



Railways Clauses Consolidation Act 1845

1845 CHAPTER 20 8 and 9 Vict

Recovery of damages and penalties

And with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to justices, be it enacted as follows:

140 Provision for damages not otherwise provided for.

In all cases where any damages, costs, or expences are by this or the special Act, or any Act incorporated therewith directed to be paid, and the method of ascertaining the amount or enforcing the payment thereof is not provided for, such amount, in case of dispute, shall be ascertained and determined by two justices.^{F1} . . .

Textual Amendments

F1 Words repealed (N.I.) by [Statute Law Revision \(Northern Ireland\) Act 1980 \(c. 59\)](#), s. 1, [Sch. Pt. IV](#); words wholly repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. XIV](#) Group 1

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F2 Ss. 45, 89, 96, 98–102, 106, 107, 125–137, 141 repealed by [Transport Act 1962 \(c. 46\)](#), s. 95(3), [Sch. 12 Pt.1](#); repealed by [S.I. 1984/1986 \(N.I. 15\)](#), art. 20, [Sch. 3](#)

142 Method of proceeding before justices in questions of damages, &c.

Where in this or the special Act any question of compensation, expences, charges, or damages, or other matter, is referred to the determination of any one justice, [^{F3} or more, it shall be lawful for any justice, upon the application of either party, to summon the other party to appear before one justice, or before two justices, as the case may require, at a time and place to be named in such summons; and upon the appearance

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Changes to legislation: There are currently no known outstanding effects for the Railways Clauses Consolidation Act 1845, Cross Heading: Recovery of damages and penalties. (See end of Document for details)

of such parties, or in the absence of any of them, upon proof of due service of the summons] , it shall be lawful for such one justice, [^{F3}or such two justices, as the case may be,] to hear and determine such question, [^{F3}and for that purpose to examine such parties or any of them, and their witnesses, on oath; and the cost of every such inquiry shall be in the discretion of such justices, and they shall determine the amount thereof.]

Textual Amendments

F3 Words repealed (N.I.) by [Statute Law Revision \(Northern Ireland\) Act 1980 \(c. 59\)](#), s. 1, [Sch. Pt. I](#)

143 ^{F4}

Textual Amendments

F4 S. 143 repealed by [Transport Act 1962 \(c. 46\)](#), s. 95(2), [Sch. 12 Pt. II](#)

144 **Penalty for defacing boards used for such publication.**

If any person pull down or injure any board put up or affixed [^{F5}for the purpose of publishing any byelaw of the company or any penalty imposed by this or the special Act] , or shall obliterate any of the letters or figures thereon, he shall forfeit for every such offence a sum not exceeding [^{F6}level 1 on the standard scale] , and shall defray the expences attending the restoration of such board.

Textual Amendments

F5 Words substituted by [Transport Act 1962 \(c. 46\)](#), s. 84(4)

F6 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)

C1 S. 144 extended by [Transport Act 1962 \(c. 46\)](#), [Sch. 2 Pt. IV](#) and [Transport Act 1968 \(c. 73\)](#), [Sch. 16 para. 1](#)

S. 144 incorporated (with modifications) (29.3.2001) by [S.I. 2001/1347](#), [art. 4\(1\)\(2\)](#) (with arts. 15, 37, 38(2))

145 **Penalties to be summarily recovered before two justices.**

Every penalty or forfeiture imposed by this or the special Act, . . . ^{F7} the recovery of which is not otherwise provided for, may be recovered by summary proceeding before two justices . . . ^{F8}

Textual Amendments

F7 Words repealed by [Transport Act 1962 \(c. 46\)](#), [Sch. 12 Pt. II](#)

F8 Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

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Modifications etc. (not altering text)

