



# Regulation of Railways Act 1871

1871 CHAPTER 78 34 and 35 Vict

*[<sup>F1</sup> Preliminary*

## Textual Amendments

**F1** Act repealed (E.W.S.) (10.5.1997) by [S.I. 1997/553](#), reg. 12(1), [Sch. Pt. I](#)

## 1 Construction of Act and short title.

This Act so far as is consistent with the tenor thereof shall be construed as one with the Acts mentioned in Schedule Two to this Act and with the <sup>M1</sup>Regulation of Railways Act 1868 and those Acts and this Act may be cited together as “The Regulation of Railways Acts 1840 to 1871”; and this Act and each of the Acts mentioned in Schedule Two to this Act may be cited as “The Regulation of Railways Act” of the year in which it was passed.

## Marginal Citations

**M1** [1868 c. 119](#).

## 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, which has been authorized by any special Act of Parliament [<sup>F2</sup>the Channel Tunnel Act 1987] or by any certificate under Act of Parliament:

The term “company” means a company incorporated either before or after the passing of this Act [<sup>F3</sup>(a)] for the purpose of constructing, maintaining, or working a railway in the United Kingdom (either alone or in conjunction with any other purpose) [<sup>F4</sup>, or (b) which works a railway, or operates a station or a train, in the United Kingdom], and includes, except when otherwise expressed,

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any individual or individuals not incorporated [<sup>F5</sup>who work a railway, or operate a station or train, in the United Kingdom or who are owners or lessees of a railway or station in the United Kingdom or parties to an agreement for working a railway or operating a station or train in the United Kingdom]:

The term “person” includes a body corporate:

[<sup>F6</sup>The term “court of summary jurisdiction” means any justices of the peace, [<sup>F7</sup> . . . stipendiary magistrate, [<sup>F8</sup>sheriff principal, sheriff], or other magistrate, or officer by whatever name called, who is capable of exercising jurisdiction in summary proceedings for the recovery of penalties.]

[<sup>F9</sup>The term “relevant transport system” has the meaning assigned to it by regulation 2 of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995.]

#### Textual Amendments

- F2** Words inserted by [Channel Tunnel Act 1987 \(c. 53, SIF 102\)](#), ss. 43, 45, [Sch. 6 para. 1](#), [Sch. 7 Pt. VI para. 2](#) (by s. 43 it is provided that Sch. 6 to that 1987 Act shall have effect for making miscellaneous provisions about the application of railway regulation enactments in relation to the tunnel system, the concessionaires and certain other persons operating services by way of the tunnel system)
- F3** Word in s. 2 inserted (1.10.1994) by [S.I. 1994/2229](#), art. 2(1), [Sch. para. \(a\)\(i\)](#)
- F4** Words in s. 2 substituted (1.10.1994) by virtue of [S.I. 1994/2229](#), art. 2(1), [Sch. para. \(a\)\(ii\)](#)
- F5** Words in s. 2 substituted (1.10.1994) by [S.I. 1994/2229](#), art. 2(1), [Sch. para. \(a\)\(iii\)](#)
- F6** Definition repealed (N.I.) by [Northern Ireland Act 1962 \(c. 30\)](#), [Sch. 4 Pt. IV](#)
- F7** S. 2: words in definition of “court of summary jurisdiction” repealed (31.8.2000) by [1999 c. 22](#), s. 106, [Sch. 15 Pt. V\(3\)](#) (with [s. 107](#), [Sch. 14 paras. 7\(2\), 36\(9\)](#)); [S.I. 2000/1920](#), [art. 3\(c\)](#)
- F8** Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\)](#), [s. 4](#)
- F9** Words in s. 2 added (E.W.S.) (1.4.1996) by [S.I. 1995/3163](#), [reg. 14\(2\)](#)

#### Modifications etc. (not altering text)

- C1** S. 2: definition of “railway” extended (18.12.1996) by [1996 c. 61](#), s. 20, [Sch. 9 Pt. II para. 5](#)

### *Inspection of Railways*

## 3 Board of Trade may appoint inspectors of railways.

The Board of Trade may from time to time appoint any person to be inspector for the purpose of inspecting [<sup>F10</sup>any railway or station and of making any inquiry with respect to any railway or station or into the cause of any railway accident or any accident at any station] which the Board of Trade are authorized to make or direct, and of enabling the Board of Trade to carry the provisions of any general Act relating to railways into execution, or for any of such purposes: [<sup>F11</sup>Provided that no person so appointed shall exercise any powers of interference in the affairs of any company].

