been superseded.

**Changes to legislation:**

Railway Regulation Act 1842, Section 17 is up to date with all changes known to be in force on or before 12 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.