- C2** S. 145 incorporated (with modifications) (29.6.1995) by [S.I. 1995/2143](#), **arts. 3(1)(3)**, 13(7)
S. 145 incorporated (with modifications) (12.9.1995) by [S.I. 1995/2446](#), **art. 3**
S. 145 incorporated (with modifications) (21.9.1995) by [S.I. 1995/2501](#), **arts. 3, 9**
S. 145 incorporated (with modifications) (20.11.1995) by [S.I. 1995/2952](#), **art. 3**
S. 145 incorporated (with modifications) (4.4.1996) by [S.I. 1996/937](#), **art. 3(1)(3)**
S. 145 incorporated (with modifications) (4.5.1996) by [S.I. 1996/1267](#), **art. 3(1)(2)**
S. 145 incorporated (with modifications) (16.10.1996) by [S.I. 1996/2660](#), **art. 4(1)(3)**
S. 145 incorporated (with modifications) (11.11.1996) by [S.I. 1996/2714](#), **art. 3(1)(2)**
S. 145 incorporated (2.11.1996) by [S.I. 1996/2867](#), **art. 3(1)**
S. 145 incorporated (with modifications) (10.2.1997) by [S.I. 1997/264](#), **art. 3(1)(3)**
S. 145 incorporated (with modifications) (21.5.1997) by [S.I. 1997/1266](#), **art. 3(1)(2)**
S. 145 incorporated (with modifications) (29.7.1997) by [S.I. 1997/1688](#), **arts. 3(1)(2)**, 13(7)
S. 145 incorporated (with modifications) (9.10.1997) by [S.I. 1997/2534](#), **art. 3(1)(3)**
S. 145 incorporated (with modifications) (27.8.1998) by [S.I. 1998/1936](#), **art. 3(1)(2)**
S. 145 incorporated (with modifications) (13.1.1999) by [S.I. 1998/3269](#), **art. 3(1)(2)**
S. 145 incorporated (with modifications) (21.7.1999) by [S.I. 1999/2129](#), **art. 3(1)(2)**
S. 145 incorporated (with modifications) (20.8.1999) by [S.I. 1999/2336](#), **art. 3(1)(2)**
S. 145 incorporated (with modifications) (4.8.2000) by [S.I. 2000/2585](#), **art. 3(1)(2)**
S. 145 incorporated (with modifications) (29.3.2001) by [S.I. 2001/1347](#), **art. 4(1)(2)** (with arts. 15, 37, 38(2))
S. 145 incorporated (with modifications) (18.7.2001) by [S.I. 2001/2870](#), **art. 3(1)(2)**
S. 145 incorporated (with modifications) (9.11.2001) by [S.I. 2001/3682](#), **art. 3(1)(3)**
S. 145 incorporated (with modifications) (30.4.2002) by [S.I. 2002/1065](#), **art. 3(1)**
S. 145 incorporated (with modifications) (12.2.2002) by [S.I. 2002/366](#), **art. 3(1)** (with Sch. 2)

146, ^{F9}
147.

Textual Amendments

- F9** Ss. 146, 147 repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

[^{F10}**148 Distress how to be levied.**

Where in this or the special Act, or any Act incorporated therewith, any sum of money, whether in the nature of penalty or otherwise, is directed to be levied by distress, such sum of money shall be levied by distress and sale of the goods and chattels of the party liable to pay the same; and the overplus arising from the sale of such goods and chattels, after satisfying such sum of money, and the expences of the distress and sale, shall be returned, on demand, to the party whose goods shall have been distrained.]

Textual Amendments

- F10** S. 148 repealed (N.I.) by [Statute Law Revision \(Northern Ireland\) Act 1980 \(c. 59\)](#), s. 1, **Sch. Pt. IV**

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149 Distress not unlawful for want of form.

No distress levied by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser ab initio on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action upon the case.

150 ^{F11}

Textual Amendments
F11 S. 150 repealed by [Justices of the Peace Act 1949 \(c. 101\)](#), **Sch. 7 Pt. III**

151 ^{F12}

Textual Amendments
F12 Ss. 151, 155 repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

152 Damage to be made good in addition to penalty.

If, through any act, neglect, or default, on account whereof any person shall have incurred any penalty imposed by this or the special Act, any damage to the property of the company shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty; and the amount of such damages shall, in case of dispute, be determined by the justices by whom the party incurring such penalty shall have been convicted; and on nonpayment of such damages, on demand, the same shall be levied by distress, and such justices, or one of them, shall issue their or his warrant accordingly.