#### Textual Amendments

- F10** Words in s. 3 substituted (1.4.1994) by [S.I. 1994/857](#), art. 2, [Sch. para. 4\(b\)](#)
- F11** Words in s. 3 repealed (E.W.S.) (31.1.1993) by [Transport and Works Act 1992 \(c. 42, SIF 102\)](#), ss. 42(2), 68(1), [Sch. 4 Pt. I](#); [S.I. 1992/3144](#), art. 3, [Sch.](#)

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**Modifications etc. (not altering text)**

- C2** S. 3 extended by [Road and Rail Traffic Act 1933 \(c. 53\)](#), [s. 41\(2\)](#)
- C3** 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](#)

**4 Powers of inspectors of railways.**

Every inspector under this Act shall for the purposes of any inspection or inquiry which he is directed by the Board of Trade to make or conduct have the following powers; (that is to say,)

- [<sup>F12</sup>(1) He may enter and inspect any railway or station and any works, buildings or offices belonging thereto and may inspect any stock, plant or machinery used in connection with any railway or station;]
- (2) He may by summons under his hand require the attendance of any person who is engaged in the management, service, or employment of a company as defined by this Act, and whom he thinks fit to call before him and examine for the said purpose, and may require answers or returns to such inquiries for the said purpose as he thinks fit to make from such person or company:
- (3) He may require and enforce the production of all books, papers, and documents of a company which he considers important for the said purpose.

**Textual Amendments**

- F12** S. 4(1) substituted (1.4.1994) by [S.I. 1994/857](#), art. 2, [Sch. para. 4\(c\)](#)

**Modifications etc. (not altering text)**

- C4** S. 4 extended by [Road and Rail Traffic Act 1933 \(c. 53\)](#), [s. 41\(2\)](#) and [Transport Act 1968 \(c. 73\)](#), [s. 125\(2\)](#)
- C5** 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](#)

[<sup>F13</sup>**5 Extension of 5 & 6 Vict. c. 55. ss. 4 to 6 to new works.**

The provisions of the Regulation of Railways Act, 1842, and the Acts amending the same, with respect to the opening of any railway, shall extend to the opening of any additional line of railway, deviation line, station, junction, or crossing on the level which forms a portion of or is directly connected with a railway on which passengers are conveyed, and has been constructed subsequently to the inspection of such railway on behalf of the Board of Trade previous to the original opening of such railway:

Provided always, that the Board of Trade may, with respect to any of the works in this section mentioned, from time to time upon the application of any railway company dispense with any notice which, under the provisions of the said Acts, is required to be given to the Board of Trade previous to opening any railway.]

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### Textual Amendments

- F13** S. 5 repealed (E.W.S.) by [Road and Rail Traffic Act 1933 \(c. 53\)](#), [Sch. 3](#); and s. 5 repealed (N.I.) (prosp.) by [2002 c. 8 \(N.I.\)](#), ss. 7, 8(2), [Sch. 2](#)

## Accidents

### <sup>F14</sup>6 Companies to make returns of accidents to Board of Trade.

<sup>F15</sup>Where in or about any railway or station or any of the works or buildings connected with such railway or station, or any building or place, whether open or enclosed, occupied by the company working such railway or operating such station, any of the following accidents takes place in the course of working any railway or operating any station]; (that is to say,)

- (1) Any accident attended with loss of life or personal injury to any person whomsoever;
- (2) Any collision where one of the trains is a passenger train;
- (3) Any passenger train or any part of a passenger train accidentally leaving the rails;
- (4) Any accident of a kind not comprised in the foregoing descriptions, but which is of such a kind as to have caused or to be likely to cause loss of life or personal injury, and which may be specified in that behalf by any order to be made from time to time by the Board of Trade,

<sup>F16</sup>the company working such railway or operating such station, and also, if the accident happens to a train operated by any other company], such last-mentioned company shall send notice of such accident and of the loss of life or personal injury (if any) occasioned thereby to the Board of Trade.

