

The Laws of Zambia

REPUBLIC OF ZAMBIA

**THE RAILWAYS ACT**

**CHAPTER 453 OF THE LAWS OF ZAMBIA**

**CHAPTER 453 THE RAILWAYS ACT**

THE RAILWAYS ACT

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SCHEDULE

**CHAPTER 453**

RAILWAYS

No 17 of 1982  
13 of 1994

**An Act to provide for the vesting of the undertaking and assets of the Zambia Railways Board in Zambia Railways Limited; the winding up and dissolution of the Zambia Railways Board; the provision of rail services within, into and out of Zambia; the repeal of the Zambia Railways Act; and matters connected with or incidental to the foregoing.**

[1st April, 1984]

PART I PRELIMINARYPART I

PRELIMINARY

1. (1) This Act may be cited as the Railways Act. Short title
  
2. The provisions of this Act shall not apply to the Tanzania-Zambia Railway Authority established by section *four* of the Tanzania-Zambia Railway Act. Application  
Cap. 454

3. (1) In this Act, unless the context otherwise requires-

Interpretation

- "agent" when used in relation to a railway company means a person employed or authorised by a railway company to act on its behalf;
- "animals" means animate objects of any kind except human beings;
- "authorised employee" means an employee authorised by a railway company to exercise the powers or perform the duties in relation to which the expression is used;
- "booking office" means a place at which tickets may be obtained or charges paid to a railway company;
- "charges" means all sums received or receivable, charged or chargeable, for, or in respect of, the carriage or warehousing of goods or for, or in respect of, any other services or facilities provided by a railway company;
- "consignee" means the person, firm or body to whom goods accepted for carriage by a railway company are addressed;
- "consignment" means one or more packages of goods or a quantity of loose goods tendered by a consignor and accepted by a railway company for carriage to a consignee on one consignment note;
- "consignor" means the person, firm or body tendering goods which are accepted for carriage by a railway company;
- "customs law" means any law relating to the collection of customs or excise duties;
- "fare" includes all sums received or receivable, charged or chargeable, for the carriage of a passenger by a railway company;
- "firebreak" means a strip of land, whether under trees or not, which has been cleared of inflammable matter to prevent the spread of fire, and which, unless otherwise agreed upon in writing by the parties concerned, is not less than ten metres in width (measured from the boundary of the land upon which a railway is constructed);
- "free pass" means any written authority for the carriage of any person as a passenger issued by a railway company without payment of any fare;
- "goods" includes luggage, animals (whether alive or dead) and all other movable property of any description;
- "light engine" means a locomotive without a vehicle attached to it;
- "luggage" means such articles of personal apparel or for personal use, together with their containers, if any, as are usually carried by passengers for their personal use, but does not include goods which, though carried in any such container or otherwise, are not intended for any such use;
- "passenger" means any person lawfully travelling on any train or vehicle provided by, or under the control of, a railway company;
- "perishable goods" means goods liable to rapid deterioration and, in particular, means fish, fruit, vegetables, potatoes, plants, bread, meat, butter, eggs, milk, cheese, birds, poultry, game, small animals, and any other thing which a railway company may, by notice in the *Gazette*, declare to be perishable goods;
- "purposes of a railway company" means any purposes necessary or desirable for the performance of the services, or the provision of any facilities, which a railway company is authorised to perform or provide under this Act or under a railway permit;
- "railway" includes any portion of the lines of railway and all other movable or immovable things attached thereto or used in connection therewith;
- "railway company" means the holder of a railway permit;

(2) For the purpose of this Act, goods shall be deemed to be in transit from the time the goods are accepted by a railway company for carriage until the expiry of twenty-four hours after the goods have arrived at the place to which, in respect of their carriage by the railway company, the goods have been consigned; and thereafter the goods shall, so long as they remain in the custody of the railway company, be deemed to be in such custody otherwise than for the purpose of carriage:

Provided that-

- (i) where the goods are delivered to the consignee within such period of twenty-four hours, the goods shall cease to be in transit as from the time when they are so delivered;
- (ii) where the goods are perishable goods and such railway company, in exercise of its powers under this Act, disposes of the goods within such period of twenty-four hours, the goods shall cease to be in transit as from the time when they are so disposed of;
- (iii) where the goods are, in respect of their carriage by the railway company, consigned to a place at which the railway company does not maintain any staff for the receipt thereof, the goods shall cease to be in transit as from the time when they arrive at such place;
- (iv) where the goods are consigned for delivery to a place other than a railway station by means of a delivery service operated by the railway company and the goods cannot, due to causes beyond the control of the railway company, be delivered at such place within twenty-four hours after the time of their arrival at the railway station from which the delivery service is operated, the goods shall cease to be in transit after the time when the goods are tendered for delivery at such place or after the expiry of twenty-four hours after the time of their arrival at the railway station from which the delivery service is operated, whichever is the earlier.

