



# Railways Clauses Consolidation Act 1845

## 1845 CHAPTER 20 8 and 9 Vict

### *Passengers and goods on railways*

And with respect to the carrying of passengers and goods upon the railway, and the tolls to be taken thereon, be it enacted as follows:

#### **86 Company to employ locomotive power, carriages, &c.**

It shall be lawful for the company to use and employ locomotive engines or other moving power, and carriages and waggons to be drawn or propelled thereby, and to carry and convey upon the railway all such passengers and goods as shall be offered to them for that purpose . . . <sup>F1</sup>

#### **Textual Amendments**

**F1** Words repealed by [Statute Law Revision Act 1959 \(c. 68\)](#)

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

**C1** S. 86 incorporated (4.5.1991) by [S.I. 1991/1162, art. 3\(1\)](#)

#### **87 Company empowered to contract with other companies.**

It shall be lawful for the company from time to time to enter into any contract with any other company being the owners or lessees or in possession of any other railway, for the passage over or along the railway by the special Act authorized to be made of any engines, coaches, waggons, or other carriages of any other company, or which shall pass over any other line of railway, or for the passage over any other line of railway of any engines, coaches, waggons, or other carriages of the company, or which shall pass over their line of railway, upon the payment of such tolls and under such conditions and restrictions as may be mutually agreed upon; and for the purpose aforesaid it shall be lawful for the respective parties to enter into any contract for the division or apportionment of the tolls to be taken upon their respective railways.

*Status: Point in time view as at 23/08/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Railways Clauses Consolidation Act 1845, Cross Heading: Passengers and goods on railways. (See end of Document for details)*

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

- C2** S. 87 incorporated (4.5.1991) by [S.I. 1991/1162](#), [art. 3\(1\)](#)  
 S. 87 incorporated (29.6.1993) by [S.I. 1993/1651](#), [art. 3\(1\)](#)  
 S. 87 incorporated (2.9.1993) by [S.I. 1993/2153](#), [art. 3\(1\)](#)  
 S. 87 incorporated in part (1.9.1993) by [S.I. 1993/2154](#), [art. 3\(1\)](#)  
 S. 87 incorporated (with modifications) (29.6.1995) by [S.I. 1995/2143](#), [arts. 3\(1\)\(3\)](#), 13(7)  
 S. 87 incorporated (29.7.1997) by [S.I. 1997/1688](#), [arts. 3\(1\)\(2\)](#), 13(7)  
 S. 87 incorporated (with modifications) (4.8.2000) by [S.I. 2000/2585](#), [art. 3\(1\)\(2\)](#)  
 S. 87 incorporated (with modifications) (29.3.2001) by [S.I. 2001/1347](#), [art. 4\(1\)\(2\)](#) (with arts. 15, 37, 38(2))  
 S. 87 incorporated (with modifications) (12.2.2002) by [S.I. 2002/366](#), [art. 3\(1\)](#) (with Sch. 2)
- C3** S. 87 incorporated (with modifications) (22.3.2005) by [Midland Metro \(Wednesbury to Brierley Hill and Miscellaneous Amendments\) Order 2005 \(S.I. 2005/927\)](#), [art. 4\(1\)\(2\)](#) (with art. 51)
- C4** S. 87 incorporated (with modifications) (22.7.2005) by [Midland Metro \(Birmingham City Centre Extension, etc.\) Order 2005 \(S.I. 2005/1794\)](#), arts. 1, 4 (with art. 47)
- C5** S. 87 incorporated (with modifications) (25.11.2005) by [Docklands Light Railway \(Capacity Enhancement\) Order 2005 \(S.I. 2005/3105\)](#), arts. 1, [4\(1\)\(2\)](#) (with arts. 3(5), 15(3))

## 88 Contracts not to affect persons not parties thereto.

Provided always, that no such contract as aforesaid shall in any manner alter, affect, increase, or diminish any of the tolls which the respective companies, parties to such contracts, shall for the time being be respectively authorized and entitled to demand or receive from any person or any other company, but that all other persons and companies shall, notwithstanding any such contract, be entitled to the use and benefit of any of the said railways, upon the same terms and conditions, and on payment of the same tolls, as they would have been in case no such contract had been entered into.

