ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

****

C A P. LVII.

An Act for regulating the Gauge of Railways. [18th *August* 1846.]

WHEREAS it is expedient to define the Gauge on which Railways shall be constructed: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the passing of this Act it shall not be lawful (except as herein-after excepted) to construct any Railway for the Conveyance of Passengers on any Gauge other than Four Feet Eight Inches and Half an Inch in *Great Britain*, and Five Feet Three Inches in *Ireland*: Provided always, that nothing herein-before contained shall be deemed to forbid the Maintenance and Repair of any Railway constructed before the passing of this Act on any Gauge other than those herein-before specified, or to forbid the laying of new Rails on the same Gauge on which such Railway is constructed within the Limits of Deviation authorized by the several Acts under the Authority of which such Railways are severally constructed.

On what Gauge Railways shall be made.

II. And be it enacted, That nothing herein-before contained shall apply to any Railway constructed or to be constructed under the

Exception of certain Railways.

Provisions of any present or future Act containing any special Enactment defining the Gauge or Gauges of such Railway, or any Part thereof, or to any Railway which is in its whole Length Southward of the *Great Western* Railway, or to any Railway in any of the Counties of *Cornwall*, *Devon*, *Dorset*, or *Somerset*, for which any Act has been or shall be passed in this Session of Parliament, or to any Railway in any of the last-mentioned Counties now in course of Construction, or to the Two Railways severally to be constructed under the Authority of Two Acts passed in this Session of Parliament, severally intituled *An Act for making a Railway from the* Great Western *Railway at* West Drayton *to* Uxbridge *in* Middlesex, and *An Act for making a Railway from the* Great Western *Railway at* Maidenhead *in* Berkshire *to the Town of* High Wycombe *in the County of* Buckingham; or to so much of an Act passed in this Session, intituled *An Act to authorize certain Extensions of the Line of the* Oxford, Worcester, and Wolverhampton *Railway, and to amend the Act relating thereto*, as authorizes the Construction of a Branch Railway from the *Oxford, Worcester, and Wolverhampton* Railway to the Town of *Witney* in the County of *Oxford;* or to an Act passed or which may be passed in this Session of Parliament, "to authorize the Construction of a Railway from *Melin-y-Manach* to *Rhydydefydd* in the County of *Glamorgan*."

9 & 10 Vict. c. clxvi.
9 & 10 Vict. c. ccxxxvi.
9 & 10 Vict. c. cclxxviii.

Certain Railways to be on the Broad Gauge.

III. And be it enacted, That the several Railways authorized to be constructed by an Act passed in the last Session of Parliament, intituled *An Act for making a Railway, to be called "The* South Wales *Railway,"* and by an Act also passed in the last Session of Parliament, intituled *An Act for making a Railway from* Monmouth *to* Hereford, *with Branches therefrom to* Westbury *and to join the* Forest of Dean *Railway*, and by Two Acts passed in this Session of Parliament, severally intituled *An Act for completing the Line of the* South Wales *Railway, and to authorize the Construction of an Extension and certain Alterations of the said Railway, and certain Branch Railways in connexion therewith*, and *An Act for making a Railway Communication between the City of* Bristol *and the proposed* South Wales *Railway in the County of* Monmouth, *with a Branch Railway therefrom*, shall be constructed on the Gauge of Seven Feet.

8 & 9 Vict. c. cxc.
8 & 9 Vict. c. cxci.
9 & 10 Vict.
9 & 10 Vict.

Gauge not to be altered.

IV. And be it enacted, That it shall not be lawful after the passing of this Act to alter the Gauge of any Railway used for the Conveyance of Passengers.

Provision as to the Oxford and Rugby, and Oxford, Worcester, and Wolverhampton Railways.

V. And be it enacted, That nothing herein-before contained shall be deemed to affect the Provisions of Two Acts passed in the last Session of Parliament, respectively intituled *An Act for making a Railway from the City of* Oxford *to the Town of* Rugby, and *An Act for making a Railway from* Oxford *to* Worcester *and* Wolverhampton, with respect to the Gauge on which they are to be formed, or the additional Rails which according to the several Provisions of the last Two recited Acts are to be or may be laid down and maintained on the Railways thereby authorized, or with respect to the Powers thereby conferred on the Commissioners of Her Majesty's

8 & 9 Vict. c. clxxxviii.
8 & 9 Vict. c. clxxxiv.

Privy Council for Trade and Foreign Plantations concerning the Construction and Use of the Railways thereby authorized.

Penalty on Company for constructing Railways contrary to this Act.

VI. And be it enacted, That if any Railway used for the Conveyance of Passengers shall be constructed or altered contrary to the Provisions of this Act, the Company authorized to construct the Railway, or, in the Case of any Demise or Lease of such Railway, the Company for the Time being having the Control of the Works of such Railway, shall forfeit Ten Pounds for every Mile of such Railway which shall be so unlawfully constructed or altered, during every Day that the same shall continue so unlawfully constructed or altered; and in estimating the Amount of any such Penalty any Distance less than One Mile shall be estimated as a Mile.

Railways constructed contrary to this Act may be abated.

VII. And be it enacted, That, over and above the Penalty hereinbefore provided, if any Railway used for the Conveyance of Passengers shall be constructed or altered contrary to the Provisions of this Act, it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or for the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations, to abate and remove the same or any Part thereof so constructed or altered contrary to the Provisions of this Act, and to restore the Site thereof to its former Condition.

Recovery of Penalties.

8 & 9 Vict. c. 20.

VIII. And be it enacted, That all Penalties under this Act may be recovered from the Company liable to pay and make good the same, as, under the Provisions of an Act passed in the last Session of Parliament, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of Railways*, a Penalty for any Infringement of the last-recited Act is recoverable against a Company authorized to construct a Railway.

Act may be amended, &c.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1846.