



# Railways Clauses Consolidation (Scotland) Act 1845

## CHAPTER 33

### RAILWAYS CLAUSES CONSOLIDATION (SCOTLAND) ACT 1845

Operation of the Act confined to future Railways.

Interpretations in this Act:

- II Interpretations in this Act:
- III Interpretations in this and the special Act:
- IV Short Title of the Act.
- V Form in which Portions of this Act may be incorporated in other Acts.

#### *Construction of Railway*

- VI The Construction of the Railway to be subject to the Provisions of this Act and the Lands Clauses Consolidation (Scotland) Act.
- VII Errors and Omissions in Plans to be corrected.
- VIII Works not to be proceeded with until Plans of fill Alterations authorized by Parliament have been deposited.
- IX Sheriff Clerks, &c. to receive Plans of Alterations, and allow Inspection.
- X Copies to be Evidence.
- XI Limiting Deviation from Datum Line described on Sections, &c.
- XII Previous Notice of such Deviation to be given.
- XIII Arches, Tunnels, &c. to be made as marked on deposited Plans
- XIV Limiting Deviations from Gradients, Curves, &c.
- XV Lateral Deviations.
- XVI Works to be executed.  
Proviso as to Damages.
- XVII Works on the Shore of the Sea, &c. not to be constructed without the Authority of the Commissioners of Woods and Forests and Commissioners of the Admiralty.

- XVIII Alteration of Water and Gas Pipes, &c.
- XIX Company not to disturb Pipes until they have laid down others.
- XX Pipes not to be laid contrary to Act of Parliament, and 18 Inches surface Road to be retained.
- XXI Company to make good all Damage.
- XXII When Railway crosses Pipes, Company to make a Culvert.
- XXIII Penalty for obstructing Supply of Gas or Water.
- XXIV Penalty for obstructing Construction of Railway.

*Temporary Use of Lands*

- XXV Company may occupy temporarily private Roads within Five hundred Yards of the Railway.
- XXVI Power to Owners and Occupiers of Road and Land to object that other Roads should be taken.
- XXVII Power to take temporary Possession of Land without previous Payment of Price.
- XXVIII Company to give Notice previous to such temporary Possession.
- XXIX Service of Notices on Owners and Occupiers of Lands.
- XXX Power to Owner to object that other Lands ought to be taken.
- XXXI Power to the Sheriff to summon other Owners before him.
- XXXII The Company to give Sureties, if required.
- XXXIII Company to separate the Lands before using them.
- XXXIV Stone Quarries, &c. to be worked as Surveyor or Owner shall direct.
- XXXV Owners of Lands may compel Company to purchase Lands so temporarily occupied.
- XXXVI Compensation to be made for temporary Occupation.
- XXXVII Compensation to be ascertained under the Lands Clauses Act.

*Lands for additional Stations*

- XXXVIII Land to be taken for additional Stations, &c.

*Crossing of Roads, and Construction of Bridges*

- XXXIX Crossing of Roads.
  - XL Provision in Cases where Roads are crossed on a Level.
  - XLI As to crossing of Turnpike Roads adjoining Stations.
  - XLII Construction of Bridges over Roads.
  - XLIII Construction of Bridges over Railway.
  - XLIV The Width of the Bridges need not exceed the Width of Road in certain Cases.
  - XLV Existing Inclinations of Roads crossed or diverted need not be improved.
  - XLVI Before Roads interfered with, others to be substituted.
  - XLVII Penalty for not substituting a Road.
  - XLVIII Party suffering Damage from Interruption of Road to recover in an Action on the Case.
- XLIX Period for Restoration of Roads interfered with.
  - L Penalty for failing to restore Road.
  - LI Company to repair Roads used by them.
  - LII Company to make sufficient Approaches and Fences to Bridleways and Footways crossing on the Level.

- LIII Proceedings on Application to Sheriff or Justices to consent to level Crossings of Bridleways and Footways.
- LIV Sheriff or Justices to have Power to order Approaches and Fences to be made to Highways crossing on the Level.

*Screens for Turnpike Roads*

- LV Screen for Turnpike Road to be made, if required by the Board of Trade.
- LVI Penalty for failing to construct.

*Construction or Reparation of Bridges*

- LVII Sheriff or Justices to have Power to order Repair of Bridges, &c.
- LVIII Board of Trade empowered to modify the Construction of certain Roads, Bridges, &c. where a strict Compliance with the Act impossible or inconvenient.
- LIX Authentication of Certificates of the Board of Trade, Service of Notices, &c.

*Works for Accommodation and Protection of Lands*

- LX Works to be erected for the Accommodation of adjoining Lands.
- LXI Differences as to Accommodation Works to be settled by Sheriff or Justices.
- LXII Execution of Works by Owners on default by the Company.
- LXIII Power to Owners of Land to make additional Accommodation Works.
- LXIV Works to be constructed under the Superintendence of the Company's Engineer.
- LXV Accommodation Works not to be required after Five Years.
- LXVI Owners to be allowed to cross until Accommodation Works made.
- LXVII Materials, &c. to vest in Company for Purposes of Prosecution.
- LXVIII Penalty on Persons omitting to fasten Gates.

*Branch Railways*

- LXIX Power to Parties to make private Branch Rail, ways communicating with the Railway.  
Restrictions and Conditions.

