

No. 7—1942.

*Railways (Amendment).*

AN ORDINANCE to amend the Railways Ordinance,  
Ch. 17. No. 1.

Commencement

[10th April, 1943.]

Short title.  
Construction.  
Ch. 17. No. 1

1. This Ordinance may be cited as the Railways (Amendment) Ordinance, 1942, and shall be read as one with the Railways Ordinance, hereinafter referred to as the Principal Ordinance.

Principal Ordinance amended by addition of new section.

2. The Principal Ordinance is hereby amended by the addition thereto of the following immediately after section 31 :—

*Motor Services.*

Provision for motor services.

32. (1) The Superintendent of Railways may, with the approval of the Governor in Council, establish and work any motor vehicle service, whether necessary or not for the accommodation of railway traffic.

(2) (a) The Superintendent of Railways may, with the like approval, make rules respecting—

- (i) the routes upon which any such service shall be run and the places to be served thereby;
- (ii) the times at which vehicles are to run;
- (iii) the type of traffic to be carried, the classification of articles and the rates to be charged for the carriage thereof;

- (iv) the manner in which any articles are to be packed ;
- (v) the fares to be paid by passengers ;
- (vi) the services to be performed by the Superintendent of Railways in connection with the collection and delivery of goods, parcels or passengers' luggage conveyed or to be conveyed by railway ;
- (vii) the duties and conduct of the officers and servants employed in the maintenance and working of any such service ;
- (viii) the custody, issuing, manner and form of all books, account vouchers, tickets, way-bills, and other documents to be used by any officer of the railway in connection with any such service ;
- (ix) the collection, paying over, and accounting for the revenue derived from such service ;
- (x) the time and method of the payment of wages to officers and of moneys due to contractors, workmen, and others in connection with such service, and the vouchers, receipts, and other quittances to be taken in connection with such payments ;
- (xi) and generally the use of such service and the working and management thereof.

(b) Rules made under the preceding paragraph of this subsection shall be published in the *Royal Gazette* and shall be binding on all officers, and any disobedience thereto by any officer other than the officers mentioned in the Schedule to this Ordinance shall be punishable by dismissal or by fine under the provisions of this Ordinance, and in case of the officers mentioned in the Schedule such fine may be imposed by the Governor and be deducted from salary in such manner as the Governor shall direct.

(3) (a) The Superintendent of Railways may with the like approval make rules in relation to any such service—

- (i) respecting the commission of any offences or nuisances, and the preservation of order in the vehicles and on the premises connected with any such service ;
- (ii) for the prevention of trespass upon or injuries to or destruction of any vehicles and premises connected with any such service ;
- (iii) respecting the taking, issuing, examination and giving up of passenger tickets, and the conduct of passengers and other persons being in and upon any vehicles and premises connected with any such service, and of persons delivering or receiving goods to or from any vehicles and premises connected with any such service ;
- (iv) for preventing or discovering fraud in respect of passenger fares, tickets, charges and freights ;

- (v) in respect of time and mode of payment and collection of any moneys due from any persons for tolls ;
  - (vi) for the purpose of limiting the liability of the Superintendent of Railways 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.
- (b) (i) Copies of all rules made under the authority of this subsection shall be exhibited in some conspicuous part of every railway station and on such other premises as the Superintendent of Railways shall think fit ;
- (ii) any person who shall deface, tear, injure, or remove any of such copies referred to in the first paragraph of subsection (3) (b) hereof shall be liable on summary conviction to a fine of twenty-four dollars.
- (c) All rules made under the authority of this subsection shall be binding upon and be observed by all persons and shall be sufficient to justify all persons acting under the same.
- (d) Any person infringing a rule made under the authority of this subsection shall be liable on summary conviction to a fine of forty-eight dollars ; and if the infringement or non-observance of any such rule as aforesaid be attended with danger or annoyance to the public, or hindrance in the lawful use of any such service, it shall be lawful for any officer

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 rules.

(4) The provisions of subsection (2) of section 12, sections 13, 14, 17, 19 to 24 inclusive and section 30 shall, so far as they may be applicable, apply to any service established under this section, to the passengers and traffic carried thereon, and to the officers employed therewith in the same manner as they apply to the railway and to railway passengers, traffic, and officers; and for the purpose of this subsection, section 24 shall have effect as though references therein to any bye-law included references to any rule made under this section.

(5) (a) The Governor in Council may by notification published in the *Royal Gazette* confer on the Superintendent of Railways 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 rule made under the provisions of paragraph (a) of subsection (2) of this section.

(b) If any motor-omnibus is used upon any road in respect of which the exclusive privilege of operating motor omnibuses has been so conferred on the Superintendent of Railways, 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.

(6) A complaint for any offence against the provisions of subsection (3) of this section or of any rules made thereunder or of paragraph (b) of subsection (5) of this section may be made by any officer, any member of the Railway Police Force, or any constable.