



Regulation of Railways Act 1868

1868 CHAPTER 119 31 and 32 Vict

An Act to amend the Law relating to Railways.

[31st July 1868]

Modifications etc. (not altering text)

- C1 Act excluded (21.7.1999) by [S.I. 1999/2382, art. 4\(1\)](#)
- C2 Functions of Board of Trade now exercisable by Minister of Transport: [Ministry of Transport Act 1919 \(c. 50\), s. 2, S.I. 1953/1204 \(1953 I, p.1225\), art. 3\(1\), 1959/1768 \(1959 I, p.1793\), art. 3\(2\), 1970/1681, art. 2\(1\) and 1979/571, art. 2\(1\)](#)
- C3 This Act is not necessarily in the form in which it has effect in Northern Ireland.

Commencement Information

- I1 Act wholly in force at Royal Assent.

Preliminary

1 Short title.

This Act may be cited as “The Regulation of Railways Act 1868.”

2 Interpretation of terms.

In this Act—

The term “railway” means the whole or any portion of a railway or tramway, whether worked by steam or otherwise:

The term “company” means a company incorporated, either before or after the passing of this Act, for the purpose of constructing, maintaining, or working a railway in the United Kingdom (either alone or in conjunction with any other purpose), and includes, except when otherwise expressed, any individual or individuals not incorporated who are owners or lessees of a railway in the United Kingdom, or parties to an agreement for working a railway in the United Kingdom:

The term “person” includes a body corporate.

Status: Point in time view as at 02/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Regulation of Railways Act 1868. (See end of Document for details)

I.—Accounts, Audit, &c.

3—13. ^{F1}

<p>Textual Amendments</p> <p>F1 Ss. 3–13 repealed by Transport Act 1962 (c. 46), s. 95(3), Sch. 12 Pt. I and Pt. I (ss. 3–13) expressed to be repealed by S.I. 1984/1986 (N.I. 15), art. 20, Sch. 3</p>

II.—Obligations and Liability of Companies as Carriers

14 **Liability of company during sea transit.**

Where a company by through booking contracts to carry any animals, luggage, or goods from place to place partly by land and partly by sea, or partly by canal and partly by sea, a condition exempting the company from liability for any loss or damage which may arise during the carriage of such animals, luggage, or goods by sea from the act of God, the King’s enemies, fire, accidents from machinery, boilers, and steam, and all and every other dangers and accidents of the seas, rivers and navigation, of whatever nature and kind soever, shall, if published in a conspicuous manner in the office where such through booking is effected, and if printed in a legible manner on the receipt or freight note which the company gives for such animals, luggage, or goods, be valid as part of the contract between the consignor of such animals, luggage, or goods and the company, in the same manner as if the company had signed and delivered to the consignor a bill of lading containing such condition. For the purposes of this section the word “company” includes the owners, lessees, or managers of any canal or other inland navigation.

15 ^{F2}

<p>Textual Amendments</p> <p>F2 S. 15 repealed by Transport Charges &c. (Miscellaneous Provisions) Act 1954 (c. 64), Sch. 2 Pt. II</p>
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16 ^{F3}

<p>Textual Amendments</p> <p>F3 S. 16 repealed by Transport Charges &c. (Miscellaneous Provisions) Act 1954 (c. 64), Sch. 2 Pt. I</p>

17, 18. ^{F4}

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Textual Amendments

F4 Ss. 17, 18 repealed by Statute Law Revision Act 1959 (c. 68)

19 **F5**

Textual Amendments

F5 S. 19 repealed by Clean Air Act 1956 (c. 52), **Sch. 4**

20, 21. **F6**

Textual Amendments

F6 Ss. 20, 21 repealed by Statute Law Revision Act 1959 (c. 68)

III.—Provisions for Safety of Passengers

22 **Communication between passengers and the company’s servants.**

Every company shall provide, and maintain in good working order, in every train worked by it which carries passengers, and travels more than twenty miles without stopping, such efficient means of communication between the passengers and the servants of the company in charge of the train as the Board of Trade may approve. If any company makes default in complying with this section, it shall be liable to a penalty not exceeding [^{F7}level 1 on the standard scale] for each case of default. Any passenger who makes use of the said means of communication without reasonable and sufficient cause shall be liable for each offence to a penalty not exceeding [^{F7}level 1 on the standard scale][^{F8}[^{F9}level 2 on the standard scale]].