(3) In this Act, and in any document issued under this Act, unless the context otherwise requires-

- (a) "accepted by a railway company" means accepted by an employee or agent of the railway company for carriage or warehousing by the railway company in accordance with the provisions of this Act; Provided that acceptance shall not be deemed to have been effected until a receipt signed by an authorised employee or agent, has been issued in respect of the goods accepted;

Provided that acceptance shall not be deemed to have been effected until a receipt signed by an authorised employee or agent has been issued in respect of the goods accepted.

- (b) "carried by a railway company" means carried by a railway company in accordance with the provisions of this Act;
- (c) "operated by a railway company" means operated by a railway company in accordance with the provisions of this Act;



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- (d) "possession of a railway company" means the possession by any employee of a railway company in the course of his duty;
- (e) "premises occupied by a railway company" means premises vested in or placed at the disposal of a railway company for the purposes of the railway company;
- (f) "property of a railway company" means property vested in or placed at the disposal of a railway company for the purposes of the railway company;
- (g) "services or facilities provided by a railway company" means services performed or facilities provided by a railway company in accordance with the provisions of this Act or a railway permit;
- (h) "vehicle of a railway company" includes a vehicle operated on behalf of a railway company.

PART II DISSOLUTION OF BOARDPART II

DISSOLUTION OF BOARD

4. (1) From the commencement of this Act the Board shall exist only for the purpose of winding up its affairs, and for no other purpose.

Winding up and  
dissolution of Board

(2) Notwithstanding anything to the contrary contained in the Zambia Railways Act, or in any other written law, the Board shall have, for the purpose of winding up its affairs, power to do anything which is necessary or expedient for that purpose or which is incidental thereto, including, in particular, but without prejudice to the generality of that power, power to enter into and carry out agreements and arrangements for the transfer of its property, rights, liabilities and obligations to any person or the Government.

Cap. 767 of the old  
Edition

(3) When the Minister is satisfied that all necessary agreements and arrangements have been made for the winding-up of the affairs of the Board so that it may be dissolved, he shall, by statutory instrument, order that the Board shall be dissolved on such date as may be appointed in the statutory instrument.

*(Board dissolved on 1st April 1986 by S.I. No. 23 of 1986)*

5. (1) On the date appointed under subsection (3) of section *four* there shall be transferred to and vest in the Company by virtue of this Act and without further assurance-

Vesting of assets and  
liabilities of Board in  
Company

- (a) the undertaking of the Board; and

- (b) subject to the provisions of this Act, all property, rights, liabilities and obligations which immediately before the date appointed under subsection (3) of section *four* were the property, rights, liabilities and obligations of the Board.

(2) Subject to the agreement of the Company and as hereinafter provided, every deed, bond or agreement (other than an agreement for personal service) to which the Board was a party immediately before the commencement of this Act, whether in writing or not, and whether or not of such a nature that rights, liabilities and obligations thereunder could be assigned, shall, unless its subject-matter or terms make it impossible that it should have effect as modified in the manner provided by this subsection, have effect as from the date of the assignment thereof, as if-

- (a) the Company had been a party thereto;
- (b) for any reference to the Board there were substituted, as respects anything falling to be done on or after the commencement of this Act, a reference to the Company;
- (c) for any reference to any other officer of the Board not being a party thereto and beneficially interested therein there were substituted, as respects anything falling to be done on or after the commencement of this Act, a reference to such officer of the Company as the Company shall designate.

(3) Subject to the provisions of subsection (2), documents other than those referred to in that subsection, which refer specifically or generally to the Board shall be construed in accordance with the said subsection as far as applicable.

#### Registration of property to be transferred by Board

**6.** Whenever in pursuance of this Act, any property, rights, liabilities or obligations of the Board are deemed transferred, in respect of the transfer of which any written law provides for registration, the Board shall make an application in writing to the appropriate registration authority for the registration of such transfer, and such authority shall make such entries in the appropriate register as shall give effect to such transfer and, where appropriate issue to the transferee concerned a certificate of title in respect of the said property or make necessary amendments to the register, as the case may be, and, if presented therefor, make endorsement on the deeds relating to the title, right or obligation concerned; and no registration fees, stamp duty or other duties shall be payable in respect thereof.

**7.** (1) Where any person who was in the service of the Board immediately before the commencement of this Act, voluntarily transfers from that service to the service of the Company, his terms and conditions of service with the Company shall be no less favourable than those he enjoyed while in the service of the Board, and his previous service with the Board shall be treated as service under the Company for the purposes of determining his rights to, or eligibility for, pension, gratuity, leave or other benefits.

