



TRINIDAD AND TOBAGO

No. 29—1952

[L.S.]

I ASSENT,

P. M. RENISON

*Acting Governor.*

29th May, 1952.

AN ORDINANCE relating to the Government Railway.

[5th June, 1952]

Commence-  
ment

ENACTED by the Governor of Trinidad and Tobago with the Enactment.  
advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Railway Ordinance, Short title.  
1952.

Interpretation

**2. In this Ordinance—**

“Engineer” means any engineer or assistant engineer (by whatever title called) for the time being employed on the staff of the Railway Department;

“goods” means things of every kind conveyed upon or by the railway;

“officer” includes the General Manager of the Railway (in this Ordinance referred to as the General Manager) and any person employed in the maintenance, extension or operation of railway services, including all servants, engineers, workmen, members of the Railway Police Force, clerks, artificers, and other persons employed under the provisions of section 33 of this Ordinance;

“prohibited association” means—

(a) any trade union as defined by the Trade Unions Ordinance; whether the union is registered or incorporated or not;

(b) any league or association or body of persons, whether registered or not, which has for its objects, or one of its objects, the promotion of feelings of ill-will and hostility between different classes or races;

(c) any other association, society or club, any of the objects of which may be subversive of good discipline on the part of a member of the Railway Police Force, and which the Board shall, with the approval of the Governor, declare to be a prohibited association;

“railway” means the railway operated by the Government and includes any extension thereof that may hereafter be authorised;

“railway services” includes the motor vehicle service ancillary to the railway undertaking and any extension of such service hereafter authorised;

“subordinate police officer” in relation to the Railway Police Force means a member of the Railway Police Force of the rank of sergeant-major, sergeant, or corporal;

“toll” means any rate, fare, charge, or other payment payable for any passenger, animal, or goods conveyed upon the railway or by the motor vehicle service ancillary to the railway undertaking.

#### MANAGEMENT OF RAILWAY DEPARTMENT

3. The management of the Railway Department is hereby entrusted to a Board to be called the Railway Board (in this Ordinance referred to as “the Board”) which shall consist of the General Manager and eight other persons to be appointed by the Governor.

Management of Railway Department entrusted to a Board

4. (1) The persons so appointed to be members of the Board shall hold office during the Governor’s pleasure.

Constitution of Board

(2) An appointed member of the Board shall vacate his office—

- (a) automatically after he has held it for two years;
- (b) by written notice of resignation addressed by him to the Colonial Secretary;
- (c) if he departs from the Colony without the leave of the Governor, or remains out of the Colony after the expiration of his leave;
- (d) if he fails without reasonable excuse (the sufficiency whereof shall be determined by the Governor) to attend three regular consecutive meetings of the Board.

(3) A member of the Board who has vacated his office shall be eligible for re-appointment.

5. When any vacancy occurs in the membership of the Board, whether through death, resignation or otherwise, the Governor shall appoint some other person to be a member of the Board for the unexpired term of the member whose office so becomes vacant; but so long as a quorum be present at any particular meeting, the Board shall be deemed to be duly constituted notwithstanding any vacancy in the membership of the Board.

Filling of vacancies in membership of Board

6. The Governor may grant leave of absence to any member of the Board.

Leave of absence of members of Board

Acting  
appointments

7. It shall be lawful for the Governor to appoint a person to act in the place of any member of the Board who shall be temporarily absent or unable to perform his duties.

Appointment  
of Chairman  
or presiding  
member

8. The Governor shall appoint one of the members of the Board, other than the General Manager, to be its Chairman. If the Chairman shall be absent or shall from any cause be unable to act, the Governor may appoint any other member to act as Chairman; and in default of any such acting appointment, the members present at a meeting shall elect one of their number to preside at that meeting.

Meetings of  
Board

9. The Board shall meet as often as may be necessary or expedient for transacting their business but at least once in every month. Minutes of each meeting in proper form shall be kept by the Board and shall be confirmed by the Chairman or presiding member at the next succeeding meeting. Certified copies of such minutes when so confirmed shall be forwarded to the Governor in Council.

Quorum

10. At any meeting of the Board, five members shall constitute a quorum.

Decisions of  
Board

11. Decisions of the Board may be taken at meetings or, in cases in which the Chairman shall so direct, by the recording of the opinions of members on papers circulated among them: Provided that where papers are circulated, the Chairman may direct that the papers shall not be circulated to any member who through interest, illness, absence from the Colony or otherwise is, in the opinion of the Chairman, incapacitated from voting on such papers. The decisions of the Board shall be by a majority of votes, and for that purpose the Chairman or presiding member shall have both an original and a casting vote.

Payment of  
remuneration  
to members  
of Board

12. (1) The Governor may authorise payment out of the funds of the Board of such sum or sums by way of remuneration or other allowance to the Chairman and other members of the Board other than the General Manager as shall be approved by resolution of the Legislative Council.

