



Railways Clauses Consolidation (Scotland) Act 1845

1845 CHAPTER 33 8 and 9 Vict

Interpretations in this Act

And with respect to the construction of this Act, and other Acts to be incorporated therewith, be it enacted as follows:

2 “special Act:” “prescribed:” “the lands:” “the undertaking.”

The expression “the special Act” used in this Act shall be construed to mean any Act which shall be hereafter passed authorizing the construction of a railway, and with which this Act shall be so incorporated, as aforesaid; and the word “prescribed” used in this Act, in reference to any matter herein stated shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act; and the sentence in which such word shall occur shall be construed as if instead of the word “prescribed” the expression “prescribed for that purpose in the special Act” had been used; and the expression “the lands” shall mean the lands which shall by the special Act be authorized to be taken or used for the purposes thereof; and the expression “the undertaking” shall mean the railway and works, of whatever description, by the special Act authorized to be executed.

3 Interpretations in this and the special Act: Number: Gender: “Lands:” “Lease:” “Toll:” “Month:” “Lord ordinary:” “Sheriff:” “Justice:” “Two justices:” “Owner:” “the Bank:” “the company:” “the railway:”

The following words and expressions both in this and the special Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say)

Words importing the singular number only shall include the plural number: and words importing the plural number only shall include also the singular number;

Words importing the masculine gender only shall include females:

The word “lands” shall include lands, houses, tenements, and heritages, of any tenure:

Changes to legislation: There are currently no known outstanding effects for the Railways Clauses Consolidation (Scotland) Act 1845, Cross Heading: Interpretations in this Act. (See end of Document for details)

The word “lease” shall include a missive or an agreement for a lease:

The word “toll” shall include any rate or charge or other payment payable under the special Act . . . ^{F1} for any passenger, animal, carriage, goods, merchandize, articles, matters, or things, conveyed on the railway:

The word “month” shall mean calendar month:

The “lord ordinary” shall mean the lord ordinary of the Court of Session in Scotland officiating on the bills in time of vacation, or the junior lord ordinary, if in time of session, as the case may be: . . . ^{F2F3} . . .

The word “sheriff” shall include the sheriff substitute:

The word “justice” shall mean justice of the peace acting for the ^{F4} . . . place where the matter requiring the cognizance of any such justice shall arise, and who shall not be interested in the matter; and where such matter shall arise in respect of lands, being the property of one and the same party, situate not wholly in any one ^{F4} . . . place, shall mean a justice acting for the ^{F4} . . . place where any part of such lands shall be situate, and who shall not be interested in such matter; and where any matter shall be authorized or required to be done by two justices, the expression “two justices” shall be understood to mean two or more justices assembled and acting together:

Where under the provisions of this or the special Act any notice shall be required to be given to the owner of any lands, or where any Act shall be authorized or required to be done with the consent of any such owner, the word “owner” shall be understood to mean any person or corporation who, under the provisions of this or the special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the company:

The expression “the bank” shall mean any one of the incorporated or chartered banks in Scotland:

The expression “the company” shall mean the company or party which shall be authorized by the special Act to construct the railway:

The expression “the railway” shall mean the railway and works by the special Act authorized to be constructed:

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[^{F6}The expressions “carriageway”, “cycle track”, “footpath”, “footway”, “road”, “private road” and “public road” have the meaning given them by section 151 of the Roads (Scotland) Act 1984.]

Textual Amendments

- F1** Words repealed by [Transport Act 1962 \(c. 46\)](#), s. 95(3), **Sch. 12 Pt. I**
- F2** Definition repealed by [Statute Law \(Repeals\) Act 1981 \(c. 19\)](#) s. 1(1), Sch. 1 Pt. VIII
- F3** In s. 3 definition of “county” repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Group1
- F4** Words in s. 3 repealed (5.11.1993) by 1993 c. 50, **Sch. 1 Pt. XIV** Group1
- F5** Definition repealed by [Statute Law Revision Act 1891 \(c. 67\)](#)
- F6** Words inserted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), **Sch. 9 para. 3(2)**
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Modifications etc. (not altering text)

- C1** Reference to lord ordinary officiating on the bills in time of vacation to be construed as reference to the judge acting as vacation judge in pursuance of [Administration of Justice \(Scotland\) Act 1933 \(c. 41\)](#)

Changes to legislation: There are currently no known outstanding effects for the Railways Clauses Consolidation (Scotland) Act 1845, Cross Heading: Interpretations in this Act. (See end of Document for details)

4 Short title of the Act.

In citing this Act in other Acts of Parliament and in legal instruments it shall be sufficient to use the expression “The Railways Clauses Consolidation (Scotland) Act 1845.”

F7 5

Textual Amendments

F7 S. 5 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Group1

Changes to legislation:

There are currently no known outstanding effects for the Railways Clauses Consolidation (Scotland) Act 1845, Cross Heading: Interpretations in this Act.