



Railways Clauses Consolidation (Scotland) Act 1845

CHAPTER 33

RAILWAYS CLAUSES CONSOLIDATION (SCOTLAND) ACT 1845

- 1 Operation of the Act confined to future railways.

Interpretations in this Act

And with respect to the construction of this Act, and...

- 2 “special Act.” “prescribed.” “the lands.” “the undertaking.”
- 3 Interpretations in this and the special Act: Number: Gender: “Lands:”
“Lease:” “Toll:” “Month:” “Lord ordinary:” “Sheriff:” “Justice:” “Two
justices:” “Owner:” “the Bank:” “the company:” “the railway:”
- 4 Short title of the Act.
- 5

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.
- 7 Errors and omissions in plans to be corrected.
- 8 Works not to be proceeded with until plans of all alterations authorized
by Parliament have been deposited.
- 9 Sheriff clerks, &c. to receive plans of alterations, and allow inspection.
- 10 Copies to be evidence.
- 11 Limiting deviation from datum line described on sections, &c.
- 12 Previous notice of such deviation to be given.
- 13 Arches, tunnels, &c. to be made as marked on deposited plans.
- 14 Limiting deviations from gradients, curves, &c.
- 15 Lateral deviations.

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

- 16 Works to be executed. Inclined planes, &c. Alteration of course of rivers, &c. Drains, &c. Warehouses, &c. Alterations and repairs. General power. Proviso as to damages.
- 17 Works on the shore of the sea, &c. not to be constructed without the authority of the commissioners of woods and forests and commissioners of the Admiralty.
- 18 Alteration of water and gas pipes, &c.
- 19 Company not to disturb pipes until they have laid down others.
- 20 Pipes not to be laid contrary to Act of Parliament, and 18 inches surface road to be retained.
- 21 Company to make good all damage.
- 22 When railway crosses pipes, company to make a culvert.
- 23 Penalty for obstructing supply of gas or water.
- 24 Penalty for obstructing construction of railway.

Temporary use of lands

And with respect to the temporary occupation of lands near...

- 25 Company may occupy temporarily private roads within five hundred yards of the railway.
- 26 Power to owners and occupiers of road and land to object that other roads should be taken.
- 27 Power to take temporary possession of land without previous payment of price.
- 28 Company to give notice previous to such temporary possession.
- 29 Service of notices on owners and occupiers of lands.
- 30 Power to owner to object that other lands ought to be taken.
- 31 Power to the sheriff to summon other owners before him.
- 32 The company to give sureties, if required.
- 33 Company to separate the lands before using them.
- 34 Some quarries, &c. to be worked as surveyor of owner shall direct.
- 35 Owners of lands may compel company to purchase lands so temporarily occupied.
- 36 Compensation to be made for temporary occupation.
- 37 Compensation to be ascertained under the Lands Clauses Acts.
- 38

Crossing of roads, and construction of bridges

And with respect to the crossing of roads, or other...

- 39 Crossing of roads.
- 40 Provision in cases where roads are crossed on a level.
- 41 As to crossing of turnpike roads adjoining stations.
- 42 Construction of bridges over roads.
- 43 Construction of bridges over railway.
- 44 The width of the bridges need not exceed the width of road in certain cases.
- 45 Existing inclinations of roads crossed or diverted need not be improved.
- 46 Before roads interfered with, others to be substituted.
- 47 Penalty for not substituting a road.
- 48 Party suffering damage from interruption of road to recover in an action on the case.
- 49 Period for restoration of roads interfered with.
- 50 Penalty for failing to restore road.

- 51 Company to repair roads used by them.
- 52 Company to make sufficient approaches and fences to bridleways and footways crossing on the level.
- 53 Proceedings on application to sheriff or justices to consent to level crossings of bridleways and footways.
- 54 Sheriff or justices to have power to order approaches and fences to be made to highways crossing on the level.

Screens for roads

- 55 Screen for turnpike road to be made, if required by the Board of Trade.
- 56 Penalty for failing to construct.

Construction or reparation of bridges

- 57 Sheriff or justices to have power to order repair of bridges, &c.
- 58 Board of Trade empowered to modify the construction of certain roads, bridges, &c. where a strict compliance with the Act impossible or inconvenient.
- 59 Authentication of certificates of the Board of Trade, service of notices, &c.