Textual Amendments

F7 Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G**

F8 “£50” substituted for “£25” in relation to (a) British Railways Board by British Railways Act 1977 (c. xvii), s. 13, **Sch. 1** and (b) London Transport Executive by London Transport Act 1977 (c. xii), **Sch.**

F9 Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G**

Modifications etc. (not altering text)

C4 S. 22 the expression “company” extended by Channel Tunnel Act 1987 (c. 53, SIF 102), ss. 43, 45, Sch. 6 para. 3, **Sch. 7 Pt. VI para. 2**

C5 S. 22 modified by Channel Tunnel Act 1987 (c. 53, SIF 102), ss. 43, 45, Sch. 6 para. 4(1), **Sch. 7 Pt. VI para. 2**

S. 22 modified (E.W.S.) (22.6.1993) by S.I. 1993/1607, **art. 3(4)**

S. 22 modified (E.W.S.) (29.6.1993) by S.I. 1993/1651, **art. 3(3)**

S. 22 modified (E.W.S.) (1.9.1993) by S.I. 1993/2154, **art. 3(3)**

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Changes to legislation: There are currently no known outstanding effects for the Regulation of Railways Act 1868. (See end of Document for details)

- C6** S. 22 applied (with modifications) (E.W.S.) (29.1.1991) by S.I. 1991/134, **art. 3(2)(3)**
 S. 22 applied (with modifications) (E.W.S.) (28.3.1991) by S.I. 1991/933, **art. 3(2)(3)**
 S. 22 applied (with modifications) (E.W.S.) (25.4.1991) by S.I. 1991/1111, **art. 3(2)(3)**
 S. 22 applied (with modifications) (E.W.S.) (4.5.1991) by S.I. 1991/1162, **art. 3(2)(3)**
 S. 22 applied (with modifications) (E.W.S.) (26.6.1991) by S.I. 1991/1619, **art. 3(2)(3)**
 S. 22 applied (with modifications) (E.W.S.) (30.8.1991) by S.I. 1991/1965, **art. 5(2)(3)**
 S. 22 applied (with modifications) (E.W.S.) (28.9.1991) by S.I. 1991/2194, **art. 3(3)(4)**
 S. 22 applied (with modifications) (E.W.S.) (28.9.1991) by S.I. 1991/2210, **art. 3(2)(3)**
 S. 22 applied (with modifications) (E.W.S.) (26.11.1991) by S.I. 1991/2682, **art. 3(3)(4)**
 S. 22 applied (with modifications) (E.W.S.) (6.12.1991) by S.I. 1991/2812, **art. 3(3)(4)**
 S. 22 applied (with modifications) (E.W.S.) (29.4.1992) by S.I. 1992/1113, **art. 3(3)(4)**
 S. 22 applied (with modifications) (E.W.S.) (21.5.1992) by S.I. 1992/1267, **art. 4(2)(3)**
 S. 22 applied (with modifications) (E.W.S.) (26.3.1993) by S.I. 1993/1083, **art. 3(4)**
 S. 22 applied (with modifications) (E.W.S.) (2.9.1993) by S.I. 1993/2153, **art. 3(2)(3)**
- C7** S. 22 excluded (E.W.S.) by **Light Railways Act 1896** (c. 48), s. 12, **Sch. 2**
- C8** S. 22 amended (E.W.S.) (2.2.1994) by 1993 c. 43, **ss. 117(1)(6)**, 150(1)(e); S.I. 1994/202, **art. 2** (with S.I. 1990/1380, **arts. 3, 4**).
 S. 22: power to repeal or modify conferred (E.W.S.) (2.2.1994) by 1993 c. 43, **ss. 117(4)(c)(6)**, 150(1)(e); S.I. 1994/202, **art. 2**
- C9** s. 22 incorporated (with modifications) (4.3.1994) by S.I. 1994/691, **art. 3(1)(2)**;
 S. 22 applied (with modification) (14.5.1994) by S.I. 1994/1331, **art. 3(3)(4)**;
 S. 22 applied (with modification) (26.7.1994) by S.I. 1993/1803, **art. 3(2)**;
 S. 22 excluded (21.7.1994) by 1994 c. xi, **s. 3(3)**;
 S. 22 excluded (21.7.1994) by 1994 c. xv, **s. 3(4)**;
 S. 22 applied (4.5.1995) by S.I. 1995/1236, **art. 3(3)**;
 S. 22 modified (4.5.1995) by S.I. 1995/1236, **art. 3(4)**;
 S. 22 modified (10.5.1995) by S.I. 1995/1300, **art. 3(3)**;
 S. 22 incorporated (with modifications) (29.7.1995) by S.I. 1995/2142, **art. 3(1)(2)**;
 S. 22 applied (with modifications) (29.7.1995) by S.I. 1995/2143, **art. 3(4)**;
 S. 22 applied (with modifications) (9.10.1995) by S.I. 1995/2458, **arts. 3, 7(7)**;
 S. 22 modified (18.12.1996) by 1996 c. 61, s. 20, **Sch. 9**, Pt. II para. 8(1);
 S. 22 applied (with modifications) (4.5.1996) by S.I. 1996/1267, **art. 3(3)(4)**;
 S. 22 applied (with modifications) (1.10.1996) by S.I. 1996/2660, **art. 4(5)(6)**;
 S. 22 applied (with modifications) (22.1.1997) by S.I. 1997/102, **art. 3(2)(3)**;

