



Railways Clauses Consolidation (Scotland) Act 1845

1845 CHAPTER 33 8 and 9 Vict

Carriages and engines

108 Engines to be approved by the company, and certificate of approval given. Unfit engines to be removed.

No locomotive or other engine, or other description of moving power, shall at any time be brought upon or used on the railway unless the same have first been approved of by the company; and within fourteen days after notice given to the company by any party desirous of bringing any such engine on the railway the company shall cause their engineer or other agent to examine such engine, at any place within three miles distance from the railway, to be appointed by the owner thereof, and to report thereon to the company; and within seven days after such report, if such engine be proper to be used on the railway, the company shall give a certificate to the party requiring the same of their approval of such engine; and if at any time the engineer or other agent of the company report that any engine used upon the railway is out of repair, or unfit to be used upon the railway, the company may require the same to be taken off, or may forbid its use upon the railway until the same shall have been repaired to the satisfaction of the company, and upon the engine being so repaired the company shall give a certificate to the party requiring the same of their approval of such engine; and if any difference of opinion arise between the company and the owner of any such engine as to the fitness or unfitness thereof for the purpose of being used on the railway, such difference shall be settled by arbitration.

[^{F1} 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.]

Changes to legislation: *There are currently no known outstanding effects for the Railways Clauses Consolidation (Scotland) Act 1845, Section 108. (See end of Document for details)*

Textual Amendments

F1 Words in s. 108 inserted (1.4.1994) by S.I. 1994/857, art. 2, **Sch. para. 2**

Changes to legislation:

There are currently no known outstanding effects for the Railways Clauses Consolidation (Scotland) Act 1845, Section 108.