(2) No member of the Board other than the General Manager shall be deemed to be incapable of being nominated or elected as a member of the Legislative Council, or, having been so nominated or elected, of continuing to be a member of the Legislative Council, by reason only of having received

or of receiving remuneration as a member of the Board under the provisions of this section; and no such member of the Board shall be deemed to hold or to be acting in an office of emolument under the Crown.

**13.** In the exercise of their powers and the performance of their duties, the Board shall conform with any general or special directions given to them by the Governor in Council.

Board to be subject to control of Governor in Council

**14.** No personal liability shall attach to any member of the Board in respect of anything done or suffered in good faith under the provisions of this Ordinance and any sums of money, damages or costs which may be recovered against them or any of them for anything done or suffered as aforesaid shall be paid out of the funds of the Board.

No personal liability to attach to members of Board

**15.** The Board shall, on or before the 15th day of July in each year submit for the approval of the Governor in Council and the Legislative Council an estimate of the probable revenue and expenditure of the Board for the twelve months commencing on the following 1st day of January and such estimate shall, when approved, not be departed from without the consent of the Governor in Council and the Legislative Council: Provided that if the total expenditure for the twelve months be not exceeded, the Governor in Council may authorise an excess of expenditure under any subhead which can be met by any equivalent saving or savings under some other subhead or subheads: Provided also that in the event of any unforeseen contingency causing an interruption to or impairment of, railway services, it shall be lawful for the Board, subject to the other provisions of this Ordinance, to do all such acts and things as are necessary for restoring the efficiency of such services, and the cost thereof shall be paid from such funds as the Governor in Council with the approval of the Legislative Council may direct. Any payment for such purpose out of general revenue may be recovered by increases in tolls, as the Governor in Council and the Legislative Council may sanction.

Submission of Estimates

**16.** It shall be lawful for the Board for the purpose of their operations to have and to carry on a current account with any one of the commercial banks operating in the Colony as they may think fit.

Power of Board to maintain current account with a commercial bank

**17.** The Board may, with the sanction of the Governor in Council, enter into arrangements with such bank for allowing the Board to overdraw their account to such extent as may, in each case, be specified in such sanction.

Power of Board to overdraw account with bank

Funds of the Board

**18.** The funds of the Board shall consist of—

- (a) such sums as may accrue to the Board from the operations of the railway and motor vehicle services;
- (b) such sums as may be borrowed by the Board under the authority of section 17 of this Ordinance;
- (c) such sums as may be made available by the Legislative Council from the funds of the Colony for railway services.

Application of funds

**19.** The funds of the Board shall be applied towards any expenses necessary or incidental to the carrying out of the powers and duties entrusted to the Board by virtue of this Ordinance.

Duty of Board to keep proper books and accounts

**20.** The Board shall cause to be kept proper books and accounts to the satisfaction of the Governor in Council.

Audit of books and accounts

**21.** The Director of Audit shall audit the books and accounts of the Board, and the same shall at all times be available to him for inspection.

Annual reports

**22.** The Board shall forward to the Governor as soon as possible after the 31st day of December of each year a report upon the administration of the affairs of the Railway Department under separate heads, during the year, together with such statement of accounts as may be required by the Governor and statement of revenue and expenditure approved and signed by the Director of Audit. Such report and statements shall be laid before the Legislative Council as soon as possible after receipt thereof.

Net deficiency to be provided by Legislative Council

**23.** The net deficiency of the Railway Department for any year after providing for the amount payable to the Accountant General in respect of interest and sinking fund charges shall be met from such sum as may be voted by the Legislative Council: Provided that after the accounts of the year have been closed and audited any surplus shall on the direction of the Governor in Council be paid by the Board to the Accountant General to the credit of the general revenue of the Colony.

Duty of Board to operate motor vehicle service and maintain and improve railway services

**24.** (1) The Board shall operate the motor vehicle service ancillary to the railway undertaking as a part of railway services and shall do all such acts and things as are necessary for maintaining and improving railway services.

(2) The Board shall from time to time replace unserviceable property used for the purposes of the railway undertaking and its ancillary services.

25. (1) The Governor in Council may by notification published in the *Royal Gazette* confer on the Board the exclusive privilege of operating, subject to such exceptions as may be provided therein, motor omnibuses in any area or on any road or route set out in any regulation made under the provisions of paragraph (c) of subsection (2) of section 36 of this Ordinance.

Exclusive privilege to operate motor omnibuses on prescribed routes

(2) If any motor omnibus other than a motor omnibus operated by the Board is used upon any road in respect of which the exclusive privilege of operating motor omnibuses has been so conferred on the Board, then, subject to any exceptions that may be provided for in any such notification, the owner, the driver, and the conductor or other person in charge of the motor omnibus, shall on summary conviction be liable to a fine of ninety-six dollars.

#### CONSTRUCTION AND MAINTENANCE

26. Any authority to extend the railway along a line defined by a plan shall be deemed to include the authority to deviate to the extent of three chains on either side of such line.

