CHAP. 78.

An Act to amend the Law respecting the Inspection and Regulation of Railways. [14th August 1871.]

A.D. 1871.

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, as follows:

Preliminary.

Construction of Act and short title.

1. This Act so far as is consistent with the tenor thereof shall be construed as one with the Acts mentioned in Schedule Two to this Act and with the Regulation of Railways Act, 1868, and those Acts and this Act may be cited together as the Regulation of Railways Acts, 1840 to 1871; and this Act and each of the Acts mentioned in Schedule Two to this Act may be cited as the Regulation of Railways Act of the year in which it was passed.

Interpretation of terms.

2. In this Act—

The term "railway" means the whole or any portion of a railway or tramway, whether worked by steam or otherwise, which has been authorised by any special Act of Parliament or by any certificate under Act of Parliament:

The term "company" means a company incorporated either before or after the passing of this Act for the purpose of constructing, maintaining, or working a railway in the United Kingdom (either alone or in conjunction with any other purpose), and includes, except when otherwise expressed, any individual or individuals not incorporated who are owners or lessees of a railway in the United Kingdom or parties to an agreement for working a railway in the United Kingdom:

The term "person" includes a body corporate:

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"Court of summary jurisdiction."

The term 'court of summary jurisdiction" means any justices of the peace, metropolitan police magistrate, stipendiary magistrate, sheriff, sheriff substitute, or other magistrate, or officer, by whatever name called, who is capable of exercising jurisdiction in summary proceedings for the recovery of penalties.

Inspection of Railways.

Board of Trade may appoint inspectors of railways.

3. The Board of Trade may from time to time appoint any person to be inspector for the purpose of inspecting any railway and of making any inquiry with respect to any railway or into the cause of any railway accident which the Board of Trade are authorised to make or direct, and of enabling the Board of Trade to carry the provisions of any general Act relating to railways into execution, or for any of such purposes: Provided that no person so appointed shall exercise any powers of interference in the affairs of any company.

Powers of inspectors of railways.

4. Every inspector under this Act shall for the purpose of any inspection or inquiry which he is directed by the Board of Trade to make or conduct have the following powers; (that is to say,)

(1.) He may enter and inspect any railway and all the stations, works, buildings, offices, stock, plant, and machinery belonging thereto:

(2.) He may by summons under his hand require the attendance of any person who is engaged in the management, service, or employment of a company as defined by this Act, and whom he thinks fit to call before him and examine for the said purpose, and may require answers or returns to such inquiries for the said purpose as he thinks fit to make from such person or company:

(3.) He may require and enforce the production of all books, papers, and documents of a company which he considers important for the said purpose.

Extension of 5 & 6 Vict. c. 55. ss. 4. to 6. to new works.

5. The provisions of the Regulation of Railways Act, 1842, and the Acts amending the same, with respect to the opening of any railway, shall extend to the opening of any additional line of railway, deviation line, station, junction, or crossing on the level which forms a portion of or is directly connected with a railway on which passengers are conveyed, and has been constructed subsequently to the inspection of such railway on behalf of the Board of Trade previous to the original opening of such railway:

Provided always, that the Board of Trade may, with respect to any of the works in this section mentioned, from time to time upon the application of any railway company dispense with any notice which, under the provisions of the said Acts, is required to be given to the Board of Trade previous to opening any railway.

Accidents.

Companies to make returns of accidents to Board of Trade.

6. Where in or about any railway or any of the works or buildings connected with such railway, or any building or place, whether open or enclosed, occupied by the company working such railway, any of the following accidents takes place in the course of working any railway; (that is to say,)

(1.) Any accident attended with loss of life or personal injury to any person whomsoever;

(2.) Any collision where one of the trains is a passenger train;

(3.) Any passenger train or any part of a passenger train accidentally leaving the rails;

(4.) Any accident of a kind not comprised in the foregoing descriptions, but which is of such a kind as to have caused or to be likely to cause loss of life or personal injury, and which may be specified in that behalf by any order to be made from time to time by the Board of Trade,

the company working such railway, and also, if the accident happen to a train belonging to any other company, such last-mentioned company, shall send notice of such accident and of the loss of life or personal injury (if any) occasioned thereby to the Board of Trade.

