



Railways Clauses Consolidation Act 1845

1845 CHAPTER 20 8 and 9 Vict

Carriages and engines

116 Penalty for using improper engines.

If any person, whether the owner or other person having the care thereof, bring or use upon the railway any locomotive or other engine, or any moving power without having first obtained such certificate of approval as aforesaid, or if, after notice given by the company to remove any such engine from the railway, such person do not forthwith remove the same, or if, after notice given by the company not to use any such engine on the railway, such person do so use such engine without having first repaired the same to the satisfaction of the company and obtained such certificate of approval, every such person shall in any of the cases aforesaid forfeit . . . ^{F1} a sum not exceeding [^{F2}level 2 on the standard scale] ; and in any such case it shall be lawful for the company to remove such engine from the railway.

[^{F3}Nothing in this section shall apply to the bringing or use of any rolling stock on track comprised in a network, the person having the management of which for the time being is the holder of a network licence; and in this section “rolling stock”, “track”, “network” and “holder of a network licence” shall be construed in accordance with Part I of the Railways Act 1993.]

Textual Amendments

- F1** Words repealed by [Justices of the Peace Act 1949 \(c. 101\)](#), [Sch. 7 Pt. III](#)
- F2** 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](#)
- F3** Words in s. 116 inserted (1.4.1994) by [S.I. 1994/857, art. 2](#), [Sch. para. 1](#)

Modifications etc. (not altering text)

- C1** Ss. 115-119 incorporated (with modifications) (29.6.1995) by [S.I. 1995/2143, arts. 3\(1\)\(3\)](#), 13(7)
- Ss. 115-119 incorporated (with modifications) (29.7.1997) by [S.I. 1997/1688, arts. 3\(1\)\(2\)](#), 13(7)
- Ss. 115-119 incorporated (with modifications) (4.8.2000) by [S.I. 2000/2585, art. 3\(1\)\(2\)](#)
- Ss. 115-119 incorporated (with modifications) (12.2.2002) by [S.I. 2002/366, art. 3\(1\)](#) (with [Sch. 2](#))

Changes to legislation:

There are currently no known outstanding effects for the Railways Clauses Consolidation Act 1845, Section 116.