



Railways Clauses Consolidation (Scotland) Act 1845

1845 CHAPTER 33 8 and 9 Vict

Construction of railway

17 Works on the shore of the sea, &c. not to be constructed without the authority of the commissioners of woods and forests and commissioners of the Admiralty.

It shall not be lawful for the company to construct on the shore of the sea, or of any creek, bay, arm of the sea, or navigable river communicating therewith, where and so far up the same as the tide flows, and reflows, any work, or to construct any railway or bridge across any creek, bay, arm of the sea, or navigable river, where and so far up the same as the tide flows and reflows, without the previous consent of her Majesty, to be signified in writing under the hands of two of the commissioners of her Majesty's woods, forests, land revenues, works, and buildings, and of the lord high admiral of the United Kingdom of Great Britain and Ireland, or the commissioners for executing the office of lord high admiral aforesaid for the time being, to be signified in writing . . .^{F1}, and then only according to such plan and under such restrictions and regulations as the said commissioners of her Majesty's woods, forests, land revenues, works, and buildings, and the said lord high admiral, or the said commissioners, may approve of, such approval being signified as last aforesaid; and where any such work, railway, or bridge shall have been constructed it shall not be lawful for the company at any time to alter or extend the same without obtaining, previously to making any such alteration or extension, the like consents and approvals; and if any such work, railway, or bridge shall be commenced or completed contrary to the provisions of this Act, it shall be lawful for the said commissioners of her Majesty's woods, forests, land revenues, works, and buildings, or the said lord high admiral, or the said commissioners for executing the office of lord high admiral, to abate and remove the same, and to restore the site thereof to its former condition, at the costs and charge of the company; and the amount thereof may be recovered in the same manner as a penalty is recoverable against the company.

Changes to legislation: There are currently no known outstanding effects for the Railways Clauses Consolidation (Scotland) Act 1845, Section 17. (See end of Document for details)

Textual Amendments

F1 Words repealed by [S.I. 1965/145](#), [Sch. 2](#)

Modifications etc. (not altering text)

C1 Functions of commissioners and Admiralty under s. 17 now exercisable concurrently by Board of Trade and Secretary of State: [Harbours Transfer Act 1862 \(c. 69\)](#), [s. 6](#), [Ministry of Transport Act 1919 \(c. 50\)](#), [s. 2](#), [S.I. 1965/145](#), art. 2, Sch. 1 and [1970/1537](#), art. 2.

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