Such notice shall be in such form and shall contain such particulars as the Board of Trade may from time to time direct, and shall be sent by the earliest practicable post after the accident takes place.

The Board of Trade may from time to time by order direct that notice of any class of accidents shall be sent to them by telegraph, and may revoke any such order. Notice of every such order shall be sent to every railway company, and while it is in force notice of every accident of the class to which the order relates shall be sent to the Board of Trade by telegraph immediately after the accident takes place.

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Every company who fail to comply with the provisions of this section shall be liable for each offence to a penalty not exceeding twenty pounds.

Inquiry into accidents, and formal investigation in serious cases.

7. The Board of Trade may direct an inquiry to be made by an inspector into the cause of any accident, of which notice is for the time being required by or in pursuance of this Act to be sent to the Board of Trade; and where it appears to the Board of Trade, either before or after the commencement of any such inquiry, that a more formal investigation of the accident, and of the causes thereof, and of the circumstances attending the same, is expedient, the Board of Trade may, by order, direct such investigation to be held, and with respect to such investigation the following provisions shall have effect:

(1.) The Board of Trade may, by the same or any subsequent order, appoint any person or persons possessing legal or special knowledge to assist an inspector in holding the same, or may direct the county court judge, stipendiary magistrate, metropolitan police magistrate, or other person or persons named in the same or any subsequent order, to hold the same with the assistance of an inspector or any other assessor or assessors named in the order:

(2.) The persons holding any such formal investigation (hereinafter referred to as the court) shall hold the same in open court in such manner and under such conditions as they may think most effectual for ascertaining the causes and circumstances of the accident, and enabling them to make the report in this section mentioned:

(3.) The court shall have for the purpose of such investigation all the powers of a court of summary jurisdiction when acting as a court in the exercise of its ordinary jurisdiction, and all the powers of an inspector under this Act, and in addition the following powers; namely,

(*a.*) They may enter and inspect any place or building the entry or inspection whereof appears to them requisite for the said purpose:

(*b.*) They may by summons under their hands require the attendance of all such persons as they think fit to call before them and examine for the said purpose, and may for such purpose require answers or returns to such inquiries as they think fit to make:

(*c.*) They may require and enforce the production of all books, papers, and documents which they consider important for the said purpose:

(*d.*) They may administer an oath, and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination.

(*e.*) Every person so summoned not being a person engaged in the management, service, or employment of a company, or otherwise connected with a company, shall be allowed such expenses as would be allowed to a witness attending on subpœna before a court of record; and in case of dispute as to the amount to be allowed, the same shall be referred by the court to a master of one of the superior courts, who, on request under the hands of the members of the court, shall ascertain and certify the proper amount of such expenses:

(4.) The inspector making an inquiry into any accident and the court holding an investigation of any accident shall make a report to the Board of Trade stating the causes of the accident and all the circumstances attending the same, and any observations thereon or on the evidence or on any matters arising out of the investigation which they think right to make to the Board of Trade, and the Board of Trade shall cause every such report to be made public in such manner as they think expedient.

Appointment of an assessor to coroner.

8. Where any coroner in England holds or is about to hold an inquest on the death of any person occasioned by an accident, of which notice for the time being is required by or in pursuance of this Act to be sent to the Board of Trade, and makes a written request to the Board of Trade in this behalf, the Board of Trade may appoint an inspector or some person possessing legal or special knowledge to assist in holding such inquest, and such appointee shall act as the assessor of the coroner, and shall make the like report to the Board of Trade, and the report shall be made public in like manner as in the case of a formal investigation of an accident under this Act.

Railway Statistics.

Companies to furnish statements

9. Every company shall annually prepare returns of their capital, traffic, and working expenditure for the last preceding financial year

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of capital, traffic, and working expenditure.

of the company in accordance with the forms contained in Schedule One to this Act, and a copy of each return, signed by the chairman or deputy chairman of the directors of the company, and by the officer of the company responsible for the correctness of each return, or any part thereof, shall be forwarded by the company to the Board of Trade at the times following; (that is to say,)

if the company is an incorporated company, within fourteen days after the first ordinary half-yearly meeting of the company held in each year:

if the company is not an incorporated company, or fails to hold half-yearly meetings, not later than the thirty-first day of March in each year.