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

- C6** S. 88 incorporated (4.5.1991) by [S.I. 1991/1162](#), [art. 3\(1\)](#)  
 S. 88 incorporated (with modifications) (29.3.2001) by [S.I. 2001/1347](#), [art. 4\(1\)\(2\)](#) (with arts. 15, 37, 38(2))
- C7** S. 88 incorporated (with modifications) (22.3.2005) by [Midland Metro \(Wednesbury to Brierley Hill and Miscellaneous Amendments\) Order 2005 \(S.I. 2005/927\)](#), [art. 4\(1\)\(2\)](#) (with art. 51)
- C8** S. 88 incorporated (with modifications) (E.W.) (22.7.2005) by [Midland Metro \(Birmingham City Centre Extension, etc.\) Order 2005 \(S.I. 2005/1794\)](#), arts. 1, 4 (with art. 47)
- C9** S. 88 incorporated (with modifications) (25.11.2005) by [Docklands Light Railway \(Capacity Enhancement\) Order 2005 \(S.I. 2005/3105\)](#), arts. 1, [4\(1\)\(2\)](#) (with arts. 3(5), 15(3))

## 89

F2

#### Textual Amendments

- F2** Ss. 45, 89, 96, 98–102, 106, 107, 125–137, 141 repealed by [Transport Act 1962 \(c. 46\)](#), s. 95(3), [Sch. 12 Pt.1](#); repealed by [S.I. 1984/1986 \(N.I. 15\)](#), art. 20, [Sch. 3](#)

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90 ..... F3

**Textual Amendments**

F3 S. 90 repealed by Transport Charges &c. (Miscellaneous Provisions) Act 1954 (c. 64), Sch. 2 Pt. I

91— ..... F4  
93.

**Textual Amendments**

F4 Ss. 91-93 repealed by Statute Law Revision Act 1959 (c. 68)

94 **Milestones.**

The company shall cause the length of the railway to be measured, and milestones, posts, or other conspicuous objects to be set up and maintained along the whole line thereof, at the distance of one quarter of a mile from each other, with numbers or marks inscribed thereon denoting such distances.

95 †**Tolls to be taken only whilst boards exhibited and milestones set up. Penalty for defacing, etc. milestones.**

...<sup>F5</sup> if any person wilfully pull down ...<sup>F6</sup> any such ...<sup>F5</sup> milestone, he shall forfeit a sum not exceeding [<sup>F7</sup>level 1 on the standard scale] for every such offence.

**Textual Amendments**

F5 Words repealed by Statute Law Revision Act 1959 (c. 68)

F6 Words repealed by Criminal Damage Act 1971 (c. 48), s. 11(8), Sch. Pt. I

F7 For “£25” there is substituted (E.W.) “level 1 on the standard scale” by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46

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

C10 Unreliable marginal note

96 ..... F8

**Textual Amendments**

F8 Ss. 45, 89, 96, 98–102, 106, 107, 125–137, 141 repealed by Transport Act 1962 (c. 46), s. 95(3), Sch. 12 Pt.1; repealed by S.I. 1984/1986 (N.I. 15), art. 20, Sch. 3

[<sup>F9</sup>97 **In default of payment of tolls, goods, &c. may be detained and sold.**

If, on demand, any person fail to pay the tolls due in respect of any carriage or goods, it shall be lawful for the company to detain and sell such carriage, or all or any part of

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such goods, or, if the same shall have been removed from the premises of the company, to detain and sell any other carriages or goods within such premises belonging to the party liable to pay such tolls, and out of the monies arising from such sale to retain the tolls payable as aforesaid, and all charges and expences of such detention and sale, rendering the overplus, if any, of the monies arising by such sale, and such of the carriages or goods as shall remain unsold, to the person entitled thereto, or it shall be lawful for the company to recover any such tolls by action at law.]

#### Textual Amendments

**F9** S. 97 repealed (N.I.) by [S.I. 1984/1986 \(N.I. 15\)](#), art. 20, [Sch. 3](#)

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

- C11** S. 97 extended by [Transport Act 1962 \(c. 46\)](#), [Sch. 2 Pt. IV](#)
- C12** S. 97 incorporated (with modifications) (22.3.2005) by [Midland Metro \(Wednesbury to Brierley Hill and Miscellaneous Amendments\) Order 2005 \(S.I. 2005/927\)](#), [art. 4\(1\)\(2\)](#) (with art. 51)
- C13** S. 97 incorporated (with modifications) (22.7.2005) by [Midland Metro \(Birmingham City Centre Extension, etc.\) Order 2005 \(S.I. 2005/1794\)](#), arts. 1, 4 (with art. 47)
- C14** S. 97 incorporated (with modifications) (25.11.2005) by [Docklands Light Railway \(Capacity Enhancement\) Order 2005 \(S.I. 2005/3105\)](#), arts. 1, [4\(1\)](#), [4\(2\)](#) (with arts. 3(5), 15(3))
- C15** S. 97 incorporated (with modifications) (29.3.2001) by [S.I. 2001/1347](#), [art. 4\(1\)\(2\)](#) (with arts. 15, 37, [38\(2\)](#))

98— ..... <sup>F10</sup>  
102.