Terms of service of employees of Board upon transfer

(2) A person to whom subsection (1) applies shall be deemed to have voluntarily transferred from the service of the Board to the service of the Company unless within three months from the commencement of this Act he gives notice in writing to the Board, with a copy thereof to the Company, stating his intention not to transfer from the service of the Board to the service of the Company.

8. (1) Without prejudice to the other provisions of this Act, where any right, liability or obligation vests in the Company by virtue of this Act, the Company and all other persons affected thereby shall, as from the commencement of this Act, have the same rights, powers and remedies (and in particular the same rights as to the instituting or defending of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the Company. Legal proceedings

(2) Any legal proceedings or application to any authority pending immediately before the commencement of this Act by or against the Board may be continued by or against the Company.

(3) After the commencement of this Act proceedings in respect of any right, liability or obligation which was vested in, held, enjoyed, incurred or suffered by the Board may be instituted by or against the Company.

9. In this Part, unless the context otherwise requires- Interpretation

"Board" means the Zambia Railways Board established by section *three* of the Zambia Railways Act; Cap. 767 of the old edition

"Company" means Zambia Railways Limited, a company registered in that name under the Companies Act. Cap. 388

### PART III RAILWAY PERMITS

#### RAILWAY PERMITS

10. No person shall provide any rail service within, into or out of Zambia otherwise in accordance with the terms and conditions of a railway permit issued by the Minister. Rail services to be provided in accordance with railway permit

11. An application for a railway permit to provide any rail service or to construct any railway shall be lodged in such manner as the Minister may, by statutory instrument, prescribe; and shall be accompanied by such details as the Minister may direct. Application for railway permit

12. (1) The Minister may, in his discretion-

Issuance of railway permits

- (a) issue railway permits on such terms and conditions as to him appear appropriate in any particular case;
- (b) vary from time to time the terms and conditions of any railway permit;
- (c) suspend any railway permit for a particular period or indefinitely;
- (d) cancel any railway permit.

(2) The Minister may from time to time review any decision made under subsection (1).

#### PART IV ENTERING UPON OR ACQUIRING LANDPART IV

##### ENTERING UPON OR ACQUIRING LAND

13. (1) Subject to the provisions of this section a railway company, through its agents or employees duly authorised in writing by it in that behalf, shall have power for the purposes of such railway company to enter upon-

Power to enter upon land for railway purposes

- (a) any land and survey such land or any portion thereof;
- (b) any land contiguous to any premises occupied by such railway company and-
  - (i) excavate, take away and use any earth, stone, gravel or similar materials out of such land;
  - (ii) cut, take away and use any timber from any such land;
  - (iii) lay, construct, erect and maintain thereon any poles, posts, standards, cables, wires, cords, pipes, tubes or other things required for or in connection with the operation and maintenance by such railway company of telegraphic or telephonic means of communication:

Provided that every such cable or cord which crosses any road above the surface of the ground shall be placed not less than 5.50 metres above the ground and in such manner as not to hinder or obstruct the free use and enjoyment of such road by users thereof.

(2) Before exercising or authorising the exercise of any of the powers conferred by this section in respect of any land, the railway company shall give reasonable notice of its intention so to do to all persons interested in such land.

(3) Where a railway company lawfully exercises any of the powers conferred by this section, such railway company shall be liable to the owner of such land or to any person interested therein to pay compensation only for the materials and timber taken therefrom, or the actual loss or damage caused to any improvements thereon.

**14.** (1) Any authorised employee or agent of a railway company may, for the purpose of preventing the occurrence of any accident, preserving the safe operation of any transport service provided by such railway company or repairing any damage caused by any accident, enter upon any land and-

Power to enter upon land to prevent accidents, etc.

- (a) cut down or remove any tree or other obstruction, not being a building, which obscures the view of any fixed signal or which is likely to cause any obstruction or danger to any such transport service; and
- (b) execute such other works as may be necessary to prevent the occurrence of any accident or to repair any damage caused as a result of any accident.

(2) Where any tree or other obstruction is cut down or removed under paragraph (a) of subsection (1), the owner or occupier of the land shall be entitled to adequate compensation therefor from such railway company:

Provided that no such compensation shall be payable if the tree or other obstruction cut down or removed came into existence subsequent to the provision of the transport service.

(3) Where any person erects any building which obscures the view of a fixed signal or is likely to cause any obstruction or any danger to any rail or transport service provided by a railway company, such railway company may, unless such person has previously obtained its approval to the erection of such building or has modified it to its satisfaction, apply to the High Court for an order for the demolition or modification of such building or, as the case may require, for the payment to such railway company of the cost incurred in resiting or replacing any signalling equipment or otherwise necessary to prevent such obstruction or danger and the court, in its discretion, may make such order, including matters relating to the payment of compensation and costs, as it deems fit.