Any company which fails to forward the said return in accordance with the provisions of this section shall be liable to a penalty not exceeding five pounds for every day during which such default continues.

The Board of Trade, with the consent of a company, may alter the said forms as regards such company for the purpose of adapting them to the circumstances of such company or of better carrying into effect the objects of this section.

Penalty for false return.

10. If any return which is required by this Act is false in any particular to the knowledge of any person who signs the same, such person shall be liable on conviction thereof on indictment to fine and imprisonment, or on summary conviction thereof to a penalty not exceeding fifty pounds.

Miscellaneous.

Disobedience to or obstruction of inspector or court.

11. If any person, without reasonable excuse (proof whereof shall lie on him), does any of the following things; namely,

(1.) Having been summoned, and having had the expenses (if any) to which he is entitled tendered to him, fails to attend as a witness before any inspector under this Act, or before a court holding an investigation under this Act, or fails when required by the inspector or such court in pursuance of this Act so to do, to make any answer, or to give any return, or to produce any document, or to make or sign any declaration; or

(2.) Prevents or impedes the inspector or such court in the execution of his or their duty,

he shall for every such offence incur a penalty not exceeding ten pounds, and in the case of a refusal to make any return or produce any document, not exceeding ten pounds during every day that such failure continues; and where the offence consists of preventing or impeding as aforesaid, the inspector, or any member of such court, or any person called by him to his assistance, may seize and detain the offender until he can be conveniently taken before a court of summary jurisdiction, to be dealt with according to law.

Limitation of liability of companies on sea voyages in certain cases.

12. Where a railway company under a contract for carrying persons, animals, or goods by sea procure the same to be carried in a vessel not belonging to the railway company, the railway company shall be answerable in damages in respect of loss of life or personal injury, or in respect of loss of or damage to animals or goods, in like manner and to the same amount as the railway company would be answerable if the vessel had belonged to the railway company; provided that such loss of life or personal injury, or loss or damage to animals or goods, happens to the person, animals, or goods (as the case may be) during the carriage of the same in such vessel, the proof to the contrary to lie upon the railway company.

Punishment of juvenile offenders for casting stones, &c. on railway carriages, &c.

13. The following Acts—

The Act of the session of the tenth and eleventh years of Her Majesty's reign (chapter eighty-two), "for the more "speedy trial and punishment of juvenile offenders;" and

The Act of the session of the thirteenth and fourteenth years of Her Majesty's reign (chapter thirty-seven), "for the further extension of summary jurisdiction in "cases of larceny,"

shall have effect as if there had been mentioned therein, in addition to the offence of larceny, the several offences following:

The offences mentioned in sections thirty-two and thirty-three of the Act of the session of the twenty-fourth and twenty-fifth years of Her Majesty's reign (chapter one hundred), "to consolidate and amend the Statute "Law of England and Ireland relating to offences "against the person;" and

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The offences mentioned in section thirty-five of the Act of the same session (chapter ninety-seven), "to consolidate "and amend the Statute Law of England and Ireland "relating to malicious injuries to property."

Nothing in this section shall affect any offence committed before the passing of this Act.

Penalty for trespasses on railways.

14. Section twenty-three of "The Regulation of Railways Act, 1868," shall have effect as if the words "after having once received warning" were substituted therein for the words "after having received warning."

Nothing in this section shall affect anything done before the passing of this Act.

Recovery, &c. of penalties.

15. Every penalty imposed by this Act shall be recovered and applied in the same manner as penalties imposed by the Railways Clauses Consolidation Act, 1845, and the Railways Clauses Consolidation (Scotland) Act, 1845 (as the case may require), are for the time being recoverable and applicable.

Application of Act to Scotland.

16. In the application of this Act to Scotland—

(1.) The term "attending on subpœna before a court of record" means attending on citation the Court of Justiciary.

(2.) The Queen's and Lord Treasurer's Remembrancer shall perform the duties of a master of one of the Superior Courts under this Act.

(3.) The term "stipendiary magistrate" means a sheriff or sheriff substitute.

Repeal of Acts.

