



# Regulation of Railways Act 1873

## 1873 CHAPTER 48

### *Appointment and Duties of Railway Commissioners*

#### **4 Appointment of Railway Commissioners.**

For the purpose of carrying into effect the provisions of the Railway and Canal Traffic Act, 1854, and of this Act, it shall be lawful for Her Majesty, at any time after the passing of this Act, by warrant under the Royal Sign Manual, to appoint not more than three Commissioners, of whom one shall be of experience in the law and one of experience in railway business, and not more than two Assistant Commissioners, and upon the occurrence of any vacancy in the office of any such Commissioner or Assistant Commissioner from time to time in like manner to appoint some fit person to fill the vacancy. It shall be lawful for the Lord Chancellor, if he think fit, to remove for inability or misbehaviour any Commissioner appointed in pursuance of this Act.

The three Commissioners appointed under this Act (and in this Act referred to as the Commissioners) shall be styled the Railway Commissioners, and shall have an official seal which shall be judicially noticed. They may act notwithstanding any vacancy in their number. The said Assistant Commissioners shall hold office during the pleasure of Her Majesty.

#### **5 Commissioners not to be interested in railway or canal stock.**

Any person appointed a Commissioner under this Act shall within three calendar months after his appointment absolutely sell and dispose of any stock, share, debenture stock, debenture bond, or other security of any railway or canal company in the United Kingdom which he shall at the time of his appointment own or be interested in for his own benefit; and it shall not be lawful for any person appointed a Commissioner under this Act, so long as he shall hold office as such Commissioner, to purchase, take, or become interested in for his own benefit any such stock, share, debenture stock, debenture bond, or other security; and if any such stock, share, debenture stock, debenture bond, or other security, or any interest therein, shall come to or vest in such Commissioner- by will or succession, for his own benefit, he shall within three calendar months after the same shall so come to or vest in him absolutely sell and dispose of the same or his interest therein.

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It shall not be lawful for the Commissioners, except by consent of the parties to the proceedings, to exercise any jurisdiction by this Act conferred upon them in any case in which they shall be, directly or indirectly, interested in the matter in question.

The Commissioners shall devote the whole of their time to the performance of their duties under this Act, and shall not accept or hold any office or employment inconsistent with this provision.

## **6 Transfer to Commissioners of jurisdiction under 17 & 18 Vict. c.31 s.3.**

Any person complaining of anything done or of any omission made in violation or contravention of section two of the Railway and Canal Traffic Act, 1854, or of section sixteen of the Regulation of Railways Act, 1868, or of this Act, or of any enactment amending or applying the said enactments respectively, may apply to the Commissioners, and upon the certificate of the Board of Trade alleging any such violation or contravention any person appointed by the Board of Trade in that behalf may in like manner apply to the Commissioners; and for the purpose of enabling the Commissioners to hear and determine the matter of any such complaint, they shall have and may exercise all the jurisdiction conferred by section three of the Railway and Canal Traffic Act, 1854, on the several courts and judges empowered to hear and determine complaints under that Act; and may make orders of like nature with the writs and orders authorised to be issued and made by the said courts and judges; and the said courts and judges shall, except for the purpose of enforcing any decision or order of the Commissioners, cease to exercise the jurisdiction conferred on them by that section.

## **7 Power for Commissioners to enable companies to explain alleged violation of law.**

Where the Commissioners have received any complaint alleging the infringement by a railway company or canal company of the provisions of any enactment in respect of which the Commissioners have jurisdiction, they may, if they think fit, before requiring or permitting any formal proceedings to be taken on such complaint, communicate the same to the company against whom it is made, so as to afford them an opportunity of making such observations thereon as they may think fit.

## **8 Differences between railway and canal companies to be referred to Commissioners.**

Where any difference between railway companies or between canal companies, or between a railway company and a canal company, is, under the provisions of any general or special Act, passed either before or after the passing of this Act, required or authorised to be referred to arbitration, such difference shall at the instance of any company party to the difference and with the consent of the Commissioners be referred to the Commissioners for their decision in lieu of being referred to arbitration: Provided, that the power of compelling a reference to the Commissioners in this section contained shall not apply to any case in which any arbitrator has in any general or special Act been designated by his name or by the name of his office, or in which, a standing arbitrator having been appointed under any general or special Act, the Commissioners are of opinion that the difference in question may more conveniently be referred to him. 9. Power to refer differences to Commissioners.

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**9 Power to refer differences to Commissioners.**

Any difference to which a railway company or canal company is a party, may, on the application of the parties to the difference, and with the assent of the Commissioners, be referred to them for their decision.

**10 Transfer to Commissioners of certain powers and duties of the Board of Trade.**

The following powers and duties of the Board of Trade shall be transferred to the Commissioners; namely,

- (1) The powers of the Board of Trade under Part III. of the Railway Clauses Act, 1863, or under any special Act, with respect to the approval of working agreements between railway companies; and,
- (2) The powers and duties of the Board of Trade under section thirty-live of the Railway Clauses Act, 1863, with respect to the exercise by railway companies of their powers in relation to steam vessels :

And the provisions of the said Acts conferring such powers or imposing such duties, or otherwise referring to such powers or duties, shall, so far as is consistent with the tenor thereof, be read as if the Commissioners were therein named instead of the Board of Trade.