



Regulation of Railways Act 1871

1871 CHAPTER 78 34 and 35 Vict

[^{F1} Miscellaneous

Textual Amendments

F1 Act repealed (E.W.S.) (10.5.1997) by [S.I. 1997/553, reg. 12\(1\)](#), [Sch.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

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,

- (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 [^{F2}level 1 on the standard scale], and in the case of a refusal to make any return or produce any document, not exceeding [^{F2}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

F2 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](#)

Changes to legislation: There are currently no known outstanding effects for the Regulation of Railways Act 1871, Cross Heading: Miscellaneous. (See end of Document for details)

[^{F3}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

F3 S. 12 repealed (E.W.S.) by [Transport Act 1962 \(c. 46\)](#), s. 95(3), [Sch. 12 Pt. I](#)

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Textual Amendments

F4 S. 13 repealed by [Statute Law Revision Act 1950 \(c. 6\)](#)

^{X1}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.”^{F5} . . .

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

F5 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 ^{M1}Railways Clauses Consolidation Act 1845 and the ^{M2}Railways Clauses Consolidation (Scotland) Act 1845 (as the case may require), are for the time being recoverable and applicable.

Marginal Citations

M1 1845 c. 20.

M2 1845 c. 33.

Changes to legislation: There are currently no known outstanding effects for the Regulation of Railways Act 1871, Cross Heading: Miscellaneous. (See end of Document for details)

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 [^{F6}sheriff principal or sheriff] .

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Textual Amendments

F6 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), s. 4](#)

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Textual Amendments

F7 [S. 17](#) repealed by [Statute Law Revision Act 1883 \(c. 39\)](#)

18]^{F8}

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Textual Amendments

F8 [S. 18](#) repealed by [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Regulation of Railways Act 1871, Cross
Heading: Miscellaneous.