17. The several Acts set forth in Schedule Two to this Act shall be repealed to the extent to which such Acts are therein expressed to be repealed.

Provided that any inspector appointed under any enactment hereby repealed shall be deemed to have been appointed under this Act, and the repeal enacted in this Act shall not affect—

(1.) Anything duly done or suffered before the passing of this Act under any enactment hereby repealed:

(2.) Any right or privilege acquired or any liability incurred before the passing of this Act under any enactment hereby repealed:

(3.) Any penalty, forfeiture, or other punishment incurred before the passing of this Act in respect of any offence against any enactment hereby repealed:

(4.) The institution or prosecution of any investigation or legal proceeding or any other remedy for ascertaining, enforcing, or recovering any such liability, penalty, forfeiture, or punishment as aforesaid.

Commencement of Act.

18. This Act shall not come into operation until the first day of November one thousand eight hundred and seventy-one.

SCHEDULE ONE.

RETURNS.

FORM I.

RETURN in pursuance of _____, by the _____ Railway Company, of their authorised Share and Loan Capital, and the Sums received in respect of their Ordinary Capital, and Preferential Capital, and Debenture Stock, or Funded Debt, on the 31st December 18__, specifying the Rate per Cent. of the Dividends for the year 18__, on each of the said Capitals, showing also the Loans outstanding on the 31st December 18__, classified according to the several Rates per Cent. of Interest, and the Capital subscribed to other Undertakings, whether such Undertakings are on lease to, or worked by, the Subscribing Company, or are Independent.

NAME OF COMPANY.	* Authorised Capital up to the 31st December 18 , including Capital authorised as Subscriptions to other Undertakings, whether such Undertakings are on lease to, or worked by, the Subscribing Company, or are Independent.			Paid-up Stock and Share Capital at 31st December 18 , including Subscriptions paid up to other Undertakings.								
	† By Shares.	By Loans.	Total.	Ordinary.	Rate per Cent. of Dividend.	Guaranteed.	Guaranteed Rate of Dividend.	Rate of Dividend paid.	Preferential.	Preferential Rate of Dividend.	Rate of Dividend paid.	Total paid-up Stock and Share Capital at 31st Dec. 18 .
	£	£	£	£		£			£			£

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Capital raised by Loans and Debenture Stock at 31st December 18 .					Total Stock and Share Capital paid up and Capital raised by Loans and Debenture Stock at 31st Dec. 18 .	Subscriptions to other Companies.	Remarks.
Loans.	Rate of Interest.	‡ Debenture Stock.	Rate of Interest.	Total raised by Loans and by Debenture Stock at 31st Dec. 18 .			
£		£		£	£	£	

Note.—This return should be dated and signed by the officer or officers of the company responsible for its correctness.

* This should include all capital authorised to be raised by Acts of Parliament, or by certificates of the Board of Trade under the Railway Companies Powers Act, 1864; but should not include capital authorised only for purposes which have lapsed by abandonment or otherwise.

† In cases where a subscription is authorised out of *existing* capital, no addition should be made in respect of it to the sum entered in this column, but only to the sum entered in the last column.

‡ Care should be taken not to confound debenture *stock* with ordinary debenture *loans*, and not to enter the same sum under both heads.

FORM II.

12 RETURN in pursuance of _____, of the TRAFFIC in Passengers and Goods, during the Year ending 31st December 18 ,* upon the _____ Railway, and upon the † _____ Railways belonging to, worked, or leased by the _____ Railway Company.

NAME OF COMPANY.	Length of Line open on 31st December 18 .‡			Passenger Traffic.					Goods Traffic.		Number of Miles travelled by Trains.		
				Number of Passengers conveyed. (Exclusive of holders of Season and Periodical Tickets.) §				Holders of Season or Periodical Tickets.‖					
	Double Miles.	Single Miles.	Total Miles.	1st Class.	2d Class.	3d Class (including Parliamentary).	Total.		Minerals. Tons.	General Merchandise. Tons.	By Passenger Trains.	By Goods and Mineral Trains.	Total.

