



# Railways Clauses Consolidation (Scotland) Act 1845

1845 CHAPTER 33 8 and 9 Vict

*Construction of railway*

## 11 Limiting deviation from datum line described on sections, &c.

In making the railway it shall not be lawful for the company to deviate from the levels of the railway, as referred to the common datum line described in the section approved of by Parliament, and as marked on the same, to any extent exceeding in any place five feet, or, in passing through a town, village, [<sup>F1</sup>road], or land continuously built upon, two feet, without the previous consent in writing of the owners and occupiers of the land in which such deviation is intended to be made; or in case any [<sup>F2</sup>road] shall be affected by such deviation, then the same shall not be made without the consent of the [<sup>F3</sup>roads authority] having the control of such [<sup>F2</sup>road], or, if there be no such [<sup>F3</sup>roads authority], without the consent of the sheriff, or without the consent of the trustees or commissioners for any public sewers, or the proprietors of any canal, navigation, gas-works, or water-works, affected by such deviation: Provided always, that it shall be lawful for the company to deviate from the said levels to a further extent without such consent as aforesaid, by lowering solid embankments or viaducts, provided that the requisite height of headway as prescribed by Act of Parliament be left for roads, . . . <sup>F4</sup>, or canals passing under the same: Provided also, that notice of every application to the sheriff for the purpose of considering the matter shall, fourteen days previous to such application, be given in some newspaper circulating in the county, and also be affixed upon the door of the parish church in which such deviation or alteration is intended to be made, or, if there be no such church, some other place to which notices are usually affixed.

### Textual Amendments

- F1** Word substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 3\(3\)\(a\)](#)  
**F2** Word substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 3\(3\)\(b\)](#)  
**F3** Words substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 3\(3\)\(c\)](#)

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**Changes to legislation:** There are currently no known outstanding effects for the Railways Clauses Consolidation (Scotland) Act 1845, Section 11. (See end of Document for details)

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**F4** Word repealed by Roads (Scotland) Act 1984 (c. 54, SIF 108), ss. 156(1)(3), **Sch. 9 para. 3(3)(d)**, Sch. 11

**Changes to legislation:**

There are currently no known outstanding effects for the Railways Clauses Consolidation (Scotland) Act 1845, Section 11.