Deviation from plan

27. (1) The Engineer or any officer of the Railway Department authorised by him may, together with all necessary assistants, at any time—

Power of engineer as to construction and maintenance

(a) enter upon any lands within two hundred yards of the railway and cut down or trim any tree, shrub, bush, underwood, or other growth which in his opinion is likely to cause any damage to the permanent way, rolling stock, or other railway property, or may impede the proper working of the railway;

(b) enter upon any lands within one hundred feet of the railway and thereupon bore, dig, cut, trench, embank, and drain, and remove or lay out, and also use, cut, work and manufacture any earth, stone, rubbish, trees, gravel, or sand, or any other materials or things whatsoever which may be dug or obtained therein, and which may be necessary or proper for making, maintaining, altering, repairing, or using the railway or any part thereof;

- (c) construct or make in, under, upon, across, or over the railway or any part thereof, or over any lands, or any roads, streets, dams, ways, lanes, or other public passages or places, hills, valleys, rivers, canals, brooks, streams, or other waters whatsoever, such inclined planes, tunnels, embankments, bridges, arches, piers, roads, ways, passages, conduits, drains, culverts, cuttings, and fences; and also lay down, erect, and construct such rails, sleepers, houses, sheds, wharves, warehouses, toll-houses, landing places, engines, and other buildings, machinery, apparatus, and other works and conveniences as shall be necessary or expedient for the maintenance, extension, repairing, or using of the railway;
- (d) alter the course of any rivers, canals, trenches, brooks, streams, or watercourses, if necessary for constructing, maintaining, and repairing tunnels, bridges, passages, or other works over or under the same, and divert or alter as well temporarily as permanently the course of any such rivers, canals, streams, or watercourses, trenches, roads, streets, dams, or ways; or raise or sink the level of or widen any such rivers, streams, or watercourses, canals, trenches, roads, streets, dams, or ways in order the more conveniently and economically, as regards the maintenance, extension or repair of the railway, to carry the same over, or under, or by the side of the railway as shall be necessary for the maintenance, extension, or repairing or using of the railway;
- (e) make roads, ways, canals, watercourses, soughs, drains, trenches, or conduits, in, to, through, over, or under any land for the purpose of bringing or conveying any passengers, goods, animals, or carriages to or from the railway, or to obtain access to and egress from any mine, quarry, or kiln, which may be situate on any Crown land;
- (f) erect and construct such houses, warehouses, offices, and other buildings, yards, stations, wharves, engines, machinery, apparatus, and other works and conveniences as the Engineer with the consent of the Governor in Council shall think proper;
- (g) alter, repair, or discontinue the beforementioned works or any of them, and substitute others in their stead;

- (h) do and execute all other matters and things necessary for maintaining, extending, altering, repairing, and using the railway.

The Engineer or officer as aforesaid shall do as little damage as may be in the execution of the several powers by his subsection conferred.

(2) The Board shall make full compensation to any person interested for all damage sustained by him by reason or in consequence of the exercise of any of the powers conferred by the preceding subsection of this section except the powers mentioned in paragraph (a) thereof. The amount of such compensation shall in the event of disagreement be determined by arbitration.

23. There shall be made, and at all times maintained, the following works for the accommodation of the owners and occupiers of land adjoining the railway, that is to say—

Accommodation works

- (a) such and so many convenient gates, bridges, arches, culverts, and passages over, under, or by the sides of or leading to or from the railway as shall be necessary for the purpose of making good any interruptions caused by the railway to the use of the lands through which the railway shall pass; and such works shall be made forthwith after the part of the railway passing over such lands shall have been laid out or formed, or during the formation thereof;
- (b) also sufficient posts, rails, wires, hedges, ditches, mounds, or other fences for separating the land taken for the railway from the adjacent lands not taken, and protecting such lands from trespass, or the cattle of the owners or occupiers thereof from straying thereout, by reason of the railway, together with all necessary gates made to open towards such adjoining lands and not towards the railway, and all necessary stiles; and such posts, rails, wires, and other fences shall be made forthwith after the taking of any such lands, if the owners thereof shall so require, and the said other works as soon as conveniently may be;
- (c) also all necessary arches, tunnels, culverts, drains, or other passages, either over or under or by the sides of the railway, of such dimensions as will be sufficient at all times to convey the water from the

lands lying near or affected by the railway as effectively as before the making of the railway, or as nearly so as may be; and such works shall be made from time to time as the railway works proceed;

- (d) also proper watering places for cattle where, by reason of the railway, the cattle of any person occupying any lands lying near thereto shall be deprived of access to their former watering places; and such watering places shall be so made as to be at all times as sufficiently supplied with water as theretofore, and as if the railway had not been made, or as nearly so as may be; and all necessary water-courses and drains shall be made for the purpose of conveying water to the said watering places;

Provided that such accommodation works shall not be made in such a manner as would prevent or obstruct the working or using of the railway:

Provided also, that until such accommodation works are provided, the owners and occupiers of any lands and any other persons whose right of way shall be affected by the want of such communication and their respective servants may at all times freely pass and repass with carriages, horses, and other animals directly (but not otherwise) across the parts of the railway made in or through their respective lands, solely for the purpose of occupying the same lands or for the exercise of such right of way and so as not to obstruct the passage along the railway or to damage the same.