23 Penalty for trespasses on railways.

If any person shall be or pass upon any railway, except for the purpose of crossing the same at any authorized crossing, [^{F10}after having once received warning] by the company which works such railway, or by any of their agents or servants, not to go or pass thereon, every person so offending shall forfeit and pay any sum not exceeding [^{F11}level 1 on the standard scale] for every such offence.

Textual Amendments

- F10** Words substituted by **Regulations of Railways Act 1871** (c. 78), **s. 14**
- F11** Words substituted (E.W.S.) by virtue of (E.W.) **Criminal Justice Act 1982** (c. 48, SIF 39:1), **s. 46** and (S.) **Criminal Procedure (Scotland) Act 1975** (c. 21, SIF 39:1), **s. 289G**

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24 Trees dangerous to railways may be removed.

If any tree standing near to a railway shall be in danger of falling on the railway so as to obstruct the traffic, it shall be lawful for any two justices, on the complaint of the company which works such railway, to cause such tree to be removed or otherwise dealt with as such justices may order, and the justices making such order may award compensation to be paid by the company making such complaint to the owner of the tree so ordered to be removed or otherwise dealt with as such justices shall think proper, and the amount of such compensation shall be recoverable in like manner as compensation recoverable before justices under the ^{M1}Railways Clauses Consolidation Act 1845.

Marginal Citations

M1 1845 c. 20.

IV.—Compensation for Accidents

25 Arbitration of damages.

Where a person has been injured or killed by an accident on a railway, the Board of Trade, upon application in writing made jointly by the company from whom compensation is claimed and the person if he is injured, or his representatives if he is killed, may, if they think fit, appoint an arbitrator, who shall determine the compensation (if any) to be paid by the company.

Modifications etc. (not altering text)

C10 S. 25 the expression “company” extended by [Channel Tunnel Act 1987 \(c. 53, SIF 102\)](#), ss. 43, 45, Sch. 6 para. 3, [Sch. 7 Pt. VI para.2](#)

26 Examination by medical man.

Whenever any person injured by an accident on a railway claims compensation on account of the injury, any judge of the court on which proceedings to recover such compensation are taken, or any person who by the consent of the parties or otherwise has power to fix the amount of compensation, may order that the person injured be examined by some duly qualified medical practitioner named in the order, and not being a witness on either side, and may make such order with respect to the costs of such examination as he may think fit.

V.—Light Railways

[^{F12}27 Order for construction and working of railway as a light railway.

The Board of Trade may by licence authorize a company applying for it to construct and work or to work as a light railway the whole or any part of a railway which the company has power to construct or work.

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Before granting the licence the Board of Trade shall cause due notice of the application to be given, and shall consider all objections and representations received by them, and shall make such inquiry as they think necessary.]

Textual Amendments

F12 Ss. 27, 28 (as they apply to Great Britain) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1 Pt. X](#)

28 Conditions and regulations for light railways.

A light railway shall be constructed and worked subject to such conditions and regulations as the Board of Trade may from time to time impose or make: Provided, that (1) the regulations respecting the weight of locomotive engines, carriages, and vehicles to be used on such railway shall not authorize a greater weight than eight tons to be brought upon the rails by any one pair of wheels; (2) the regulations respecting the speed of trains shall not authorize a rate of speed exceeding at any time twenty-five miles an hour.

