



# Railways Clauses Consolidation (Scotland) Act 1845

1845 CHAPTER 33 8 and 9 Vict

## *Collection of tolls*

**87 Milestones.**

The company shall cause the length of the railway to be measured, and posts or other conspicuous objects to be set up and maintained along the whole line thereof, at the distance of one quarter of a mile from each other, with numbers or marks inscribed thereon denoting such distances.

**88 <sup>F1</sup>†Tolls to be taken only whilst board exhibited and milestones set up.**

..... <sup>F2</sup> if any person wilfully pull down, deface, or destroy any such. .... <sup>F2</sup> milestone, he shall forfeit a sum not exceeding [<sup>F3</sup>level 1 on the standard scale] for every such offence.

**Textual Amendments**

- F1** Unreliable marginal note
- F2** Words repealed by [Statute Law Revision Act 1959 \(c. 68\)](#)
- F3** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289G**

**89** ..... <sup>F4</sup>

**Textual Amendments**

- F4** Ss. 89, 91-95, 99, 100 repealed by [Transport Act 1962 \(c. 46\)](#), s. 95(3), **Sch. 12 Pt. I**

*Changes to legislation: There are currently no known outstanding effects for the Railways Clauses Consolidation (Scotland) Act 1845, Cross Heading: Collection of tolls. (See end of Document for details)*

## 90 In default of payment of tolls, goods, &c. may be detained and sold.

If, on demand, any person fail to pay the tolls due in respect of any carriage or goods, it shall be lawful for the company to detain and sell such carriage, or all or any part of such goods, or, if the same shall have been removed from the premises of the company, to detain and sell any other carriages or goods within such premises belonging to the party liable to pay such tolls, and out of the monies arising from such sale to retain the tolls payable as aforesaid, and all charges and expences of such detention and sale, rendering the overplus, if any, of the monies arising by such sale, and such of the carriages or goods as shall remain unsold, to the person entitled thereto, or it shall be lawful for the company to recover any such tolls by action at law.

### Modifications etc. (not altering text)

C1 S. 90 extended by [Transport Act 1962 \(c. 46\)](#), [Sch. 2 Pt. IV](#)

91— ..... F5  
95.

### Textual Amendments

F5 Ss. 89, 91-95, 99, 100 repealed by [Transport Act 1962 \(c. 46\)](#), s. 95(3), [Sch. 12 Pt. I](#)

## 96 Penalty on passengers practising frauds on the company.

If any person travel or attempt to travel in any carriage of the company, or of any other company or party using the railway, without having previously paid his fare, and with intent to avoid payment thereof, or if any person, having paid his fare for a certain distance, knowingly and wilfully proceed in any such carriage beyond such distance without previously paying the additional fare for the additional distance, and with intent to avoid payment thereof, or if any person knowingly and wilfully refuse or neglect, on arriving at the point to which he has paid his fare, to quit such carriage, every such person shall for every such offence forfeit to the company a sum not exceeding [<sup>F6</sup>level 1 on the standard scale].

### Textual Amendments

F6 Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)

### Modifications etc. (not altering text)

C2 S. 96 extended by [Transport Act 1962 \(c. 46\)](#), [Sch. 2 Pt. IV](#)

## 97 Detention of offenders.

If any person be discovered, either in or after committing or attempting to commit any such offence as in the preceding enactment mentioned, all officers and servants and other persons on behalf of the company, or such other company or party as aforesaid, and all constables, gaolers, and peace officers, may lawfully apprehend and detain such person until he can conveniently be taken before the sheriff or some justice, or until he be otherwise discharged by due course of law.

---

**Changes to legislation:** There are currently no known outstanding effects for the Railways Clauses Consolidation (Scotland) Act 1845, Cross Heading: Collection of tolls. (See end of Document for details)

---

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

**C3** S. 97 extended by [Transport Act 1962 \(c. 46\)](#), **Sch. 2 Pt. IV**

**98 Penalty for bringing dangerous goods on railway.**

No person shall be entitled to carry, or to require the company to carry, upon the railway, any aquafortis, oil of vitriol, gunpowder, lucifer matches, or any other goods which in the judgment of the company may be of a dangerous nature; and if any person send by the railway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the book-keeper or other servant of the company with whom the same are left, at the time of so sending, he shall forfeit to the company [<sup>F7</sup>level 2 on the standard scale] for every such offence; and it shall be lawful for the company to refuse to take any parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

.....  
**Textual Amendments**

**F7** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289G**

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

**C4** S. 98 extended by [Transport Act 1962 \(c. 46\)](#), **Sch. 2 Pt. IV** and [Transport Act 1968 \(c. 73\)](#), **Sch. 16 para. 1**

**99,** ..... <sup>F8</sup>  
**100.**

.....  
**Textual Amendments**

**F8** Ss. 89, 91-95, 99, 100 repealed by [Transport Act 1962 \(c. 46\)](#), s. 95(3), **Sch. 12 Pt. I**

**Changes to legislation:**

There are currently no known outstanding effects for the Railways Clauses Consolidation (Scotland) Act 1845, Cross Heading: Collection of tolls.