Such notice shall be in such form and shall contain such particulars as the Board of Trade may from time to time direct, and shall be sent by the earliest practicable post after the accident takes place.

The Board of Trade may from time to time by order direct that notice of any class of accidents shall be sent to them by telegraph, and may revoke any such order. Notice of every such order shall be sent to every railway company, and while it is in force notice of every accident of the class to which the order relates shall be sent to the Board of Trade by telegraph immediately after the accident takes place.

Every company who fail to comply with the provisions of this section shall be liable for each offence to a penalty not exceeding <sup>F17</sup>level 2 on the standard scale].]

### Textual Amendments

- F14** S. 6 repealed (E.W.S.) (1.4.1996) by [S.I. 1995/3163](#), [reg. 14\(1\)](#)
- F15** Words in s. 6 substituted (1.10.1994) by virtue of [S.I. 1994/2229](#), art. 2(1), [Sch. para. \(b\)\(i\)](#)
- F16** Words in s. 6 substituted (1.10.1994) by virtue of [S.I. 1994/2229](#), art. 2(1), [Sch. para. \(b\)\(ii\)](#)
- F17** 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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**Modifications etc. (not altering text)**

- C6 S. 6 extended by [Railway Employment \(Prevention of Accidents\) Act 1900 \(c. 27\), s. 13\(2\)](#); as extended, amended by [Road and Rail Traffic Act 1933 \(c. 53\), s. 43\(1\)](#)
- C7 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](#)

**F187 Inquiry into accidents and formal investigation in serious cases.**

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**Textual Amendments**

- F18 S. 7 repealed (7.6.2005) by [Inquiries Act 2005 \(c. 12\), s. 51\(1\), Sch. 2 para. 1, Sch. 3 \(with ss. 44, 50\); S.I. 2005/1432, art. 2](#)

**8 Appointment of an assessor to coroner.**

Where any coroner in England holds or is about to hold an inquest on the death of any person occasioned by an <sup>F19</sup>accident or occurrence—

- (a) which arises from the operation of a relevant transport system, and
- (b) which is required to be reported under regulation 3(1) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995.]

and makes a written request to the Board of Trade in this behalf, the Board of Trade may appoint an inspector or some person possessing legal or special knowledge to assist in holding such inquest, and such appointee shall act as the assessor of the coroner, and shall make the like report to the Board of Trade, and the report shall be made public in like manner as in the case of a formal investigation of an accident <sup>F20</sup>or occurrence] under this Act.

**Textual Amendments**

- F19 Words in s. 8 substituted (1.4.1996) by [S.I. 1995/3163, reg. 14\(2\)\(d\)](#)
- F20 Words in s. 8 inserted (1.4.1996) by [S.I. 1995/3163, reg. 14\(2\)\(e\)](#)

**9, 10. .... F21**

**Textual Amendments**

- F21 [Ss. 9, 10 and Sch. 1](#) repealed with saving by [Statute Law Revision Act 1960 \(c. 56\), s. 1\(2\), Sch.](#)

*Miscellaneous*

**11 Disobedience to or obstruction of inspector or court.**

If any person, without reasonable excuse (proof whereof shall lie on him), does any of the following things; namely,

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- (1) Having been summoned, and having had the expenses (if any) to which he is entitled tendered to him, fails to attend as a witness before any inspector under this Act, or before a court holding an investigation under this Act, or fails when required by the inspector or such court in pursuance of this Act so to do, to make any answer, or to give any return, or to produce any document, or to make or sign any declaration; or
- (2) Prevents or impedes the inspector or such court in the execution of his or their duty, he shall for every such offence incur a penalty not exceeding [<sup>F22</sup>level 1 on the standard scale], and in the case of a refusal to make any return or produce any document, not exceeding [<sup>F22</sup>level 1 on the standard scale] during every day that such failure continues; and where the offence consists of preventing or impeding as aforesaid, the inspector, or any member of such court, or any person called by him to his assistance, may seize and detain the offender until he can be conveniently taken before a court of summary jurisdiction, to be dealt with according to law.