Dispute as to  
accommoda-  
tion works

**29.** (1) Where any dispute or difference shall arise between the owner or occupier of any land taken for or adjacent to the railway, and the Engineer, as to the sufficiency of any accommodation works provided or to be provided under the provisions of the preceding section, such dispute or difference shall be determined by a Judge of the Supreme Court, who shall make such order in the premises as the justice of the case may require.

(2) Such order shall be made on summons in Chambers. The procedure for the time being regulating proceedings of the Supreme Court in Chambers shall as far as possible be followed.

Running powers

**30.** It shall be lawful to use and employ on the railway, locomotive engines or other motive power, and carriages and wagons to be drawn or propelled thereby.

31. Whenever the railway shall cross any road maintained by the Works and Hydraulics Department or by a Local Road Board on a level, there shall be made and maintained good and sufficient gates on each side of the railway where the same shall communicate therewith; and, in such cases as the Governor may consider necessary, proper persons shall be employed to open and shut such gates; and such gates shall be kept constantly closed against the railway except during the time when engines, carriages or wagons passing along the railway shall have occasion to cross such road; and such gates shall be of such dimensions and be so constructed as when closed against the railway to fence in the railway; and the persons entrusted with the care of such gates shall cause the same to be opened as soon as such engines, carriages or wagons shall have passed across the railway.

Level  
crossings

#### OFFICERS

32. (1) The person appointed General Manager of Railways under the provisions of the Railways Ordinance and holding office thereunder immediately before the date of the commencement of this Ordinance shall be the General Manager of the Railway.

General  
Manager  
Ch. 17. No. 1

(2) Whenever the office of General Manager shall become vacant, it shall be lawful for the Board, subject to appropriate provision having been made in the estimates of the Board and approved as hereafter provided, to appoint, at such remuneration and on such terms and conditions as the Board may think fit, a General Manager.

33. (1) The officers, other than the General Manager of Railways, appointed under the provisions of the Railways Ordinance and holding office thereunder immediately before the date of the commencement of this Ordinance shall comprise the staff of the Railway Department.

Staff of Railway  
Department  
Ch. 17. No. 1

(2) Subject to appropriate provision having been made in the estimates of the Board and approved as hereafter provided, it shall be lawful for the Board to appoint at such remuneration and on such terms and conditions as the Board may think fit, persons to fill the vacancies occurring in any of the offices referred to in the last preceding subsection, other than the office of member of the Railway Police Force, as well as such other engineers, workmen, clerks, artificers, servants and other persons as may seem to the Board to be necessary for the efficient operation of railway services.

(3) Subject to appropriate provision having been made in the estimates of the Board and approved as hereinbefore provided it shall be lawful for the Commissioner of Police, with the approval of the Board, to appoint at such remuneration and on such terms and conditions as may be fixed by the Board, persons to fill the vacancies occurring in the membership of the Railway Police Force or additional members of the Force, as the case may be.

(4) It shall be the duty of the Board, except so far as the Board is satisfied that adequate machinery exists for achieving the purposes of this subsection, to seek consultation with any organisation appearing to the Board to be appropriate, with a view to the conclusion between the Board and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—

- (a) the settlement by negotiation of terms and conditions of employment of persons employed by the Board;
- (b) the promotion and encouragement of measures affecting the safety, health and welfare of persons employed by the Board and the discussion of other matters of mutual interest to the Board and such persons, including efficiency in the operation of railway services.

(5) Notwithstanding anything contained in this Ordinance or any other law—

- (a) the persons to whom the provisions of subsection (1) of section 12 of the Railways Ordinance applied immediately before the date of the commencement of this Ordinance shall be liable to be removed from office by the Governor and not by the Board;
- (b) the persons to whom the provisions of subsection (2) of the said section applied immediately before the date of the commencement of this Ordinance shall be liable to be suspended or dismissed from employment by the Board: Provided that nothing contained in this paragraph shall be deemed to abridge the right of any such person to a trial in accordance with the procedure followed in disciplinary cases against public officers of other Government

Departments if such procedure would have been followed in any similar case against such person investigated immediately before the date of the commencement of this Ordinance, or to have representations on his behalf made by any competent association or body if such representations would have been entertained in connection with any similar case against such person investigated immediately before the date of the commencement of this Ordinance: Provided further that any such person may appeal to the Governor against his suspension or dismissal under the provisions of this paragraph, and the Governor may make such order in the matter as to him shall seem fit.

34. (1) All officers charged with the receipt, accounting for, and payment of railway revenue shall be held individually responsible for the due and efficient discharge of their respective duties, and for the exercise of proper supervision over the accounts kept and controlled by them, and for the due observance of all rules and regulations, and of all orders and instructions received by them. Responsibility  
of officers

(2) All such officers shall be and are hereby declared to be responsible for and chargeable with any loss arising from the improper or negligent discharge of their duty, and the amount of such loss shall be paid by every such officer, and shall be a debt due to the Crown, and shall be recoverable by action in the Supreme Court, at the suit or on the information of the Attorney General.

