



# Regulation of Railways Act 1871

1871 CHAPTER 78 34 and 35 Vict

## *Accidents*

### **6 Companies to make returns of accidents to Board of Trade.**

[<sup>F1</sup>Where in or about any railway or station or any works or buildings connected therewith, or any building or place (whether open or closed) occupied by a company having the management of a railway or station, any of the following accidents takes place in the course of the working of the railway or station]; (that is to say,)

- (1) Any accident attended with loss of life or personal injury to any person whomsoever;
- (2) Any collision where one of the trains is a passenger train;
- (3) Any passenger train or any part of a passenger train accidentally leaving the rails;
- (4) Any accident of a kind not comprised in the foregoing descriptions, but which is of such a kind as to have caused or to be likely to cause loss of life or personal injury, and which may be specified in that behalf by any order to be made from time to time by the Board of Trade,

[<sup>F2</sup>the company having the management of the railway or station, and, also, if the accident happens to a train operated by any other company], such last-mentioned company shall send notice of such accident and of the loss of life or personal injury (if any) occasioned thereby to the Board of Trade.

Such notice shall be in such form and shall contain such particulars as the Board of Trade may from time to time direct, and shall be sent by the earliest practicable post after the accident takes place.

The Board of Trade may from time to time by order direct that notice of any class of accidents shall be sent to them by telegraph, and may revoke any such order. Notice of every such order shall be sent to every railway company, and while it is in force notice of every accident of the class to which the order relates shall be sent to the Board of Trade by telegraph immediately after the accident takes place.

Every company who fail to comply with the provisions of this section shall be liable for each offence to a penalty not exceeding [<sup>F3</sup>level 2 on the standard scale] .

*Status: Point in time view as at 01/04/1994.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation of Railways Act 1871, Cross Heading: Accidents. (See end of Document for details)*

### Textual Amendments

- F1** Words in s. 6 substituted (1.4.1994) by S.I. 1994/857, art. 2, **Sch. para. 4(d)(i)**
- F2** Words in s. 6 substituted (1.4.1994) by S.I. 1994/857, art. 2, **Sch. para. 4(d)(ii)**
- F3** Words “level 2 on the standard scale” substituted (E.W.S.) by virtue of (E.W.) **Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46** and (S.) **Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G**

### Modifications etc. (not altering text)

- C1** S. 6 extended by **Railway Employment (Prevention of Accidents) Act 1900 (c. 27), s. 13(2)**; as extended, amended by **Road and Rail Traffic Act 1933 (c. 53), s. 43(1)**
- C2** Expression “company” extended by **Channel Tunnel Act 1987 (c. 53, SIF 102), ss. 43, 45, Sch. 6 para. 3, Sch. 7 Pt. VI para. 2**

## 7 Inquiry into accidents and formal investigation in serious cases.

The Board of Trade may direct an inquiry to be made by an inspector into the cause of any accident, of which notice is for the time being required by or in pursuance of this Act to be sent to the Board of Trade; and where it appears to the Board of Trade, either before or after the commencement of any such inquiry, that a more formal investigation of the accident, and of the causes thereof, and of the circumstances attending the same, is expedient, the Board of Trade may, by order, direct such investigation to be held, and with respect to such investigation the following provisions shall have effect:

- (1) The Board of Trade may, by the same or any subsequent order, appoint any person or persons possessing legal or special knowledge to assist an inspector in holding the same, or may direct the county court judge, stipendiary magistrate, metropolitan police magistrate, or other person or persons named in the same or any subsequent order, to hold the same with the assistance of an inspector or any other assessor or assessors named in the order:
- (2) The persons holding any such formal investigation (hereinafter referred to as the court) shall hold the same in open court in such manner and under such conditions as they may think most effectual for ascertaining the causes and circumstances of the accident, and enabling them to make the report in this section mentioned:
- (3) The court shall have for the purposes of such investigation all the powers of a court of summary jurisdiction when acting as a court in the exercise of its ordinary jurisdiction, and all the powers of an inspector under this Act, and in addition the following powers; namely,
  - (a) They may enter and inspect any place or building the entry or inspection whereof appears to them requisite for the said purpose:
  - (b) They may by summons under their hands require the attendance of all such persons as they think fit to call before them and examine for the said purpose, and may for such purpose require answers or returns to such inquiries as they think fit to make:
  - (c) They may require and enforce the production of all books, papers, and documents which they consider important for the said purpose:
  - (d) They may administer an oath, and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination:

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- (e) Every person so summoned not being a person engaged in the management, service, or employment of a company, or otherwise connected with a company, shall be allowed such expenses as would be allowed to a witness attending on subpoena before a court of record; and in case of dispute as to the amount to be allowed, the same shall be referred by the court to a master of one of the superior courts, who, on request under the hands of the members of the court, shall ascertain and certify the proper amount of such expenses:
- (4) The inspector making an inquiry into any accident and the court holding an investigation of any accident shall make a report to the Board of Trade stating the causes of the accident and all the circumstances attending the same, and any observations thereon or on the evidence or on any matters arising out of the investigations which they think right to make to the Board of Trade, and the Board of Trade shall cause every such report to be made public in such manner as they think expedient.

**Modifications etc. (not altering text)**

- C3** Expression “company” extended by [Channel Tunnel Act 1987 \(c. 53, SIF 102\)](#), ss. 43, 45, [Sch. 6 para. 3](#), [Sch. 7 Pt. VI para. 2](#)

**8 Appointment of an assessor to coroner.**

Where any coroner in England holds or is about to hold an inquest on the death of any person occasioned by an accident, of which notice for the time being is required by or in pursuance of this Act to be sent to the Board of Trade, and makes a written request to the Board of Trade in this behalf, the Board of Trade may appoint an inspector or some person possessing legal or special knowledge to assist in holding such inquest, and such appointee shall act as the assessor of the coroner, and shall make the like report to the Board of Trade, and the report shall be made public in like manner as in the case of a formal investigation of an accident under this Act.

**9, 10.** ..... <sup>F4</sup>

**Textual Amendments**

- F4** [Ss. 9, 10](#) and [Sch. 1](#) repealed with saving by [Statute Law Revision Act 1960 \(c. 56\)](#), s. 1(2), [Sch.](#)

**Status:**

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**Changes to legislation:**

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