



Railways Clauses Consolidation Act 1845

CHAPTER 20

RAILWAYS CLAUSES CONSOLIDATION ACT 1845

1	Operation of this Act confined to future railways.
108—
111	

Interpretations in this Act

- And with respect to the construction of this Act and...
- 2 “Special Act:”
 - 3 Interpretations in this and the special Act:
 - 4 Short title of the Act.
 - 5 Interpretations in this Act

Construction of railway

- And with respect to the construction of the railway and...
- 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.

Status: Point in time view as at 21/04/2014.

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

- 17 Works below high-water mark not to be executed without the consent of the lords 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 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 Construction of railway

Temporary use of lands

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

- 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 Temporary use of lands

Crossing of roads and construction of bridges

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

- 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.

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- 56 Period for restoration of roads interfered with.
- 57 Penalty for failing to restore road.
- 58 Company to repair roads used by them.
- 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 Crossing of roads and construction of bridges

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

And with respect to works for the 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 Works for protection and accommodation of lands

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.

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- 85D Interpretation.
85E Exemption from liability to leave support otherwise than under Act or agreement.

Working of Mines [Editorial note: ss. 77-85 as originally enacted follow]

And with respect to mines lying under or near the...

- 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

And with respect to the carrying of passengers and goods...

- 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.*
89 *Passengers and goods on railways*
90 *Passengers and goods on railways*
91—93 *Passengers and goods on railways*
94 *Milestones.*
95 *†Tolls to be taken only whilst boards exhibited and milestones set up.*
Penalty for defacing, etc. milestones.
96 *Passengers and goods on railways*
97 *In default of payment of tolls, goods, &c. may be detained and sold.*
98—102 *Passengers and goods on railways*
103 *Penalty on passengers practising frauds on the company.*
104 *Detention of offenders.*
105 *Penalty for bringing dangerous goods on railway.*
106—
107 *Passengers and goods on railways*

Leasing of railway

And with respect to leasing the railway, be it enacted...

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

Carriages and engines

- 114 *Carriages and engines*
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.*

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- 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 Carriages and engines

Arbitration

- And with respect to the settlement of disputes by arbitration,...
- 126— Arbitration
- 137
- 138 Service of notices upon company.
- 139 Arbitration

Recovery of damages and penalties

- And with respect to the recovery of damages not specially...
- 140 Provision for damages not otherwise provided for.
- 141 Recovery of damages and penalties
- 142 Method of proceeding before justices in questions of damages, &c.
- 143 Recovery of damages and penalties
- 144 Penalty for defacing boards used for such publication.
- 145 Penalties to be summarily recovered before two justices.
- 146, 147 Recovery of damages and penalties
- 148 Recovery of damages and penalties
- 149 Distress not unlawful for want of form.
- 150 Recovery of damages and penalties
- 151 Recovery of damages and penalties
- 152 Recovery of damages and penalties
- 153 Recovery of damages and penalties
- 154 Transient offenders.
- 155 Recovery of damages and penalties
- 156 Recovery of damages and penalties
- 157— Recovery of damages and penalties
- 159
- 160 Recovery of damages and penalties
- 161 Recovery of damages and penalties

Access to special Act

- And with respect to the provision to be made for...
- 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.
- 165 Access to special Act

SCHEDULES

FIRST SCHEDULE — Percentage of Contribution

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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...

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