



Locomotive Act 1861

1861 CHAPTER 70 24 and 25 Vict

An Act for regulating the use of locomotives on turnpike and other roads, and the tolls to be levied on such locomotives and on the waggons and carriages drawn or propelled by the same. [1st August 1861]

Modifications etc. (not altering text)

- C1 Preamble omitted under authority of [Statute Law Revision Act 1892 \(c. 19\)](#)
- C2 Words of enactment repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

1 Scale of Tolls to be taken after passing of this Act.

From and after the passing of this Act, all Trustees, Corporations, Commissioners, and other Persons acting under and in execution of any existing General or Local Turnpike Road Act or Public Bridge Act shall demand and take Tolls not exceeding the Tolls following ; that is to say,

For every Locomotive propelled by any Power, containing within itself the Machinery for its own Propulsion, such a Toll for every Two Tons Weight or fractional part of every Two Tons Weight that such Locomotive shall weigh as shall be equal to the Toll or Tolls by their respective Acts made payable for every Horse drawing any Waggon, Wain, Cart, or Carriage with Wheels of a Width similar to those of such Locomotive ; or in the Case of a Toll by any such Act made payable being charged on the Horse or Horses drawing any such Waggon, Wain, Cart, or Carriage, without reference to the Width of the Wheels thereof, then such a Toll for every Two Tons or fractional Part thereof that such Locomotive shall weigh as shall be equal to One Horse drawing such Waggon, Wain, Cart, or Carriage ; which Tolls respectively shall be payable so often as Tolls made payable as aforesaid for such Waggon, Wain, Cart, or Carriage shall be payable at the same Gate :

Provided always, that if the Wheels of such Locomotive shall rest upon any Shoe or other Bearing the Surface of which shall bear upon the Ground so as to prevent the Wheels coming in contact therewith, such and the same Tolls only shall be demanded and payable as if the Wheels thereof were of a Width similar to such Shoe or Bearing :

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For every Waggon, Wain, Cart, or Carriage drawn or propelled by any Locomotive, for each Pair of Wheels thereof such a Toll as shall not exceed the Toll by their respective Acts made payable for Two Horses drawing any Waggon, Wain, Cart, or Carriage with Wheels of a similar Width, and for every additional Wheel thereof One Half Toll in addition to the said Toll ; or in the Case of a Toll by any such Act made payable being charged on the Horse or Horses drawing any such Waggon, Wain, Cart, or Carriage, without reference to the Width of the Wheels thereof, then such a Toll for each Wheel as shall be equal to One Horse drawing such Waggon, Wain, Cart, or Carriage ; which said Toll or Tolls shall be payable so often as the Toll made payable as aforesaid for such Waggon, Wain, Cart, or Carriage drawn by Horses shall be payable at the same Gate :
Provided always, that in every Case where the Wheels of any Waggon, Wain, Cart, or Carriage shall not be cylindrical, as described in the Act of the Third Year of *George* the Fourth, Chapter One Hundred and twenty-six, Section Nine, the Toll payable in respect thereof shall be One Half more.

Modifications etc. (not altering text)

C3 The text of ss. 1, 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

2 Repeal of former Enactments as to Tolls to be taken for Locomotives.

All Clauses and Provisions in any Local or General Turnpike Road Act or public Bridge Act authorizing Tolls to be demanded or taken upon Locomotives or Carriages drawn by Steam or any other than Animal Power, different to the Tolls herein provided for, shall, so far as the same relate to such Tolls, be and the same are hereby repealed :
Provided always, that this Enactment shall not be deemed or construed to extend to any Tolls authorized to be taken in respect of any private Roads or private Bridges, or to the Roads comprised in “The Commercial Roads Continuation Act, 1849.”