Modifications etc. (not altering text)
C3 S. 152 extended by [Transport Act 1962 \(c. 46\)](#), **Sch. 2 Pt. IV** and [Transport Act 1968 \(c. 73\)](#), **Sch. 16 para. 1**

[^{F13}**153 Penalty on witnesses making default.**

It shall be lawful for any justice to summon any person to appear before him as a witness in any matter in which such justice shall have jurisdiction under the provisions of this or the special Act, at a time and place mentioned in such summons, and to administer to him an oath to testify the truth in such matter; and if any person so summoned shall, without reasonable excuse, refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expences, or if any person appearing shall refuse to be examined upon oath or to

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give evidence before such justice, every such person shall forfeit a sum not exceeding [^{F14}level 1 on the standard scale]for every such offence.]

Textual Amendments

- F13** S. 153 repealed (N.I.) by Statute Law Revision (Northern Ireland) Act 1980 (c. 59), s. 1, Sch. Pt. IV
- F14** 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

154 Transient offenders.

It shall be lawful for any officer or agent of the company, and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of this or the special Act, and whose name and residence shall be unknown to such officer or agent, and convey him with all convenient despatch before some justice, without any warrant or other authority than this or the special Act; and such justice shall proceed with all convenient despatch to the hearing and determining of the complaint against such offender.

Modifications etc. (not altering text)

- C4** S. 154 incorporated (with modifications) (29.6.1995) by S.I. 1995/2143, arts. 3(1)(3), 13(7)
- S. 154 incorporated (with modifications) (12.9.1995) by S.I. 1995/2446, art. 3
- S. 154 incorporated (with modifications) (21.9.1995) by S.I. 1995/2501, arts. 3, 9(9)
- S. 154 incorporated (with modifications) (20.11.1995) by S.I. 1995/2952, art. 3
- S. 154 incorporated (with modifications) (4.4.1996) by S.I. 1996/937, art. 3(1)(3)
- S. 154 incorporated (with modifications) (4.5.1996) by S.I. 1996/1267, art. 3(1)(2)
- S. 154 incorporated (with modifications) (16.10.1996) by S.I. 1996/2660, art. 4(1)(3)
- S. 154 incorporated (2.11.1996) by S.I. 1996/2867, art. 3(1)
- S. 154 incorporated (with modifications) (10.2.1997) by S.I. 1997/264, art. 3(1)(3)
- S. 154 incorporated (with modifications) (29.7.1997) by S.I. 1997/1688, arts. 3(1)(2), 13(7)
- S. 154 incorporated (with modifications) (9.10.1997) by S.I. 1997/2534, art. 3(1)(3)
- S. 154 incorporated (with modifications) (13.1.1999) by S.I. 1998/3269, art. 3(1)(2)
- S. 154 incorporated (with modifications) (21.7.1999) by S.I. 1999/2129, art. 3(1)(2)
- S. 154 incorporated (with modifications) (20.8.1999) by S.I. 1999/2336, art. 3(1)(2)
- S. 154 incorporated (with modifications) (4.8.2000) by S.I. 2000/2585, art. 3(1)(2)
- S. 154 incorporated (with modifications) (29.3.2001) by S.I. 2001/1347, art. 4(1)(2) (with arts. 15, 37, 38(2))
- S. 154 incorporated (with modifications) (18.7.2001) by S.I. 2001/2870, art. 3(1)(2)
- S. 154 incorporated (with modifications) (9.11.2001) by S.I. 2001/3682, art. 3(1)(3)
- S. 154 incorporated (with modifications) (12.2.2002) by S.I. 2002/366, art. 3(1) (with Sch. 2)
- S. 154 incorporated (with modifications) (30.4.2002) by S.I. 2002/1065, art. 3(1)(3)

155 F15

Textual Amendments

- F15** Ss. 151, 155 repealed by Statute Law Revision Act 1892 (c. 19)

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156 **F16**

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Textual Amendments
F16 S. 156 repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), **Sch. 1 Pt. XIX**

157— **F17**
159.

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Textual Amendments
F17 Ss. 157-159 repealed by [Transport Act 1962 \(c. 46\)](#), s. 95(3), **Sch. 12 Pt. I**

160 **F18**

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Textual Amendments
F18 S. 160 repealed by [Perjury Act 1911 \(c. 6\)](#), **Sch.**

161 **F19**

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Textual Amendments
F19 Ss. 161, 165 repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

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