



Railways Clauses Consolidation Act 1845

CHAPTER 20

RAILWAYS CLAUSES CONSOLIDATION ACT 1845

1	Operation of this Act confined to future railways.
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Interpretations in this Act

- 2 “Special Act:”
- 3 Interpretations in this and the special Act:
- 4 Short title of the Act.
- 5 Form in which portions of this Act may be incorporated in other Acts.

Construction of railway

- 6 The construction of the railway to be subject to the provisions of this Act and the Lands Clauses Consolidation 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 Clerks of the peace, &c. to receive plans of alterations, and allow inspection.
- 10 Copies of plans, &c. to be evidence.
- 11 Limiting deviation from datum line described on sections, &c.
- 12 Public notice to be given previous to making greater deviations.
- 13 Arches, tunnels, &c. to be made as marked on deposited plans.
- 14 Limiting deviations from gradients, curves, &c.
- 15 Lateral deviations.
- 16 Works to be executed.
- 17 Works below high-water mark not to be executed without the consent of the lords of the admiralty.

Status: Point in time view as at 28/04/2003.

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

- 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 any Act, 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.
- 25—29

Temporary use of lands

- 30 Company may occupy temporarily private roads within five hundred yards of the railway.
- 31 Power to owners and occupiers of road and land to object that other roads should be taken.
- 32 Power to take temporary possession of land without previous payment of price.
- 33 Company to give notice previous to such temporary possession.
- 34 Service of notices on owners and occupiers of lands.
- 35 Power to owner to object that other lands ought to be taken.
- 36 Power to two justices to order that the lands and materials shall not be taken.
- 37 Power to justices to order other lands to be taken.
- 38 Power to the justices to summon other owners before them.
- 39 The company to give sureties, if required.
- 40 Company to separate the lands before using them.
- 41 Lands taken for getting materials, &c. to be worked as the surveyor of owner may direct.
- 42 Owners of lands may compel company to purchase lands so temporarily occupied.
- 43 Compensation to be made for temporary occupation.
- 44 Compensation to be ascertained and applied under the Lands Clauses Act.
- 45

Crossing of roads and construction of bridges

- 46 Crossing of roads.
- 47 Provision in cases where roads are crossed on a level.
- 48 As to crossing of turnpike roads adjoining stations.
- 49 Construction of bridges over roads.
- 50 Construction of bridges over railway.
- 51 The width of the bridges need not exceed the width of the existing road in certain cases.
- 52 Existing inclinations of roads crossed or diverted need not be improved.
- 53 Before roads interfered with, others to be substituted.
- 54 Penalty for not substituting a road.
- 55 Party suffering damage from interruption of road to recover in an action on the case.
- 56 Period for restoration of roads interfered with.
- 57 Penalty for failing to restore road.
- 58 Company to repair roads used by them.

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- 59 Proceedings on application to justices to consent to level crossings of
bridleways and footways.
- 60 Appeal against the determination of the justices.
- 61 Company to make sufficient approaches and fences to bridleways and
footways crossing on the level.
- 62 Justices to have power to order approaches and fences to be made to
highways crossing on the level.
- 63, 64

Construction of bridges

- 65 Justices to have power to order repair of bridges, &c.
- 66 Board of Trade empowered to modify the construction of certain roads,
bridges, &c. where a strict compliance with the Act is impossible or
inconvenient.
- 67 Authentication of certificates of the Board of Trade, service of notices,
&c.

Works for protection and accommodation of lands

- 68 Gates, bridges, &c.
- 69 Differences as to accommodation works to be settled by justices.
- 70 Execution of works by owners on default by the company.
- 71 Power to owners of land to make additional accommodation works.
- 72 Such works to be constructed under the superintendence of the
company's engineer.
- 73 Accommodation works not to be required after five years.
- 74 Owners to be allowed to cross the railway until accommodation works
are made.
- 75 Penalty on persons omitting to fasten gates.
- 76

Working of mines

- And with respect to mines lying under or near the...
- 77 Company not to be entitled to minerals, unless expressly purchased.
- 78 Conditions under which minerals under railway may be worked.
- 78A Compensation for leaving minerals unworked.
- 79 Power to work minerals not affected by a counter-notice.
- 79A Liability in respect of authorised workings.
- 79B Notices and accounts with respect to damage.
- 80 Rights of access through specified minerals.
- 81 Additional expenses for severance.
- 82 Compensation to surface owners.
- 83 Rights of inspection.
- 84 Penalty for refusal to allow inspection.
- 85 Protection against improper working.
- 85A Power to vary rights by agreement.
- 85B Savings.
- 85C Serving of notices, counter-notices, &c.
- 85D Interpretation.
- 85E Exemption from liability to leave support otherwise than under Act or
agreement.

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Working of Mines [Editorial note: ss. 77-85 as originally enacted follow]

- 77 Company not to be entitled to minerals.
 78 Mines lying near the railway not to be worked if the company willing to purchase them.
 79 If company unwilling to purchase, owner may work the mines.
 80 Mining communications.
 81 Company to make compensation for injury done to mines;
 82 and also for any airway or other work made necessary by the railway.
 83 Power to company to enter and inspect the working of mines.
 84 Penalty for refusal to inspect.
 85 If mines improperly worked, the company may require means to be adopted for the safety of the railway.

Passengers and goods on railways

- 86 Company to employ locomotive power, carriages, &c.
 87 Company empowered to contract with other companies.
 88 Contracts not to affect persons not parties thereto.
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 91—93
 94 Milestones.
 95 †Tolls to be taken only whilst boards exhibited and milestones set up.
 Penalty for defacing, etc. milestones.
 96
 97 In default of payment of tolls, goods, &c. may be detained and sold.
 98—102
 103 Penalty on passengers practising frauds on the company.
 104 Detention of offenders.
 105 Penalty for bringing dangerous goods on railway.
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Leasing of railway

- 112 Exercise of power to lease the railway.
 113 Powers vested in the company may be exercised by the lessees.

Carriages and engines

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 115 Engines to be approved by the company, and certificate of approval given.
 116 Penalty for using improper engines.
 117 Carriages to be constructed according to company's regulations.
 118 Regulations to apply also to company's carriages.
 119 Penalty for using improper carriages.
 120 Owner's name, &c. to be registered, and exhibited on carriages.
 121 On non-compliance carriage may be removed.
 122 Carriages improperly loaded, or suffered to obstruct the road, may be unloaded or removed.
 123 Company not to be liable for damage by such unloading, &c.
 124 Owners liable for damage done by their servants.
 125

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Arbitration

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138	Service of notices upon company.
139
<i>Recovery of damages and penalties</i>	
140	Provision for damages not otherwise provided for.
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142	Method of proceeding before justices in questions of damages, &c.
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144	Penalty for defacing boards used for such publication.
145	Penalties to be summarily recovered before two justices.
146, 147
148	Distress how to be levied.
149	Distress not unlawful for want of form.
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152	Damage to be made good in addition to penalty.
153	Penalty on witnesses making default.
154	Transient offenders.
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Access to special Act

162	Copies of special Act to be kept and deposited, and allowed to be inspected.
163	Penalty on company failing to keep or deposit such copies.
164	Act not to extend to Scotland.
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SCHEDULES

FIRST SCHEDULE — Percentage of Contribution

The percentage at intermediate depths to be in proportion.

**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...

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- 3 If the specified minerals extend further from such boundary on...

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