*Working of Mines*

- LXX Promoters of the Undertaking not to be entitled to Minerals.
- LXXI Mines lying near the Railway not to be worked if the Company willing to purchase them.
- LXXII If Company unwilling to purchase, Owner may work the Mines.
- LXXIII Mining Communications.
- LXXIV Company to make Compensation for Injury done to Mines ;
- LXXV and also for any Airway or other Work made necessary by the Railway.
- LXXVI Power to the Company to enter and inspect the working of Mines.
- LXXVII Penalty for Refusal to allow Inspection.
- LXXVIII If Mines improperly worked, Supports to be made.

*Passengers and Goods on Railway*

- LXXIX Company to employ locomotive Power, Carriages, &c.
- LXXX Company empowered to contract with other Companies.

- LXXXI Contract not to affect Persons not Parties to it.  
 LXXXII Company not to be liable to a greater Extent than Common Carriers.  
 LXXXIII Power to vary Tolls under like Circumstances. Tolls to be charged equally under like Circumstances.  
 LXXXIV How Tolls to be calculated where Railways are amalgamated.  
 LXXXV Railway to be free on Payment of Tolls.

*Collection Tolls*

- LXXXVI List of Tolls to be exhibited on a Board.  
 LXXXVII Milestones.  
 LXXXVIII Tolls to be taken only whilst Board exhibited and Milestones set up.  
 LXXXIX Tolls to be paid as directed by the Company.  
 XC In default of Payment of Tolls, Goods, &c. may be detained and sold.  
 XCI Account of Lading, &c. to be given.  
 XCII Penalty for not giving Account of Lading.  
 XCIII Disputes as to Amount of Tolls chargeable.  
 XCIV Differences as to Weights, &c.  
 XCV Toll Collector to be liable for wrongful Detention of Goods.  
 XCVI Penalty on Passengers practising Frauds on the Company.  
 XCVII Detention of Offenders.  
 XCVIII Penalty for bringing dangerous Goods on Railway.  
 XCIX Delivery of Matters in possession or custody of Toll Collector at removal.  
 C Annual Account to be made up, and a Copy transmitted to the Sheriff Clerk.

*Bye Laws*

- CI Company to regulate the Use of the Railway.  
 CII Power to make Regulations by Bye Laws.  
 CIII Publication of such Bye Laws.  
 CIV Such Bye Laws to be binding on all Parties.

*Leasing of Railway*

- CV Exercise of Power to lease Railway.  
 CVI Powers vested in Company to be exercised by Lessees.

*Carriages and Engines*

- CVII Engines to consume their Smoke.  
 CVIII Engines to be approved by the Company and Certificate of Approval given. Unfit Engines to be removed.  
 CIX Penalties on Persons using improper Engines.  
 CX Carriages to be constructed according to Company's Regulations.  
 CXI Regulations to apply also to Company's Carriages.  
 CXII Penalty for using improper Carriages.  
 CXIII Owner's Name, &c. to be registered, and exhibited on Carriages.  
 CXIV On Noncompliance Carriage may be removed.  
 CXV Carriages improperly loaded, or suffered to obstruct the Way, may be unloaded or removed.  
 CXVI Company not to be liable for Damage by unloading, &c.  
 CXVII Owners liable for Damage by Servants.  
 CXVIII Owners to recover from Servants.

*Arbitration*

- CXIX Where Questions are to be determined by Arbitration Arbiters to be appointed within Fourteen, Days after Notice.
- CXX Vacancy of Arbiter to be supplied.
- CXXI Appointment of Oversman.
- CXXII Lord Ordinary to appoint an Oversman on Neglect of Arbiters.
- CXXIII In case of Death of single Arbiter, Matter to begin de novo.
- CXXIV If either Arbiter refuse to act, the other to proceed ex parte.
- CXXV If Arbiters fail to make their Award within Twenty one Days the Matter to go to the Umpire.
- CXXVI Power of Arbiters to call for Books, &c.
- CXXVII Expences to be in the Discretion of the Arbiters.
- CXXVIII Awards to be in Writing, and recorded.
- CXXIX Not to be set aside for Matter of Form.
- CXXX Service of Notices upon Company.
- CXXXI Tender of Amends.

*Recovery of Damages and Penalties*

- CXXXII Provision for Damages not otherwise provided for.
- CXXXIII Distress, &c. against the Treasurer.
- CXXXIV Method of proceeding before the Sheriff or Justices in Questions of Damages.
- CXXXV Publication of Penalties.
- CXXXVI Penalty for defacing Boards used for such Publication.
- CXXXVII Penalties to be summarily recovered before the Sheriff or Two Justices.
- CXXXVIII Penalties may be levied by Poinding and Sale.
- CXXXIX Imprisonment in default of sufficient Poinding.
- CXL Poinding and Sale how to be made.
- CXLI Poinding not unlawful for Want of Form.
- CXLII Application of Penalties.
- CXLIII Penalties to be sued for within Six Months.
- CXLIV Damage to be made good in addition to Penalty.
- CXLV Penalty on Witnesses making default.
- CXLVI Transient Offenders.
- CXLVII Proceedings by Sheriff need not be in Writing.
- CXLVIII Form of Conviction.
- CXLIX Proceedings not to be quashed for Want of Form, &c.
- CL Power of, Appeal to Sheriff.
- CLI Parties allowed to appeal from Justices to Quarter Sessions on giving Security.
- CLII Court to make such Order as they think reasonable.

*Special Act*

- CLIII Copies of special Act to be kept and deposited, and allowed to be inspected.
- CLIV Penalty on Company failing to keep or deposit Act.
- CLV Alteration of Act.

SCHEDULE referred —  
to by the foregoing Act