



# Railways Clauses Consolidation (Scotland) Act 1845

1845 CHAPTER 33 8 and 9 Vict

<sup>XI</sup> *Working of mines*

**74 Company to make compensation for injury done to mines;**

- (1) Where a counter-notice has been given by the company to a mine owner, the company shall from time to time pay to the mine owner the appropriate percentage (if any) of all such additional expenses and losses as may be incurred by such mine owner in consequence of such counter-notice by reason of—
  - (i) the continuous working of the mine being interrupted; or
  - (ii) the mine being worked in such manner and under such restrictions as not to prejudice or injure the protected works.
- (2) For the purpose of this section, the appropriate percentage means the percentage determined in accordance with the rules contained in the Third Schedule to this Act.
- (3) If any question or dispute arises between the company and the mine owner concerning the amount of such losses or expenses, or as to the appropriate percentage it shall be settled by arbitration.
- (4) Where the minerals specified in a counter-notice lie in different seams, the amount payable by the company to the mine owner under this section shall be calculated separately as respects each seam:

Provided that, where the works on which any additional expenditure is incurred serve more than one seam, that expenditure shall, for the purposes of this section, be apportioned between the seams served in such manner as, in default of agreement, may be determined by arbitration.

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

- C1** S. 74 incorporated (S.) (27.5.1997) by 1997 c. 8, ss. 188(2), 278(2)  
S. 74 applied (with modifications) (S.) (27.5.1997) by 1997 c. 9, ss. 47(2)(3), 83(2) (with s. 45(4))

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**Changes to legislation:** There are currently no known outstanding effects for the Railways Clauses Consolidation (Scotland) Act 1845, Section 74. (See end of Document for details)

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S. 74 incorporated (S.) (17.7.1995) by 1994 c. 39, **s. 98(2)(a)**; S.I. 1995/1898, **art. 2**  
**C2** Ss. 70–76 applied by Enterprise and New Towns (Scotland) Act 1990 (c. 35, SIF 64), **s. 36(3)**

**Changes to legislation:**

There are currently no known outstanding effects for the Railways Clauses Consolidation (Scotland) Act 1845, Section 74.