



Railways Clauses Consolidation (Scotland) Act 1845

1845 CHAPTER 33

Working of Mines

LXXI Mines lying near the Railway not to be worked if the Company willing to purchase them.

If the Owner, Lessee, or Occupier of any Mines or Minerals lying under the Railway, or any of the Works connected therewith, or within the prescribed Distance, or, where no Distance shall be prescribed, Forty Yards therefrom, be desirous of working the same, such Owner, Lessee, or Occupier shall give to the Company Notice in Writing of his Intention so to do Thirty Days before the Commencement of working; and upon the Receipt of such Notice it shall be lawful for the Company to cause such Mines to be inspected by any Person appointed by them for the Purpose; and if it appear to the Company that the working of such Mines, either wholly or partially, is likely to damage the Works of the Railway, and if the Company be desirous that such Mines or any Parts thereof should be left unworked, and if they be willing to make Compensation for such Mines or Minerals, or such Parts thereof as they desire to be left unworked, they shall give Notice to such Owner, Lessee, or Occupier of such their Desire, and shall in such Notice specify the Parts of the Mines under the Railway or Works or within the Distance aforesaid which they shall desire to be left unworked, and for which they shall be willing to make Compensation ; and in such Case such Owner, Lessee, or Occupier shall not work or get the Mines or Minerals comprised in such Notice ; and the Company shall make Compensation for the same, and for all Loss or Damage occasioned by the non-working thereof, to the Owner, Lessee, and Occupier thereof respectively ; and if the Company, and such Owner, Lessee, or Occupier, do not agree as to the Amount of such Compensation, the same shall be settled as in other Cases of disputed Compensation.