**Textual Amendments**  
**F22** 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](#)

<sup>F23</sup>**12 Limitation of liability of companies on sea voyages in certain cases.**

Where a railway company under a contract for carrying persons, animals, or goods by sea procure the same to be carried in a vessel not belonging to the railway company, the railway company shall be answerable in damages in respect of loss of life or personal injury, or in respect of loss of or damage to animals or goods, in like manner and to the same amount as the railway company would be answerable if the vessel had belonged to the railway company; provided that such loss of life or personal injury, or loss or damage to animals or goods, happens to the person, animals, or goods (as the case may be) during the carriage of the same in such vessel, the proof to the contrary to lie upon the railway company.]

**Textual Amendments**  
**F23** S. 12 repealed (E.W.S.) by [Transport Act 1962 \(c. 46\), s. 95\(3\), Sch. 12 Pt. I](#)

**13** ..... <sup>F24</sup>

**Textual Amendments**  
**F24** S. 13 repealed by [Statute Law Revision Act 1950 \(c. 6\)](#)

<sup>X1</sup>**14 Penalty for trespassers on railways.**

Section twenty-three of “The Regulation of Railways Act, 1868,” shall have effect as if the words “after having once received warning” were substituted therein for the words “after having received warning.” <sup>F25</sup> . . .

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**Editorial Information**

**X1** The text of s. 14 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

**Textual Amendments**

**F25** Words repealed by [Statute Law Revision Act 1883 \(c. 39\)](#), [Sch.](#)

**15 Recovery, &c. of penalties.**

Every penalty imposed by this Act shall be recovered and applied in the same manner as penalties imposed by the <sup>M2</sup>Railways Clauses Consolidation Act 1845 and the <sup>M3</sup>Railways Clauses Consolidation (Scotland) Act 1845 (as the case may require), are for the time being recoverable and applicable.

**Marginal Citations**

**M2** 1845 c. 20.

**M3** 1845 c. 33.

**16 Application of Act to Scotland.**

In the application of this Act to Scotland—

- (1) The term “attending on subpoena before a court of record” means attending on citation the Court of Justiciary.
- (2) The Queen’s and Lord Treasurer’s Remembrancer shall perform the duties of a master of one of the Superior Courts under this Act.
- (3) The term “stipendiary magistrate” means [<sup>F26</sup>sheriff principal or sheriff] .

**Textual Amendments**

**F26** Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\)](#), [s. 4](#)

**17** ..... <sup>F27</sup>

**Textual Amendments**

**F27** [S. 17](#) repealed by [Statute Law Revision Act 1883 \(c. 39\)](#)

**18]** ..... <sup>F28</sup>

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### Textual Amendments

**F28** [S. 18](#) repealed by [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#)



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**Changes and effects yet to be applied to :**

- s. 5 repealed by [2002 c. 8 \(N.I.\) Sch. 2](#)
- s. 6 repealed by [2002 c. 8 \(N.I.\) Sch. 2](#)
- s. 7 words inserted by [2002 c. 8 \(N.I.\) s. 7\(1\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 7 repealed (7.6.2005) by 2005 c. 12, Sch. 2 para. 1, Sch. 3; S.I. 2005/1432, art. 2)
- s. 7 words substituted by [2002 c. 8 \(N.I.\) s. 7\(1\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 7 repealed (7.6.2005) by 2005 c. 12, Sch. 2 para. 1, Sch. 3; S.I. 2005/1432, art. 2)