Works for accommodation and protection of lands

- Andwith respect to works for the accommodation of lands adjoining...
- 60 Works to be erected for the accommodation of adjoining lands.
 - 61 Differences as to accommodation works to be settled by sheriff or justices.
 - 62 Execution of works by owners on default by the company.
 - 63 Power to owners of land to make additional accommodation works.
 - 64 Works to be constructed under the superintendence of the company's engineer.
 - 65 Accommodation works not to be required after five years.
 - 66 Owners to be allowed to cross until accommodation works made.
 - 67 Materials, &c. to vest in company for purposes of prosecution.
 - 68 Penalty on persons omitting to fasten gates.
 - 69

Working of mines

- And with respect to mines lying under or near the...
- 70 Promoters of the undertaking not to be entitled to minerals.
 - 71 Mines lying near the railway not to be worked if the company willing to purchase them.
 - 71A Compensation for leaving minerals unworked.
 - 72 If company unwilling to purchase, owner may work the mines.
 - 72A Liability in respect of authorised workings.
 - 72B Notices and accounts with respect to damage.
 - 73 Mining communications.
 - 74 Company to make compensation for injury done to mines;
75 and also for any airway or other work made necessary by the railway.
 - 76 Power to the company to enter and inspect the working of mines.
 - 77 Penalty for refusal to allow inspection.
 - 78 If mines improperly worked, supports to be made.
 - 78A Power to vary rights by agreement.

- 78B Savings.
- 78C Interpretation.
- 78D Exemption from liability to leave support otherwise than under Act or agreement.

Working of mines [Editorial Note: ss. 70-78 as originally enacted follow]

- And with respect to mines lying under or near the...
- 70 *Promoters not to be entitled to minerals.*
- 71 *Mines lying near the railway not to be worked if the company willing to purchase them.*
- 72 *If company unwilling to purchase, owner may work the mines.*
- 73 *Mining communications.*
- 74 *Company to make compensation for injury done to mines;*
- 75 *and also for any airway or other work made necessary by the railway.*
- 76 *Power to company to enter and inspect the working of mines.*
- 77 *Penalty for refusal to allow inspection.*
- 78 *If mines improperly worked, supports to be made.*

Passengers and goods on railway

- 79 Company to employ locomotive power, carriages, &c
- 80 Company empowered to contract with other companies.
- 81 Contract not to affect persons not parties to it.
- 82
- 83
- 84—86

Collection of tolls

- 87 Milestones.
- 88 †Tolls to be taken only whilst board exhibited and milestones set up.
- 89
- 90 In default of payment of tolls, goods, &c. may be detained and sold.
- 91—95
- 96 Penalty on passengers practising frauds on the company.
- 97 Detention of offenders.
- 98 Penalty for bringing dangerous goods on railway.
- 99, 100

Bye Laws.

- ...
- 101—
- 104

Leasing of railway

- 105 Exercise of power to lease the railway.
- 106 Powers vested in company to be exercised by lessees.

Carriages and engines

- And with respect to the engines and carriages to be...
- 107

- 108 Engines to be approved by the company, and certificate of approval given. Unfit engines to be removed.
- 109 Penalties on persons using improper engines.
- 110 Carriages to be constructed according to company's regulations.
- 111 Regulations to apply also to company's carriages.
- 112 Penalty for using improper carriages.
- 113 Owner's name, &c. to be registered, and exhibited on carriages.
- 114 On non-compliance carriage may be removed.
- 115 Carriages improperly loaded, or suffered to obstruct the way, may be unloaded or removed.
- 116 Company not to be liable for damage by unloading, &c.
- 117 Owners liable for damage by servants.
- 118

Arbitration

- And with respect to the settlement of disputes by arbitration,...
- 119—
- 129
- 130 Service of notices upon company.
- 131 Tender of amends.

Recovery of damages and penalties

- And with respect to the recovery of damages not specially...
- 132 Provision for damages not otherwise provided for.
- 133
- 134 Method of proceeding before the sheriff or justices in questions of damages.
- 135
- 136 Penalty for defacing boards used for such publication.
- 137 Penalties to be summarily recovered before the sheriff or two justices.
- 138
- 139
- 140, 141
- 142 Application of penalties.
- 143
- 144 Damage to be made good in addition to penalty.
- 145
- 146 Transient offenders.
- 147 Proceedings by sheriff need not be in writing.
- 148
- 149

Appeal

- 150 Power of appeal to sheriff.
- 151, 152

Special Act

- And with respect to the provision to be made for...
- 153 Copies of special Act to be kept and deposited, and allowed to be inspected.
- 154 Penalty on company failing to keep or deposit Act.

155

SCHEDULES

FIRST SCHEDULE — Percentage of Contribution

SECOND — Rules for Ascertaining Area for the Purpose of Computing
SCHEDULE Maximum Liability of Mine Owner in Respect of Authorised
Workings

- 1 The area shall extend laterally on each side of (but...
- 2 The area shall extend longitudinally for a distance co-extensive with...

THIRD SCHEDULE — Rules for Determining Percentage of Contributions to Additional
Expenses for Damages Payable by a Company

- 1 The percentage shall be one hundred if the specified minerals...
- 2 If the specified minerals extend to one hundred and fifty...
- 3 If the specified minerals extend further from such boundary on...

Changes to legislation:

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