



Railways Clauses Consolidation (Scotland) Act 1845

1845 CHAPTER 33

Passengers and Goods on Railway

And with respect to the carrying of Passengers and Goods upon the Railway, and the Tolls to be taken thereon, be it enacted as follows:

LXXIX Company to employ locomotive Power, Carriages, &c.

It shall be lawful for the Company to use and employ locomotive Engines or other moving Power, and Carriages and Waggon to be drawn or propelled thereby, and to carry and convey upon the Railway all such Passengers and Goods as shall be offered to them for that Purpose, and to make such reasonable Charges in respect thereof as they may from Time to Time determine upon, not exceeding the Tolls by the special Act authorized to be taken by them.

LXXX Company empowered to contract with other Companies.

It shall be lawful for the Company from Time to Time to enter into any Contract with any other Company, being the Owners or Lessees or in possession of any other Railway, for the Passage over or along the Railway by the special Act authorized to be made of any Engines, Coaches, Waggon, or other Carriages of any other Company, or which shall pass over any other Line of Railway, or for the Passage over any other Line of Railway of any Engines, Coaches, Waggon, or other Carriages of the Company, or which shall pass over their Line of Railway, upon the Payment of such Tolls and under such Conditions and Restrictions as may be mutually agreed upon; and for the Purpose aforesaid it shall be lawful for the respective Parties to enter into any Contract for the Division or Apportionment of the Tolls to be taken upon their respective Railways.

LXXXI Contract not to affect Persons not Parties to it.

Provided always, That no such Contract as aforesaid shall in any Manner alter, affect, increase, or diminish any of the Tolls which the respective Companies, Parties to

such Contracts, shall for the Time being be respectively authorized and entitled to demand or receive from any Person or any other Company, but that all other Persons and Companies shall, notwithstanding any such Contract, be entitled to the Use and Benefit of any of the said Railways, upon the same Terms and Conditions, and on Payment of the same Tolls, as they would have been in case no such Contract had been entered into.

LXXXI Company not to be liable to a greater Extent than Common Carriers.

Nothing in this or the special Act contained shall extend to charge or make liable the Company further or in any other Case than where, according to the Laws of *Scotland*, Stage Coach Proprietors and Common Carriers would be liable, nor shall extend in any Degree to deprive the Company of any Protection or Privilege which Common Carriers or Stage Coach Proprietors may be entitled to ; but, on the contrary, the Company shall at all Times be entitled to the Benefit of every such Protection and Privilege.

LXXXII Power to vary Tolls under like Circumstances. Tolls to be charged equally under like Circumstances.

And whereas it is expedient that the Company should be enabled to vary the Tolls upon the Railway so as to accommodate them to the Circumstances of the Traffic, but that such Power of varying should not be used for the Purpose of prejudicing or favouring particular Parties, or for the Purpose of collusively and unfairly creating a Monopoly, either in the Hands of the Company or of particular Parties ; it shall be lawful therefore for the Company, subject to the Provisions and Limitations herein and in the special Act contained, from Time to Time to alter or vary the Tolls by the special Act authorized to be taken, either upon the whole or upon any particular Portions of the Railway, as they shall think fit; provided that all such Tolls be at all Times charged equally to all Persons, and after the same Rate, whether *per Ton per Mile* or otherwise, in respect of all Passengers, and of all Goods or Carriages of the same Description, and conveyed or propelled by a like Carriage or Engine passing only over the same Portion of the Line of Railway under the same Circumstances; and no Reduction or Advance in any such Tolls shall be made either directly or indirectly in favour of or against any particular Company or Person travelling upon or using the Railway.

LXXXIII How Tolls to be calculated where Railways are amalgamated.

And whereas Authority has been given by various Acts of Parliament to Railway Companies to demand Tolls for the Conveyance of Passengers and Goods and for other Services over a Fraction of a Mile equal to the Toll which they are authorized to demand for One Mile; be it enacted, That in Cases in which any Railway shall be amalgamated with any other adjoining Railway or Railways such Tolls shall be calculated and imposed at such Rates as if such amalgamated Railways had originally formed One Line of Railway.

LXXXIV Railway to be free on Payment of Tolls.

It shall not be lawful for the Company at any Time to demand or take a greater Amount of Toll, or make any greater Charge for the Carriage of Passengers or Goods, than they are by this and the special Act authorized to demand; and upon Payment of the Tolls from Time to Time demandable all Companies and Persons shall be entitled to use the

Railway, with Engines and Carriages properly constructed as by this and the special Act directed, subject nevertheless to the Provisions and Restrictions of the said Act of the Sixth Year of Her present Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*, and to the Regulations to be from Time to Time made by the Company by virtue of the Powers in that Behalf hereby and by the special Act conferred upon them