Modifications etc. (not altering text)

C4 The text of ss. 1, 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

3 **F1**

Textual Amendments

F1 [S. 3](#) repealed by [Locomotives Amendment \(Scotland\) Act 1878 \(c. 58\)](#), [s. 3](#) and [Highways and Locomotives \(Amendment\) Act 1878 \(c. 77\)](#), [s. 28](#)

4 **F2**

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Textual Amendments

F2 Ss. 4, 12, 13 repealed by [Road Traffic Act 1930 \(c. 43\)](#), **Sch. 5**

5 **F3**

Textual Amendments

F3 Ss. 5, 9, 11, 15 repealed by [Locomotives Act 1865 \(c. 83\)](#), **s. 2**

6 **F4**

Textual Amendments

F4 [S. 6](#) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), [s. 1\(8\)](#), **Sch. 7 para. 14(1)(a)**

[^{F57} **Damage caused by locomotives to bridges to be made good by owners.**

Where any turnpike or other roads, upon which locomotives are or hereafter may be used, pass or are or shall be carried over or across any stream or watercourse, navigable river, canal, or railway, by means of any bridge or arch (whether stationary or moveable), and such bridge or arch, or any of the walls, buttresses, or supports thereof, shall be damaged by reason of any locomotive or any waggon or carriage drawn or propelled by or together with a locomotive passing over the same or coming into contact therewith, none of the proprietors, undertakers, directors, conservators, trustees, commissioners, or other person interested in or having the charge of such navigable river, canal, or railway, or the tolls thereof, or of such bridge or arch, shall be liable to repair or make good any damage so to be occasioned, or to make compensation to any person for any obstruction, interruption, or delay which may arise therefrom to the use of such bridge or arch, navigable river, canal, or railway, but every such damage shall be forthwith repaired to the satisfaction of the proprietors, undertakers, directors, conservators, trustees, commissioners, or other persons as aforesaid respectively interested in or having the charge of such river, canal, or railway, or the tolls thereof, or of such bridge or arch, by and at the expense of the owner or owners or the person or persons having the charge of such locomotive at the time of the happening of such damage; and all such owner and owners, person and persons having the charge of such locomotive as aforesaid, shall also be liable, both jointly and severally, to reimburse and make good as well to the proprietors, undertakers, directors, conservators, trustees, commissioners, and other persons interested in or having the charge of any such navigable river, canal or railway, or the tolls thereof, or of such bridge or arch, as to all persons navigating on or using, or who but for such obstruction, interruption, or delay would have navigated on or used the same, all losses and expenses which they or any of them may sustain or incur by reason of any such obstruction, interruption, or delay, such losses and expenses to be recoverable by action at law; which action, in case of such proprietors, undertakers, directors, conservators, trustees, commissioners, or other persons so interested as aforesaid, may

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be brought in the name or names of their agent or agents, clerk or clerks for the time being, or by any person or persons legally authorized to act in their behalf.]

Textual Amendments
F5 S. 7 repealed (*prosp.*) by Road Traffic Act 1960 (c. 16), ss. 266, 270, **Sch. 20 para. 5**

8 F6

Textual Amendments
F6 S. 8 repealed by Locomotives Amendment (Scotland) Act 1878 (c. 58), s. 3 and Highways and Locomotives (Amendment) Act 1878 (c. 77), s. 30

9 F7

Textual Amendments
F7 Ss. 5, 9, 11, 15 repealed by Locomotives Act 1865 (c. 83), s. 2

10 Exemption from tolls of waggons, &c.

All waggons, wains, carts, or carriages, as herein-before described, drawn by any locomotive, and loaded with any materials such as are now exempt from toll under the provisions of any General or Local Act, shall be entitled to the same exemption as they would be if drawn by animal power.

11 F8

Textual Amendments
F8 Ss. 5, 9, 11, 15 repealed by Locomotives Act 1865 (c. 83), s. 2

12, 13. F9

Textual Amendments
F9 Ss. 4, 12, 13 repealed by Road Traffic Act 1930 (c. 43), **Sch. 5**

14 Short title.

This Act may be cited as “The Locomotive Act, 1861.”

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15 **F10**

Textual Amendments

F10 Ss. 5, 9, 11, 15 repealed by [Locomotives Act 1865 \(c. 83\)](#), s. 2

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