



Railways Clauses Consolidation (Scotland) Act 1845

1845 CHAPTER 33

Construction or Reparation of Bridges

LVII Sheriff or Justices to have Power to order Repair of Bridges, &c.

Where, under the Provisions of this or the special Act, or any Act incorporated therewith, the Company are required to maintain or keep in repair any Bridge, Fence, Approach, Gate, or other Work executed by them, it shall be lawful for the Sheriff or Two Justices, on the Application of the Surveyor of Roads, or of any Two Householders of the Parish or District where such Work may be situate, complaining that any such Work is out of repair, after not less than Ten Days Notice to the Company, to order the Company to put such Work into complete Repair within a Period to be limited for that Purpose by such Sheriff or Justices; and if the Company fail to comply with such Order they shall forfeit Five Pounds for every Day that they fail so to do; and it shall be lawful for the Sheriff or Justices by whom any such Penalty is imposed to order the whole or any Part thereof to be applied, in such Manner and by such Persons as they think fit, in putting such Work into repair.

LVIII Board of Trade empowered to modify the Construction of certain Roads, Bridges, &c. where a strict Compliance with the Act impossible or inconvenient.

And whereas Expence might frequently be avoided, and public Convenience promoted, by a Reference to the Board of Trade upon the Construction of public Works of an engineering Nature connected with the Railway, where a strict Compliance with the Provisions of this or the special Act might be impossible, or attended with Inconvenience to the Company, and without adequate Advantage to the Public ; be it enacted, That in case any Difference in regard to the Construction, Alteration, or Restoration of any Road or Bridge, or other public Work of an engineering Nature, required by the Provisions of this or the special Act, shall arise between the Company and any Trustees, Commissioners, Surveyors, or other Persons having the Control of or being authorized by Law to enforce the Construction of such Road, Bridge, or Work, it shall be lawful for either Party, after giving Fourteen Days Notice in

Writing of their Intention so to do to the other Party, to apply to the Board of Trade to decide upon the proper Manner of constructing, altering, or restoring such Road, Bridge, or other Work; and it shall be lawful for the Board of Trade, if they shall think fit, to decide the same accordingly, and to authorize, by Certificate in Writing, any Arrangement or Mode of Construction in regard to any such Road, Bridge, or other Work which shall appear to them either to be in substantial Compliance with the Provisions of this and the special Act, or to be calculated to afford equal or greater Accommodation to the Public using such Road, Bridge, or other Work; and after any such Certificate shall have been given by the Board of Trade the Road, Bridge, or other Work therein mentioned shall be constructed by the Company in conformity with the Terms of such Certificate, and being so constructed shall be deemed to be constructed in conformity with the Provisions of this and the special Act: Provided always, that no such Certificate shall be granted by the Board of Trade unless they shall be satisfied that existing private Rights or Interests will not be injuriously affected thereby.

LIX Authentication of Certificates of the Board of Trade, Service of Notices, &c.

And be it enacted, That all Regulations, Certificates, Notices, and other Documents in Writing purporting to be made or issued by or by the Authority of the Board of Trade, and signed by some Officer appointed for that Purpose by the Board of Trade, shall, for the Purposes of this and the special Act, and any Act incorporated therewith, be deemed to have been so made and issued, and that without Proof of the Authority of the Person signing the same, or of the Signature thereto, which Matters shall be presumed until the contrary be proved; and Service of any such Document, by leaving the same at one of the principal Offices of the Railway Company, or by sending the same by Post addressed to the Secretary at such Office, shall be deemed good Service upon the Company; and all Notices and other Documents required by this or the special Act to be given to or laid before the Board of Trade shall be delivered at, or sent by Post addressed to, the Office of the Board of Trade in *London*.