#### Textual Amendments

**F10** Ss. 45, 89, 96, 98–102, 106, 107, 125–137, 141 repealed by [Transport Act 1962 \(c. 46\)](#), s. 95(3), [Sch. 12 Pt.1](#); repealed by [S.I. 1984/1986 \(N.I. 15\)](#), art. 20, [Sch. 3](#)

### 103 Penalty on passengers practising frauds on the company.

... <sup>F11</sup> if any person knowingly and wilfully refuse or neglect, on arriving at the point to which he has paid his fare, to quit such carriage, every such person shall for every such offence forfeit ... <sup>F12</sup> a sum not exceeding [<sup>F13</sup>level 1 on the standard scale].

#### Textual Amendments

- F11** Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)
- F12** Words repealed by [Justices of the Peace Act 1949 \(c. 101\)](#), [Sch. 7 Pt. III](#)
- F13** For “£25” there is substituted (E.W.) “level 1 on the standard scale” by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)

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

- C16** S. 103 extended by [Transport Act 1962 \(c. 46\)](#), [Sch. 2 Pt. IV](#)
- C17** S. 103 incorporated (4.5.1991) by [S.I. 1991/1162](#), [art. 3\(1\)](#)  
S. 103 incorporated (with modifications) (29.6.1995) by [S.I. 1995/2143](#), [arts. 3\(1\)\(3\)](#), 13(7)  
Ss. 103, 104 incorporated (with modifications) (16.10.1996) by [S.I. 1996/2660](#), [art. 4\(1\)\(3\)](#)  
Ss. 103, 104 incorporated (with modifications) (10.2.1997) by [S.I. 1997/264](#), [art. 3\(1\)\(3\)](#)

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- Ss. 103, 104 incorporated (with modifications) (29.7.1997) by S.I. 1997/1688, **arts. 3(1)(2)**, 13(7)
- Ss. 103, 104 incorporated (with modifications) (9.10.1997) by S.I. 1997/2534, **art. 3(1)(3)**
- Ss. 103, 104 incorporated (with modifications) (13.1.1999) by S.I. 1998/3269, **art. 3(1)(2)**
- Ss. 103, 104 incorporated (with modifications) (21.7.1999) by S.I. 1999/2129, **art. 3(1)(2)**
- Ss. 103, 104 incorporated (with modifications) (4.8.2000) by S.I. 2000/2585, **art. 3(1)(2)**
- Ss. 103, 104 incorporated (with modifications) (29.3.2001) by S.I. 2001/1347, **art. 4(1)(2)** (with arts. 15, 37, 38(2))
- Ss. 103, 104 incorporated (with modifications) (9.11.2001) by S.I. 2001/3682, **art. 3(1)(3)**
- S. 103, 104 incorporated (with modifications) (12.2.2002) by S.I. 2002/366, **art. 3(1)** (with Sch. 2)
- S. 103, 104 incorporated (with modifications) (30.4.2002) by S.I. 2002/1065, **art. 3(1)(3)**
- C18** S. 103 incorporated (with modifications) (22.3.2005) by Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), **art. 4(1)(2)** (with art. 51)
- C19** S. 103 incorporated (with modifications) (22.7.2005) by Midland Metro (Birmingham City Centre Extension, etc.) Order 2005 (S.I. 2005/1794), arts. 1, 4 (with art. 47)
- C20** S. 103 incorporated (with modifications) (25.11.2005) by Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), arts. 1, **4(1)(2)** (with arts. 3(5), 15(3))
- C21** S. 103 incorporated (with modifications) (23.8.2007) by Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), arts. 1, **4(1)** (with arts. 3(6), 12(3))

**F14 104 Detention of offenders.**

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**Textual Amendments**

- F14** S. 104 repealed (1.1.2006 for E.W.) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 7 para. 5(2), **Sch. 17 Pt. 2**; S.I. 2005/3495, art. 2(1)(m)(u) (repealed 1.3.2007 for N.I. by The Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (No. 288 (N.I.)), art. 1(2), Sch. 1 para. 4, Sch. 2)

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

- C22** S. 104 incorporated (with modifications) (23.8.2007) by Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), arts. 1, **4(1)** (with arts. 3(6), 12(3))