### TOLLS

35. Tolls payable to the Railway Department shall be paid to such officers, and at such places upon or near to the railway, and in such manner, and under such regulations, as the Board shall appoint; and if, on demand, any person shall fail to pay the tolls due in respect of any goods, it shall be lawful for the officers entitled to demand and receive such tolls to detain such goods and, on the instructions of the Board given under the hand of the Chairman of the Board, to sell the same or any part thereof, and out of the moneys thence arising to retain the tolls payable in respect of such goods and in respect of any other goods previously carried, being the property of the same person, and all charges and expenses of such detention and sale, and such officer shall, upon demand, Tolls

render the surplus (if any) of the moneys arising by such sale, and such of the goods as shall remain unsold, to the person entitled thereto; and if such goods should happen to be removed before the tolls payable in respect of the same be paid, then such tolls may be recovered by an action at law in the name of the General Manager.

#### REGULATIONS AND BYE-LAWS

Regulations

**36.** (1) It shall be lawful for the Board with the approval of the Governor in Council to make regulations fixing or altering the tolls payable to the railway. Regulations made under this subsection shall be published in the *Royal Gazette*.

(2) It shall be lawful for the Board with the approval of the Governor in Council to make regulations respecting—

- (a) the duties and conduct of the officers and servants employed in the maintenance and operation of railway services;
- (b) the conveyance of passengers, animals, and goods, and the fares, freights, and charges for such conveyance;
- (c) the routes upon which any railway service shall be run, and the places to be served thereby;
- (d) the times of the arrival and departure of trains and motor vehicles;
- (e) the type of traffic to be carried, the classification of articles and the rates to be charged for the carriage thereof;
- (f) the manner in which any articles are to be packed;
- (g) the services to be performed in connection with the collection and delivery of goods, parcels or passengers' luggage conveyed or to be conveyed by the railway;
- (h) the custody, issuing, manner, and form of all books, account vouchers, tickets, waybills, and other documents to be used by any officer of the Railway Department;
- (i) the collection, paying over, and accounting for the revenue derived from railway services;
- (j) the time and method of the payment of wages to officers and of moneys due to contractors, workmen, and others, and the vouchers, receipts, and other quittances to be taken in connection with such payments;
- (k) any provisions sanctioning the construction and connection of any sidings, level crossings, drainage works, or other accommodation works.

37. It shall be lawful for any officer of the Railway Department or any member of the Police Force, acting with such aid as may be necessary, and without any warrant or other authority, to seize and detain any engine-driver, guard, porter, servant or other person employed by the Railway Department who shall be found drunk while so employed, or who shall commit any offence against any of the regulations made under this Ordinance, or who shall wilfully, maliciously or negligently do or omit to do any act whereby the life or limb of any person passing along or being upon the railway, or the works thereof respectively, shall be or might be injured or endangered, or whereby the passage of any engines, carriages or trains shall be or might be obstructed or impeded, and to convey such engine driver, guard, porter, servant, or other person so offending, or any person counselling, aiding, or assisting in such offence, with all convenient despatch before a Magistrate; and every person so offending, and every person counselling, aiding, or assisting therein, as aforesaid, shall, on summary conviction, be liable to a fine of two hundred and forty dollars, or to be imprisoned for six months.

Punishment of persons employed by the Railway Department guilty of misconduct

38. (1) Subject always as herein is expressly provided, it shall be lawful for the Board with the approval of the Governor in Council to make bye-laws binding upon and enforceable against persons not officers of the Railway Department—

Bye-laws

- (a) respecting the commission of any offences or nuisances, and the preservation of order in the carriages, motor vehicles, and in the stations and premises connected with the railway;
- (b) for the prevention of trespass upon or injuries to or destruction of railway property;
- (c) respecting the taking, issuing, examination, and giving up of passenger tickets, and the conduct of passengers and other persons being in and upon the railway or any motor vehicle operated by the Board under the authority of this Ordinance, and of persons delivering or receiving goods to or from the railway;
- (d) for preventing or discovering fraud in respect of passenger fares, tickets, charges, and freights;
- (e) in respect of the time and mode of payment and collection of any moneys due from any such persons for tolls;

- (f) for the purpose of limiting the liability of the railway in and about the receiving, forwarding, or delivery of animals, articles, goods, and things in such manner and to such extent as may be just and reasonable :

Provided that no such bye-laws shall have any force or effect until approved by the Legislative Council.

Infringement  
of bye-law

(2) Any person infringing a bye-law made under the authority of this section shall, on summary conviction, be liable to a fine of forty-eight dollars; and if the infringement or non-observance of any such bye-law as aforesaid be attended with danger, or annoyance to the public, or hindrance in the lawful use of the railway, it shall be lawful for any officer of the Railway Department summarily to interfere to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to any penalty incurred by the infringement or non-observance of such bye-laws.

Bye-laws to be  
published and  
exhibited

(3) All bye-laws shall be published in the *Royal Gazette*, and copies thereof shall be exhibited in some conspicuous part of every railway station.

