



Railways Clauses Consolidation (Scotland) Act 1845

1845 CHAPTER 33 8 and 9 Vict

Construction of railway

6 The construction of the railway to be subject to the provisions of this Act and the Lands Clauses Consolidation (Scotland) Act.

In exercising the power given to the company by the special Act to construct the railway, and to take lands for that purpose, the company shall be subject to the provisions and restrictions contained in this Act and in the said Lands Clauses Consolidation (Scotland) Act; and the company shall make to the owners and occupiers of and all other parties interested in any lands taken or used for the purposes of the railway, or injuriously affected by the construction thereof, full compensation for the value of the lands so taken or used, and for all damage sustained by such owners, occupiers, and other parties, by reason of the exercise, as regards such lands, of the powers by this or the special Act, or any Act incorporated therewith, vested in the company; and, except where otherwise provided by this or the special Act, the amount of such compensation shall be ascertained and determined in the manner provided by the said Lands Clauses Consolidation Act for determining questions of compensation with regard to lands purchased or taken under the provisions thereof; and all the provisions of the said last-mentioned Act shall be applicable to determine the amount of any such compensation, and to enforcing the payment or other satisfaction thereof.

[^{F1}(2) For the avoidance of doubt it is hereby declared that in this section the reference to the construction of the railway includes a reference to the execution of works in connections therewith.]

Textual Amendments

F1 S. 6(2) added by [Land Compensation \(Scotland\) Act 1973 \(c. 56\), s. 61](#)

Modifications etc. (not altering text)

C1 S. 6 incorporated (S.) (27.5.1997) by [1997 c. 8, ss. 188\(2\), 278\(2\)](#)

Changes to legislation: There are currently no known outstanding effects for the Railways Clauses Consolidation (Scotland) Act 1845, Section 6. (See end of Document for details)

- S. 6 modified (S.) (27.5.1997) by 1997 c. 8, ss. 195, 278(2), **Sch. 15 Pt. I para. 6**
- S. 6 applied (S.) (27.5.1997) by 1997 c. 8, **ss. 196(4)(a)**, 278(2)
- S. 6 modified (S.) (27.5.1997) by 1997 c. 8, **ss. 200(4)**, 278(2)
- S. 6 applied (with modifications) (S.) (27.5.1997) by 1997 c. 9, **ss. 47(2)(3)(4)**, 83(2) (with s. 45(4))
- S. 6 incorporated (S.) (17.7.1995) by 1994 c. 39, **s. 98(2)(a)**; S.I. 1995/1898, **art. 2**
- S. 6 incorporated (with modifications) (1.4.2002) by 2002 asp 3, **s. 46(3)** (with s. 67); S.S.I. 2002/118, **art. 2**
- C2** S. 6 applied by Enterprise and New Towns (Scotland) Act 1990 (c. 35, SIF 64), **s. 36(3)**
- C3** S. 6 extended by Telecommunications Act 1984 (c. 12, SIF 96), s. 10, **Sch. 2 para. 16(1)(4)**
- C4** S. 6 incorporated (27.4.2006) by Edinburgh Tram (Line Two) Act 2006 (asp 6), **s. 80(2)(3)** (with s. 75)
- C5** S. 6 incorporated (8.5.2006) by Edinburgh Tram (Line One) Act 2006 (asp 7), **s. 81(2)(3)** (with ss. 76, 84)
- C6** S. 6 applied (1.3.2010) by Planning Act 2008 (c. 29), ss. 152(5), 236, 241(8), 241(8), **Sch. 12 paras. 20(b)** (with s. 226); S.I. 2010/101, art. 3(h) (with art. 6)
- C7** S. 6 incorporated (with modifications) (3.2.2011) by Forth Crossing Act 2011 (asp 2), **ss. 21**, 80(2) (with ss. 69, 78); S.S.I. 2011/38, art. 2, Sch.
- C8** S. 6 applied by 2003 c. 21, Sch. 3A para. 85(3) (as inserted (28.12.2017) by Digital Economy Act 2017 (c. 30), s. 118(6), **Sch. 1** (with Sch. 2); S.I. 2017/1286, reg. 2(b))

Changes to legislation:

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