



# Railways Clauses Consolidation (Scotland) Act 1845

1845 CHAPTER 33

*Crossing of Roads, and Construction of Bridges*

**XLVIII Party suffering Damage from Interruption of Road to recover in an Action on the Case.**

If any Party entitled to a Right of Way over any Road so interfered with by the Company shall suffer any special Damage by reason that the Company shall fail to cause another sufficient Road to be made before they interfere with the existing Road, it shall be lawful for such Party to recover the Amount of such special Damage from the Company, with Expences, by Action in the Court of Session, if the Damage claimed exceeds Twenty-five Pounds, or in the Sheriff Court, if the Damage claimed does not exceed Twenty-five Pounds, and that whether any Party shall have sued for such Penalty as aforesaid or not, and without Prejudice to the Right of any Party to sue for the same.