(4) Any person who shall deface, tear, injure, or remove any of such copies shall, on summary conviction, be liable to a fine of twenty-four dollars.

Bye-laws to be  
binding upon  
all persons

(5) Such bye-laws shall be binding upon and be observed by all persons and shall be sufficient to justify all persons acting under the same; and for proof of the making and publication of any such bye-laws, it shall be sufficient to prove that copies of such bye-laws, purporting to have been made by the Board with such approval as aforesaid, were exhibited as provided by this section or that such bye-laws were published in the *Royal Gazette*.

#### RAILWAY POLICE FORCE

Power to  
maintain Rail-  
way Police  
Force

39. (1) The Board shall maintain the Police Force of the Railway Department (in this Ordinance called the Railway Police Force) and for that purpose the Commissioner of Police shall, with the approval of the Board, from time to time appoint a sufficient number of inspectors, subordinate police officers and constables to be members of the Railway Police Force.

(2) Subject to the general order and direction of the Board, the Commissioner of Police shall have the command and superintendence of the Railway Police Force, and he shall be responsible to the Board for the efficient condition of the Force and for the proper carrying out of the duties of members of the Force.

(3) Such gazetted police officers (within the meaning of the Police Ordinance, 1950) as the Commissioner of Police may designate shall have such control and command of the members of the Force stationed in any place and perform such duties in relation to such members or to the Force as may be directed by the Commissioner of Police.

(4) Every person appointed to the Railway Police Force shall, on his appointment, take and subscribe the following oath before a gazetted police officer (within the meaning of the Police Ordinance, 1950), or a Justice, that is to say :—

I, \_\_\_\_\_ (name) do swear that I will well and truly serve our Sovereign Lady the Queen, in the office of \_\_\_\_\_ without favour or affection, malice or ill will, and that I will cause Her Majesty's Peace to be kept and preserved; and that I will prevent, to the utmost of my power, all offences against the same; and that while I shall continue to hold the said office I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully, according to law. So help me God.

40. The duty of members of the Railway Police Force shall be primarily in connection with the railway, but every member of the Railway Police Force shall, as respects the whole Colony, have all the powers, privileges and immunities conferred on a constable by the Common Law, and also all the powers, privileges (except as to conditions of service), and immunities conferred on a constable or an inspector or subordinate police officer of corresponding rank by the Police Ordinance, 1950.

Powers and  
privileges of  
Force

Ord. 14. of 1950

41. Every person not being a member of the Railway Police Force who puts on or assumes, either in whole or in part, the dress, name, designation or description of any member of the Railway Police Force, or any dress, name, or designation resembling and intended to resemble the dress, name or designation of any member of the Railway Police Force, or in any way pretends to be a member of such Force, for the purpose of obtaining admission into any house or other place, or of doing any act which such person would not by law be entitled to do of his own authority, shall be liable, on summary conviction, to a fine of ninety-six dollars or to imprisonment for three months.

Personation of  
member of  
Railway Police  
Force

Power to make regulations

42. The Board may, with the approval of the Governor in Council, make regulations prescribing the conditions of service and the duties to be performed by members of the Railway Police Force, the uniform to be worn by them, their training and discipline, and generally for the good order and government of the Force.

Members of Railway Police Force not to join prohibited associations

43. (1) It shall not be lawful for any member of the Railway Police Force to be or to become a member of any prohibited association.

(2) If any member of the Railway Police Force becomes a member of a prohibited association, such member, the association, and every officer of the association who is knowingly a party to the admission or enrolment of such member shall be liable, on summary conviction, for each offence to a fine of one hundred and twenty dollars.

Prohibition of member of Railway Police Force receiving benefits from prohibited associations

44. (1) It shall not be lawful for any prohibited association to permit any member of the Railway Police Force to receive any benefit, financial or otherwise, from the association or for any such association to receive any money from a member of the Railway Police Force.

(2) If there shall be any contravention of the provisions of this section, the member of the Railway Police Force, the association, and every officer of the association who is knowingly a party to such contravention, shall be liable on summary conviction, for each offence to a fine of one hundred and twenty dollars.

Constitution of Railway Police Association

45. (1) For the purpose of enabling Inspectors, subordinate police officers and constables of the Railway Police Force to consider and bring to the notice of the Board and the Governor matters affecting their general welfare and efficiency, there shall be established an organisation to be called the Railway Police Association which shall act through a Central Committee as provided by rules made under this Ordinance.

(2) No representation shall be made by the Railway Police Association in relation to any question of discipline, promotion, transfer, leave or any other matter affecting individuals.

(3) The Railway Police Association shall be entirely independent of and unassociated with any body outside the Railway Police Force.

46. The Governor in Council may make rules for the constitution and governance of the Railway Police Association and as to any matter appertaining to the Association: Provided that until varied or revoked by any such rules, the rules contained in the Schedule hereto shall be in force.