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Receipts (Gross) from Passenger Traffic.								Receipts (Gross) from Goods Traffic.				Miscellaneous Rents, Tolls, Navigation, Steam Boats, &c.	Total Receipts from all Sources of Traffic.
Receipts from Passengers.					Total Receipts from Excess Luggage, Parcels, Carriages, Horses, Dogs, &c. conveyed in Passenger Trains.	Receipts from Mails.	Total Receipts from Passenger Traffic.	Merchandise.	Live Stock.	Minerals.	Total Receipts from Goods Traffic.		
1st Class.	2d Class.	3d Class (including Parliamentary).	Holders of Season or Periodical Tickets.	Total from Passengers.									
£	£	£	£	£	£	£	£	£	£	£	£	£	£

This return should be dated and signed by the Officer or Officers of the Company responsible for its correctness.

* If the Company's accounts are made up to a period differing from the above, the period which this statement embraces should be stated.

† Insert here the names of all Railways the traffic of which is included in this statement.

‡ This should not include the length of those lines belonging to other companies over which the company have merely "running powers." It should, however, include half the length of "joint lines."

§ Return tickets to be counted as two passengers, and children as whole passengers.

‖ Insert here the actual number of ticket holders, and not an estimate of the number of journeys performed by them.

FORM III.

14 RETURN in pursuance of _____, by the _____ Railway Company, of the Working Expenditure and Rolling Stock of the _____ Railway and of the* _____ Railways, worked or leased by the _____ Railway Company.

1.	2.	3.	4.	5.	6.	7.	8.	9
NAME OF RAILWAY COMPANY.	Length of Line open on 31st December 18 .‡	WORKING EXPENDITURE During the Year ending 31st December 18 .†						
		Maintenance and Renewal of Way and Works.	Locomotive Power (including Stationary Engines).	Repairs and Renewals of Carriages and Waggons.	Traffic Charges (Coaching and Merchandise).	General Charges.	Rates and Taxes.§	Government Duty.	Compensation for Personal Injury, &c.‖
	Miles.	£	£	£	£	£	£	£	£

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Continued from p. 14.

10.	11.	12.	13.	14.	15.	16.	17.	18.	19.	20.
Working Expenditure During the Year ending 31st December 18 .†					Rolling Stock on the 31st December 18 .					
Compensation for Damage and Loss of Goods.‖	Legal and Parliamentary Expenses.	Steamboat, Canal, and Harbour Expenses.	Miscellaneous Working Expenditure not included in the foregoing.	Total Working Expenditure.	Locomotives.	Coaching.		Waggons of all Kinds used for the Conveyance of Live Stock, Minerals, or General Merchandise.	Any other Carriages or Waggons used on the Railway, not included in the preceding Columns.	Total of the five preceding Columns.
						Carriages used for the Conveyance of Passengers only.	Other Vehicles attached to Passenger Trains.			
£	£	£	£	£	No.	No.	No.	No.	No.	No.

NOTE.—This return should be dated and signed by the officer or officers of the company responsible for its correctness.

* Here insert the Names of the railways included in this statement.

† If the company's accounts are made up to periods differing from the above, the period which this statement embraces should be stated.

‡ This should not include the length of those lines over which the company have merely "running powers." It should, however, include half the length of "joint lines."

§ In the case of Scotch railways "Feu Duties" should not be included under this head, but under that of "Miscellaneous."

‖ "Legal Expenses" connected with compensation should not be included under these heads, but under that of "Legal and Parliamentary Expenses."

N.B.—This return should include sums paid out of renewal or reserve funds of any kind, and the amounts so paid should be stated under the several heads to which they are applicable. It should not, however, include "interest on loans."

SCHEDULE TWO.

Session and Chapter.	Title of Act.	Extent of Repeal.
3 & 4 Vict. c. 97. -	An Act for regulating Railways -	The whole Act, except so much of sections three and four as relates to a table of tolls, rates, and charges, sections seven to nine both inclusive, sections thirteen, fourteen, sixteen to nineteen both inclusive, and twenty-one.
5 & 6 Vict. c. 55. -	An Act for the better regulation of Railways and for the conveyance of Troops.	Sections seven and eight.
7 & 8 Vict. c. 85. -	An Act to attach certain conditions to the construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament; and for other purposes in relation to Railways.	Sections fifteen and sixteen.

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