



# Regulation of Railways Act 1871

## 1871 CHAPTER 78

### *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,

- (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 ten pounds, and in the case of a refusal to make any return or produce any document, not exceeding ten pounds 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.

#### **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.

**13 Punishment of juvenile offenders for casting stones, &c. on railway carriages, &c.**

The following Acts—

The Act of the session of the tenth and eleventh years of Her Majesty's reign (chapter eighty-two), " for the more " speedy trial and punishment of juvenile offenders;" and

The Act of the session of the thirteenth and fourteenth years of Her Majesty's reign (chapter thirty-seven), " for the further extension of summary jurisdiction in " cases of larceny,"

shall have effect as if there had been mentioned therein, in addition to the offence of larceny, the several offences following:

The offences mentioned in sections thirty-two and thirty-three of the Act of the session of the twenty-fourth and twenty-fifth years of Her Majesty's reign (chapter one hundred), " to consolidate and amend the Statute " Law of England and Ireland relating to offences " against the person;" and

The offences mentioned in section thirty-five of the Act of the same session (chapter ninety-seven), " to consolidate " and amend the Statute Law of England and Ireland " relating to malicious injuries to property."

Nothing in this section shall affect any offence committed before the passing of this Act.

**14 Penalty for trespasses 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. "

Nothing in this section shall affect anything done before the passing of this Act.

**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 Railways Clauses Consolidation Act, 1845, and the Railways Clauses Consolidation (Scotland) Act, 1845 (as the case may require), are for the time being recoverable and applicable.

**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 a sheriff or sheriff substitute.

## **17 Repeal of Acts.**

The several Acts set forth in Schedule Two to this Act shall be repealed to the extent to which such Acts are therein expressed to be repealed.

Provided that any inspector appointed under any enactment hereby repealed shall be deemed to have been appointed under this Act, and the repeal enacted in this Act shall not affect—

- (1) Anything duly done or suffered before the passing of this Act under any enactment hereby repealed:
- (2) Any right or privilege acquired or any liability incurred before the passing of this Act under any enactment hereby repealed:
- (3) Any penalty, forfeiture, or other punishment incurred before the passing of this Act in respect of any offence against any enactment hereby repealed : ,
- (4) The institution or prosecution of any investigation or legal proceeding or any other remedy for ascertaining, enforcing, or recovering any such liability, penalty, forfeiture, or punishment as aforesaid.

## **18 Commencement of Act.**

This Act shall not come into operation until the first day of November one thousand eight hundred and seventy-one.