If the company or any person fails to comply with or acts in contravention of such conditions and regulations, or directs any one so to fail or act, such company and person shall respectively be liable to a penalty for each offence not exceeding [^{F13}£50], and to a like penalty for every day during which the offence continues; and every such person, on conviction on indictment for any offence relating to the weight of engines, carriages, or vehicles, or the speed of trains, shall be also liable to imprisonment, with or without hard labour, for any term not exceeding two years.

Textual Amendments

F13 “£50” substituted for “twenty pounds”, but not so as to affect the penalty for each day during which the offence continues, by virtue of (E.W.) [Criminal Law Act 1977 \(c. 45\), s. 31\(5\)\(a\)\(6\)\(b\)\(8\)\(9\)](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\), s. 289C\(4\)\(a\)\(5\)\(b\)\(7\)\(8\)](#)

Modifications etc. (not altering text)

C11 s. 28 excluded (14.5.1994) by [S.I. 1994/1331, art. 3\(3\)](#)

29 ^{F14}

Textual Amendments

F14 S. 29 repealed by [Transport Act 1962 \(c. 46\), s. 95 \(3\), Sch. 12 Pt. I](#) and expressed to be repealed by [S.I. 1984/1986 \(N.I. 15\), art. 20, Sch. 3](#)

VI.—Arbitrations by Board of Trade

30— ^{F15}

33.

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Textual Amendments

F15 Ss. 30–33 repealed by [Transport Act 1962 \(c. 46\), s. 95](#) (3), Sch. 12 Pt. I and Pt. VI (ss. 30–33) expressed to be repealed by [S.I. 1984/1986 \(N.I. 15\), art. 20](#), [Sch. 3](#)

VII.—Miscellaneous

34 **F16**

Textual Amendments

F16 S. 34 repealed by [Transport Act 1962 \(c. 46\), s. 95](#) (3), Sch. 12 Pt. I

35 **F17**

Textual Amendments

F17 S. 35 repealed by [Railway Companies Meetings Act 1869 \(c. 6\), s.1](#)

36, 37. **F18**

Textual Amendments

F18 Ss. 36, 37 repealed by [Post Office Act 1953 \(c. 36\), Sch. 3](#)

38 **F19**

Textual Amendments

F19 S. 38 repealed by [Statute Law Revision Act 1960 \(c. 56\)](#)

39 Service of requisitions, &c.

All requisitions, orders, regulations, appointments, certificates, licences, notices, and documents which relate to a company, if purporting to be signed by some secretary or assistant secretary of or by some officer appointed for the purpose by the Board of Trade, shall, until the contrary is proved, be deemed to have been so signed, and to have been given or made by the Board of Trade. They may be served by the Board of Trade on any company in the manner in which notices may be served under the ^{M2}Companies Clauses Consolidation Act 1845; and all notices, returns, and other documents required to be made, delivered, or sent by a company to the Board of Trade shall be left at the office of, or transmitted through the post addressed to, the Board of Trade.

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Marginal Citations

M2 1845 c. 16.

40 Recovery, &c. of penalties.

Every penalty imposed by this Act shall be recovered and applied in the same manner as penalties imposed by the ^{M3}Railways Clauses Consolidation Act 1845, and the ^{M4}Railways Clauses Consolidation (Scotland) Act 1845, (as the case may require) are for the time being recoverable and applicable.

Marginal Citations

M3 1845 c. 20.

M4 1845 c. 33.

41— F20
44.

Textual Amendments

F20 Ss. 41–44 repealed by Transport Act 1962 (c. 46), s. 95 (3), Sch. 12 Pt. I and expressed to be repealed by S.I. 1984/1986 (N.I. 15), art. 20, Sch. 3

45 F21

Textual Amendments

F21 S. 45 repealed by Land Clauses (Taxation of Costs) Act 1895 (c. 11), s.1

46, 47. F22

Textual Amendments

F22 Ss. 46, 47 repealed by Statute Law Revision Act 1875 (c. 66)

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SCHEDULES

^{F23}F23 FIRST SCHEDULE

Textual Amendments

F23 Sch. 1 repealed by Statute Law (Repeals) Act 1989 (c.43), s. 1(1), **Sch. 1 Pt. X**

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F23

^{F24}F24 SECOND SCHEDULE

Textual Amendments

F24 Sch. 2 repealed by Statute Law Revision Act 1875 (c. 66)

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F24

Status:

Point in time view as at 02/02/1991.

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