**105 Penalty for bringing dangerous goods on railway.**

No person shall be entitled to carry, or to require the company to carry, upon the railway, any aquafortis, oil of vitrol, gunpowder, lucifer matches, or any other goods which in the judgment of the company may be of a dangerous nature; and if any person send by the railway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the book-keeper or other servant of the company with whom the same are left, at the time of so sending, he shall forfeit . . . <sup>F15</sup>[<sup>F16</sup>level 2 on the standard scale] for every such offence; and it shall be lawful for the company to refuse to take any parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

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- F15** Words repealed by [Justices of the Peace Act 1949 \(c. 101\)](#), **Sch. 7 Pt. III**
- F16** For “£50” there is substituted (E.W.) “level 2 on the standard scale” by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46**

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

- C23** S. 105 extended by [Transport Act 1962 \(c. 46\)](#), **Sch. 2 Pt. IV** and [Transport Act 1968 \(c. 73\)](#), **Sch. 16 para. 1**
- C24** S. 105 incorporated (with modifications) (29.6.1995) by [S.I. 1995/2143](#), **arts. 3(1)(3)**, 13(7)  
S. 105 incorporated (12.9.1995) by [S.I. 1995/2446](#), **art. 3**  
S. 105 incorporated (with modifications) (21.9.1995) by [S.I. 1995/2501](#), **arts. 3**, 9(9)  
S. 105 incorporated (with modifications) (4.4.1996) by [S.I. 1996/937](#), **art. 3(1)(3)**  
S. 105 incorporated (with modifications) (4.5.1996) by [S.I. 1996/1267](#), **art. 3(1)(2)**  
S. 105 incorporated (with modifications) (16.10.1996) by [S.I. 1996/2660](#), **art. 4(1)(3)**  
S. 105 incorporated (2.11.1996) by [S.I. 1996/2867](#), **art. 3(1)**  
S. 105 incorporated (with modifications) (10.2.1997) by [S.I. 1997/264](#), **art. 3(1)(3)**  
S. 105 incorporated (with modifications) (29.7.1997) by [S.I. 1997/1688](#), **arts. 3(1)(2)**, 13(7)  
S. 105 incorporated (with modifications) (9.10.1997) by [S.I. 1997/2534](#), **art. 3(1)(3)**  
S. 105 incorporated (with modifications) (13.1.1999) by [S.I. 1998/3269](#), **art. 3(1)(2)**  
S. 105 incorporated (with modifications) (21.7.1999) by [S.I. 1999/2129](#), **art. 3(1)(2)**  
S. 105 incorporated (with modifications) (4.8.2000) by [S.I. 2000/2585](#), **art. 3(1)(2)**  
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S. 105 incorporated (with modifications) (12.2.2002) by [S.I. 2002/366](#), **art. 3(1)** (with Sch. 2)  
S. 105 incorporated (with modifications) (30.4.2002) by [S.I. 2002/1065](#), **art. 3(1)(3)**
- C25** S. 105 incorporated (12.1.2004) by [The Alconbury Airfield \(Rail Facilities and Connection to East Coast Main Line\) Order 2003 \(S.I. 2003/3364\)](#), arts. 1, **3(1)**
- C26** S. 105 incorporated (with modifications) (22.3.2005) by [Midland Metro \(Wednesbury to Brierley Hill and Miscellaneous Amendments\) Order 2005 \(S.I. 2005/927\)](#), **art. 4(1)(2)** (with art. 51)
- C27** S. 105 incorporated (with modifications) (22.7.2005) by [Midland Metro \(Birmingham City Centre Extension, etc.\) Order 2005 \(S.I. 2005/1794\)](#), arts. 1, **4** (with art. 47)
- C28** S. 105 incorporated (with modifications) (25.11.2005) by [Docklands Light Railway \(Capacity Enhancement\) Order 2005 \(S.I. 2005/3105\)](#), arts. 1, **4(1)(2)** (with arts. 3(5), 15(3))
- C29** S. 105 incorporated (with modifications) (3.7.2006) by [Port of Blyth \(Battleship Wharf Railway\) Order 2006 \(S.I. 2006/1518\)](#), arts. 1, **3(1)(3)**
- C30** S. 105 incorporated (with modifications) (23.8.2007) by [Docklands Light Railway \(Capacity Enhancement and 2012 Games Preparation\) Order 2007 \(S.I. 2007/2297\)](#), arts. 1, **4(1)** (with arts. 3(6), 12(3))

106— ..... <sup>F17</sup>  
107.

**Textual Amendments**

- F17** Ss. 45, 89, 96, 98–102, 106, 107, 125–137, 141 repealed by [Transport Act 1962 \(c. 46\)](#), s. 95(3), **Sch. 12 Pt.1**; repealed by [S.I. 1984/1986 \(N.I. 15\)](#), art. 20, **Sch. 3**

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