Railway Police  
Association  
Rules

47. If any person causes, or attempts to cause, or does any act calculated to cause disaffection amongst the members of the Railway Police Force, or induces, or attempts to induce, or does any act calculated to induce any member of the Railway Police Force to withhold his services or to commit breaches of discipline he shall be guilty of a misdemeanour, and shall be liable on conviction on indictment to imprisonment for two years or on summary conviction to imprisonment for three months or to a fine of one hundred and twenty dollars, or to both such imprisonment and fine, and in either case, if an Inspector, subordinate police officer or constable of the Railway Police Force, shall forfeit all superannuation rights and be disqualified for being a member of the Railway Police Force:

Penalty on  
persons causing  
disaffec-  
tion, &c.

Provided that where the person convicted of any such offence was a member of the Railway Police Force and was not sentenced to imprisonment without the option of a fine, he shall be refunded the whole of the compulsory deposits made by him under the Provident Fund Ordinance.

Ch. 9. No. 9.

#### OFFENCES AND PROCEDURE

48. No person shall be entitled to carry while travelling on the railway, or to require the railway to carry any aquafortis, oil of vitriol, gunpowder, dynamite, lucifer matches, or any other goods which in the judgment of any officer of the Railway Department 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 officer of the Railway Department with whom the same are left at the time of sending, he shall, on summary conviction, be liable to a fine of ninety-six dollars; and it shall be lawful for any officer of the Railway Department to refuse to take any parcel that he may suspect to contain goods of a dangerous nature, or to require the same to be opened to ascertain the fact.

Dangerous  
goods

49. If any person shall wilfully hinder or obstruct or cause or procure to be hindered or obstructed, any officer of the Railway Department or his agents or servants, or any workman or other person authorised to do, or employed in doing

Obstructing  
Engineer, &c..  
or removing  
marks

or performing, any of the works by this Ordinance authorised to be done, or in the exercise of any of the powers or authorities in this Ordinance contained; or if any person shall remove or pull up any picket, stake, pole, or mark used in setting out or marking the line of the railway or any lands taken for the purposes of the railway undertaking, every such person shall, on summary conviction, be liable to a fine not exceeding ninety-six dollars and not less than nine dollars and sixty cents.

Unknown offenders may be arrested without a warrant

50. Where persons guilty of offences against this Ordinance or any bye-law made in pursuance thereof may be persons unknown to the officers and other persons acting under this Ordinance, it shall be lawful for any member of the Police Force or any officer of the Railway Department, acting with such aid as shall be necessary, and without any warrant or other authority, to apprehend and detain any such unknown person guilty of any offence against this Ordinance or any such bye-law, and forthwith to convey him before a Magistrate to be dealt with according to law.

Recovery of penalties

51. Every penalty imposed by this Ordinance or by any bye-law under this Ordinance may be recovered on summary conviction on the complaint of any officer of the Railway Department.

#### MISCELLANEOUS

Connecting private tramway with railway

52. When the owners or occupiers of land adjoining or near to the railway shall lay down and construct at their own expense either upon or through their own lands, or on lands of other persons with the consent of such persons, any collateral branches of the railway, or any tramways for the purpose of bringing carriages, goods, animals, and passengers to and from or upon the railway, the Engineer shall, if required, at the expense of such owners and occupiers, put in such points and make such crossings and other machinery as may be required for effecting communication between any such branch or tramway and the railway in such place where, in the judgment of the Engineer, the communication can be made without injury to the railway, and without inconvenience to the traffic thereon.

Owners of branch railways may cross railway

53. It shall be lawful for the owners or occupiers of land adjoining or near to the railway who may construct lines of railway or tramway for their own private purposes, to cross the railway on the level with their rails or trams, and run

engines, carriages, or trucks across the railway on such level crossings, subject to any regulations made under the authority of this Ordinance; and the Engineer may, subject as aforesaid, at the request and at the expense of the owners or occupiers of such land, and within a reasonable time, lay down such crossings as may be necessary to establish the communication on the owner's private railway or tramway from one side of the railway to the other side.

54. It shall be lawful for the owners or occupiers of land adjoining the railway to construct such trenches, tunnels, or culverts, and to lay down such pipes and conduits as they may require for the purposes of any system of drainage or irrigation, or for the conveyance of cane juice or syrup under the line of rails of the railway, and the Engineer may, subject as in the last preceding section mentioned, at the request and at the expense of the owners or occupiers of such land, and within a reasonable time, carry across and under the line of rails, such trenches, tunnels, culverts, pipes, or conduits in such manner as to complete the connection from one side to the other side of the railway of such system of drainage or irrigation or otherwise, in an effectual manner:

Owners of adjoining land may construct trenches, &c.

Provided that none of the works or things in this section mentioned shall be constructed or done if the constructing or doing thereof, or any part thereof, shall be likely, in the opinion of the Engineer, to affect the stability of the railway or stop the traffic thereon for eight consecutive hours.

55. Every person who sustains loss, damage, or injury by reason of any illegal, negligent, unauthorised, or improper act, omission, neglect, or default of any officer employed by the Railway Department, or by reason of any breach of contract by any such officer or by the Government in respect of the railway, may obtain such damages or other relief as he may be by law entitled by action. In any such action the General Manager shall be the nominal defendant; and any damages or costs which may be recovered by the plaintiff in any such action, or which may, in case of the compromise of such claim by arbitration or agreement, be payable to any person having any claim against the General Manager or otherwise in respect of the use of the railway, shall be paid and made good from the funds of the Board.

