



# 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.<sup>F1</sup> . . .

#### **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- F1** Words repealed (N.I.) by [Statute Law Revision \(Northern Ireland\) Act 1980 \(c. 59\)](#), s. 1, **Sch.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 IV**; words wholly repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.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** Group1

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

- C1** [S. 140](#) incorporated (with modifications) (23.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), s. 70(1), **Sch. 29 para. 4**
- C2** [S. 140](#) incorporated (with modifications) (11.2.2021) by [High Speed Rail \(West Midlands - Crewe\) Act 2021 \(c. 2\)](#), s. 64(1), **Sch. 28 para. 4**

#### **141** .....<sup>F2</sup>

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- F2** Ss. 45, 89, 96, 98–102, 106, 107, 125–137, 141 repealed by [Transport Act 1962 \(c. 46\)](#), s. 95(3), **Sch. 12 Pt.1**; repealed by [S.I. 1984/1986 \(N.I. 15\)](#), art. 20, **Sch. 3**

*Status: Point in time view as at 11/01/2023.*

*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)*

## 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, [<sup>F3</sup> 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 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, [<sup>F3</sup> or such two justices, as the case may be,] to hear and determine such question, [<sup>F3</sup> 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**

### Modifications etc. (not altering text)

**C3** S. 142 incorporated (with modifications) (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), **Sch. 29 para. 4**

**C4** S. 142 incorporated (with modifications) (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), **Sch. 28 para. 4**

## 143 .....<sup>F4</sup>

### 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 [<sup>F5</sup> 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 [<sup>F6</sup> 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)

**C5** 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))

**C6** S. 144 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)

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- C7** S. 144 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)
- C8** S. 144 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))
- C9** S. 144 incorporated (with modifications) (E.W.) (14.6.2016) by The Midland Metro (Birmingham City Centre Extension, etc.) (Land Acquisition and Variation) Order 2016 (S.I. 2016/545), arts. 1, 4 (with art. 39)
- C10** S. 144 incorporated (with modifications) (E.W.) (2.8.2016) by The Midland Metro (Wolverhampton City Centre Extension) Order 2016 (S.I. 2016/684), arts. 1, 3 (with arts. 46, 47, Sch. 9 para. 4, Sch. 10 para. 12(2))
- C11** S. 144 incorporated (with modifications) (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), Sch. 29 para. 4
- C12** S. 144 incorporated (with modifications) (E.W.) (4.3.2020) by The Midland Metro (Birmingham Eastside Extension) Order 2020 (S.I. 2020/141), arts. 1, 3 (with arts. 47, 48, Sch. 10 para. 19)
- C13** S. 144 incorporated (with modifications) (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), Sch. 28 para. 4

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

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

### 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)

### Modifications etc. (not altering text)

- C14** 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)