Action for damages

56. No such action as in the last preceding section mentioned shall be maintainable for or by reason of the destruction or damage by fire of or to any building or erection whatsoever,

Buildings destroyed by fire

situate within a distance of one hundred feet from any part of the railway, in any case where such building or erection shall have been erected, built, or covered after the 7th of November, 1896, of or with inflammable materials.

Repeal and  
saving  
Ch. 17. No. 1.  
Ord. 7 of 1942  
Ord. 20 of 1946  
Ord. 16 of 1950

57. (1) The Railways Ordinance, the Railways (Amendment) Ordinance, 1942, the Railways (Amendment) Ordinance, 1946, and the Railways (Amendment) Ordinance, 1950, are hereby repealed.

(2) Notwithstanding the repeal of the several Ordinances enumerated in the last preceding subsection, all regulations and bye-laws made under the authority of any of the said Ordinances and in force immediately before the date of the commencement of this Ordinance shall, in so far as they are not inconsistent with the provisions of this Ordinance, continue in force as though made by the Board, under the provisions of this Ordinance; and the provisions of this Ordinance relating to offences, penalties and procedure shall apply in respect of the said regulations and bye-laws as they apply in respect of regulations and bye-laws made under this Ordinance.

#### SCHEDULE

#### RAILWAY POLICE ASSOCIATION

##### PART I.

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|--|--|
| Constitution<br>of Association             | 1. The Association shall consist of all members of the Railway Police Force (hereinafter referred to as "the Force") for the time being and shall act through a Central Committee.   |
| Composition<br>of Association              | 2. The Central Committee shall comprise one Inspector, one Sergeant, two Corporals, and three Constables.  |
| Right to vote                              | 3. Every member of the Force shall have the right to vote at the election of members to the Central Committee.   |
| Elections and<br>annual general<br>meeting | 4. The Central Committee shall be elected, and the annual general meeting of the Association shall be held, in the month of January in each year.  |
| Representation<br>by Central<br>Committee  | 5. (a) The Central Committee may submit any matter in writing to the Board and to the Governor through the Colonial Secretary and shall consider and report upon matters referred to it by the Board or the Governor through the Colonial Secretary.<br><br>(b) A draft of any proposed regulations affecting allowances, pensions, clothes, expenses and conditions of service, efficiency or the general welfare of the Force shall be submitted to the Committee for consideration and comments and a reasonable period allowed for deliberation thereon. |

6. All elections shall be by secret ballot and the provisions for securing secrecy and freedom from interference in voting as set out in Part II of this Schedule shall apply in respect of all elections under this Schedule. Elections to be by ballot

7. At any election under these Rules each elector may give one vote and no more for each of any number of candidates not exceeding the number to be elected. Elector to give only one vote to any candidate

8. Subject to the provisions of these Rules, the Central Committee may make regulations as to the mode of election of the members thereof and as to the filling of casual vacancies occurring amongst the members of the Committee and may regulate its own procedure. Committee to make regulations for elections and formulate own procedure

9. The Central Committee shall choose its Chairman and its Secretary from its own members. Officers

10. The Chairman at any meeting of the Central Committee at which he is present shall have a second or casting vote. Chairman to have casting vote

11. The Central Committee may meet quarterly, each meeting lasting not more than two days but additional meetings for special purposes may be held with the consent of the Board. Four members shall form a quorum. Meetings

12. Except where, in special circumstances, a member of the Force is required for duty for which no substitute is available, leave shall be given for attendance at all such meetings duly held and every such attendance shall, as regards allowances and expenses, be deemed to be an occasion of Railway Police duty. Facilities for meetings

#### PART II.

13. Every person in attendance at the polling station or other place of voting shall maintain and aid in maintaining the secrecy of the voting in such station or place and shall not communicate, except for some purpose authorised by law, before the poll is closed, to any person any information as to the name or other names of identification of any elector who has or has not applied for a ballot paper or voted at that station or place, and no such person whatsoever shall interfere with or attempt to interfere with a voter when making his vote, or otherwise attempt to obtain in the polling station or other place of voting information as to the candidate for whom any voter in such station or place is about to vote or has voted or communicate at any time to any person any information obtained in a polling station or other place of voting as to the candidate for whom any voter in such station or place is about to vote or has voted. Every person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate any information obtained at such counting as to the candidate for whom any voter is given in any particular ballot paper. No person shall directly or indirectly induce any voter to display his ballot paper after he shall have marked the same so as to make known to any person the name of the candidate for or against whom he has so marked his vote. Provisions for ensuring secrecy

Every person who acts in contravention of the provisions of this rule shall be liable to instantaneous dismissal with the approval of the Governor.

Passed in Council this ninth day of May, in the year of Our Lord one thousand nine hundred and fifty-two.

T. F. FARRELL

*Clerk of the Council*