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- S. 145 incorporated (with modifications) (12.2.2002) by S.I. 2002/366, **art. 3(1)** (with Sch. 2)
- C15** S. 145 incorporated (28.4.2003) by Network Rail (West Coast Main Line) Order 2003 (S.I. 2003/1075), arts. 1, **3(1)** (with art. 40)
- C16** S. 145 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)**
- C17** S. 145 incorporated (with modifications) (4.3.2004) by The Network Rail (West Coast Main Line) Order 2004 (S.I. 2004/389), arts. 1, **3(1)(2)** (with art. 38)
- C18** S. 145 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. 145 incorporated (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), arts. 1, **3(1)**
- C20** S. 145 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)
- C21** S. 145 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))
- C22** S. 145 incorporated (with modifications) (3.7.2006) by Port of Blyth (Battleship Wharf Railway) Order 2006 (S.I. 2006/1518), arts. 1, **3(1)(3)**
- C23** S. 145 incorporated (with modifications) (13.12.2006) by The Network Rail (Thameslink 2000) Order 2006 (S.I. 2006/3117), arts. 1, **3(1)(2)** (with arts. 34, 35(2))
- C24** S. 145 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))
- C25** S. 145 incorporated (with modifications) (28.9.2007) by London Gateway Logistics and Commercial Centre Order 2007 (S.I. 2007/2657), arts. 1, **4(1)(2)** (with arts. 19, 28, Sch. 3 para. 13(2))
- C26** S. 145 incorporated (16.5.2008) by London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), arts. 1, **7(1)** (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))
- C27** S. 145 incorporated (with modifications) (14.10.2008) by Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), arts. 1, **3(1)(3)** (with art. 36(3))
- C28** S. 145 incorporated (with modifications) (30.12.2009) by South Devon Railway Order 2009 (S.I. 2009/3281), arts. 1, **3**
- C29** S. 145 incorporated (with modifications) (E.W.) (20.7.2010) by The Network Rail (Nuneaton North Chord) Order 2010 (S.I. 2010/1721), arts. 1, **3(1)(3)**
- C30** S. 145 incorporated (with modifications) (E.W.) (27.8.2010) by The Llangollen and Corwen Railway Order 2010 (S.I. 2010/2136), arts. 1(1), **3**
- C31** S. 145 incorporated (with modifications) (E.W.) (21.4.2011) by The Network Rail (Hitchin (Cambridge Junction)) Order 2011 (S.I. 2011/1072), arts. 1, **3**
- C32** S. 145 incorporated (with modifications) (E.W.) (13.11.2012) by The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 (S.I. 2012/2679), arts. 1, **3(1)(3)** (with art. 42(2))
- C33** S. 145 incorporated (E.W.) (21.8.2013) by The Croxley Rail Link Order 2013 (S.I. 2013/1967), arts. 1, **3(1)** (with art. 3(3))
- C34** S. 145 incorporated (E.W.) (19.8.2014) by The Network Rail (Huyton) Order 2014 (S.I. 2014/2027), arts. 1, **3(1)** (with art. 31(2))
- C35** S. 145 incorporated (with modifications) (E.W.) (21.4.2015) by The Network Rail (Ordsall Chord) Order 2015 (S.I. 2015/780), arts. 1, **3(1)(3)** (with art. 36(2))
- C36** S. 145 incorporated (with modifications) (E.W.) (16.12.2015) by The Network Rail (Tinsley Chord) Order 2015 (S.I. 2015/1876), arts. 1, **3(1)(2)**
- C37** S. 145 incorporated (with modifications) (E.W.) (12.1.2016) by The London Underground (Bank Station Capacity Upgrade) Order 2015 (S.I. 2015/2044), arts. 1, **3(1)(3)**
- C38** S. 145 incorporated (with modifications) (E.W.) (14.6.2016) by The Midland Metro (Birmingham City Centre Extension, etc.) (Land Acquisition and Variation) Order 2016 (S.I. 2016/545), arts. 1, **4** (with art. 39)

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- C39** S. 145 incorporated (with modifications) (2.8.2016) by [The Midland Metro \(Wolverhampton City Centre Extension\) Order 2016 \(S.I. 2016/684\)](#), arts. 1, **3** (with arts. 46, 47, Sch. 9 para. 4, Sch. 10 para. 12(2))
- C40** S. 145 incorporated (with modifications) (23.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), s. 70(1), **Sch. 29 para. 4**
- C41** S. 145 incorporated (with modifications) (E.W.) (19.12.2017) by [The Network Rail \(Buxton Sidings Extension\) Order 2017 \(S.I. 2017/1150\)](#), arts. 1, **3(1)(3)** (with art. 32(2))
- C42** S. 145 incorporated (with modifications) (E.W.) (18.4.2018) by [The Network Rail \(Hope Valley Capacity\) Order 2018 \(S.I. 2018/446\)](#), arts. 1, **3(1)(3)** (with arts. 24(8), 33(2))
- C43** S. 145 incorporated (with modifications) (E.W.) (24.8.2018) by [The Network Rail \(Werrington Grade Separation\) Order 2018 \(S.I. 2018/923\)](#), arts. 1, **3(1)(3)** (with art. 31(2))
- C44** S. 145 incorporated (E.W.) (13.3.2019) by [The Port of Tilbury \(Expansion\) Order 2019 \(S.I. 2019/359\)](#), arts. 1, **5(1)(2)** (with arts. 55, 56)
- C45** S. 145 incorporated (with modifications) (E.W.) (4.3.2020) by [The Midland Metro \(Birmingham Eastside Extension\) Order 2020 \(S.I. 2020/141\)](#), arts. 1, **3** (with arts. 47, 48, Sch. 10 para. 19)
- C46** S. 145 incorporated (with modifications) (11.2.2021) by [High Speed Rail \(West Midlands - Crewe\) Act 2021 \(c. 2\)](#), s. 64(1), **Sch. 28 para. 4**
- C47** S. 145 incorporated (E.W.) (3.11.2022) by [The Network Rail \(Huddersfield to Westtown \(Dewsbury\) Improvements\) Order 2022 \(S.I. 2022/1067\)](#), arts. 1, **3(1)** (with art. 46(2), Sch. 19 para. 61)
- C48** S. 145 incorporated (E.W.) (11.1.2023) by [The Network Rail \(Cambridge South Infrastructure Enhancements\) Order 2022 \(S.I. 2022/1406\)](#), arts. 1, **3(1)** (with art. 34(2), Sch. 12 paras. 5, 47, 79)

**146,** ..... <sup>F9</sup>  
**147.**

**Textual Amendments**

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

<sup>F10</sup>**148** .....

**Textual Amendments**

**F10** S. 148 repealed (N.I.) by [Statute Law Revision \(Northern Ireland\) Act 1980 \(c. 59\)](#), s. 1, **Sch. Pt. IV**; s. 148 wholly repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), **Sch. 1 Pt. XIV** Group 1

**[149** <sup>F11</sup> **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.]

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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)*

**Textual Amendments**

**F11** S. 149 repealed (E.W.) (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1** PT. XIV Group1

**150** ..... **F12**

**Textual Amendments**

**F12** S. 150 repealed by **Justices of the Peace Act 1949** (c. 101), **Sch. 7 Pt. III**

**151** ..... **F13**

**Textual Amendments**

**F13** Ss. 151, 155 repealed by **Statute Law Revision Act 1892** (c. 19)

**F14** **152** .....

**Textual Amendments**

**F14** S. 152 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Group1

**F15** **153** .....

**Textual Amendments**

**F15** S. 153 repealed (N.I.) by **Statute Law Revision (Northern Ireland) Act 1980** (c. 59), s. 1, **Sch. Pt. IV**;  
s. 153 wholly repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Group 1

**F16** **154 Transient offenders.**  
.....

**Textual Amendments**

**F16** S. 154 repealed (1.1.2006 for E.W.) by **Serious Organised Crime and Police Act 2005** (c. 15), s. 178(8), **Sch. 7 para. 5(3)**, **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)**

**C49** S. 154 incorporated (with modifications) (3.7.2006) by **Port of Blyth (Battleship Wharf Railway) Order 2006** (S.I. 2006/1518), arts. 1, **3(1)(3)**

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- C50** S. 154 incorporated (with modifications) (13.12.2006) by [The Network Rail \(Thameslink 2000\) Order 2006 \(S.I. 2006/3117\)](#), arts. 1, **3(1)(2)** (with arts. 34, 35(2))
- C51** S. 154 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))
- C52** S. 154 incorporated (with modifications) (28.9.2007) by [London Gateway Logistics and Commercial Centre Order 2007 \(S.I. 2007/2657\)](#), arts. 1, **4(1)(2)** (with arts. 19, 28, Sch. 3 para. 13(2))
- C53** S. 154 incorporated (with modifications) (14.10.2008) by [Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 \(S.I. 2008/2512\)](#), arts. 1, **3(1)(3)** (with art. 36(3))
- C54** S. 154 incorporated (with modifications) (E.W.) (27.8.2010) by [The Llangollen and Corwen Railway Order 2010 \(S.I. 2010/2136\)](#), arts. 1(1), **3**

**155** ..... **F17**

**Textual Amendments**

**F17** Ss. 151, 155 repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

**156** ..... **F18**

**Textual Amendments**

**F18** S. 156 repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), **Sch. 1 Pt. XIX**

**157**— ..... **F19**  
**159.**

**Textual Amendments**

**F19** Ss. 157-159 repealed by [Transport Act 1962 \(c. 46\)](#), s. 95(3), **Sch. 12 Pt. I**

**160** ..... **F20**

**Textual Amendments**

**F20** S. 160 repealed by [Perjury Act 1911 \(c. 6\)](#), **Sch.**

**161** ..... **F21**

**Textual Amendments**

**F21** Ss. 161, 165 repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

**Status:**

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**Changes to legislation:**

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