**15.** (1) Any authorised employee or agent of a railway company may, for the purposes of such railway company, enter upon any land and alter the position of any pipe for the supply of gas, oil, water or compressed air, or of any electric, telephone or telegraphic wire or of any drain.

Power to enter upon land to alter position of pipes, etc.

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(2) Before a railway company exercises any power under subsection (1), it shall give reasonable notice of its intention to do so to the authority or person having control of the pipe, wire or drain and-

- (a) such authority or person may authorise a representative to superintend such work and may require such railway company to execute such work to the satisfaction of such representative; and
- (b) such railway company shall make arrangements for the maintenance of the supply of gas, oil, water, compressed air or electricity, or for the continuance of the telephonic or telegraphic communications or for the maintenance of the drainage, as the case may be, during the execution of such work.

(3) Where any damage is caused by reason of the exercise of the powers conferred by this section, the person suffering such damage shall be entitled to adequate compensation therefor from such railway company.

**16.** A railway company may, for the purposes of such railway company, take any water from any natural watercourse, subject to the provisions of any written law regulating the use of water.

Power to take water

**17.** Whenever the Minister is satisfied that-

- (a) it is necessary for a railway company to acquire a particular piece of land for the construction of any railway authorised by a railway permit; and
- (b) such railway company has taken all reasonable steps to acquire such land by agreement; and
- (c) there is no reasonable prospect of such land being acquired by agreement;

Compulsory acquisition of land for railway purposes

he may recommend to the President that such land should be acquired under the provisions of the Land Acquisition Act.

Cap. 189

**18.** (1) Any person entitled to compensation under this Part shall, within such time, and in such form, as may be prescribed, deliver to the railway company liable to pay compensation a notice stating the amount of compensation claimed and providing such other details as may be prescribed.

Procedure for claiming compensation

(2) Within twenty-eight days of receiving the notice referred to in subsection (1), the railway company shall-

- (a) make to the claimant an unconditional offer in writing in such amount as compensation as may appear adequate to such railway company; or

- (b) where it appears to the railway company that the claimant is not entitled to compensation for any reason, inform the claimant in writing of such reason.

(3) Where an offer made in terms of subsection (2) is accepted in writing by the claimant, the amount so offered and accepted shall be deemed adequate compensation for all purposes and shall be recoverable as a civil debt.

**19.** (1) Notwithstanding the provisions of section *eighteen*, any person to whom this part applies may make application to the High Court for the determination of any relevant matter, and in particular-

High Court may determine certain matters

- (a) his interest in or right over any land in relation to which any power conferred by this Part has been exercised;
- (b) the legality or validity of any purported exercise of the powers conferred by this Part;
- (c) the amount of compensation payable by virtue of anything done in exercise of the powers conferred by this Part.

(2) Upon hearing the application referred to in subsection (1), and subject to the provisions of this Part, the High Court may make such order as it deems just.

## PART V ROAD AND RAIL CROSSINGS AND ACCOMMODATION WORKSPART V

### ROAD AND RAIL CROSSINGS AND ACCOMMODATION WORKS

**20.** Except with the prior approval in writing of a railway company, no person shall construct or carry any road across any railway:

Restriction on road construction across railway

Provided that any person aggrieved by the refusal of a railway company to give such approval may appeal to the Minister.

**21.** (1) Where, in exercise of the powers contained in a railway permit, a railway company proposes to construct a railway across a public road, the Minister may, subject to the provisions of subsection (3), require such railway company to construct the railway in such manner that it does not cross such road on the level and to execute such other works as may be necessary for the safety of the public; and such railway company shall comply with such requirements.

Construction of railway across public road

(2) Where any railway has been constructed so as to cross a public road on the level, the Minister may, subject to the provisions of subsection (3), require the railway company concerned-

- (a) to erect gates or provide other safety measures; or
- (b) to raise or lower the level of the public road so that it crosses the railway above or below and not on the level;

and to execute such other works as may be necessary for the safety of the public; and such railway company shall comply with such requirements.

(3) The Minister shall, before making any requirement under this section, communicate with such railway company and the highway authority responsible for the maintenance of such public road and shall take into consideration any representations made by such railway company or such highway authority.

(4) Where, as a result of a requirement made by the Minister under this section, any works are to be constructed by a railway company, the manner of the construction of such works and the apportionment of the cost of construction and maintenance thereof shall be determined by agreement between such railway company and such highway authority responsible for the maintenance of such public road or, if no such agreement is reached, it shall be determined by the Minister, whose decision shall be final.

**22.** Whenever a railway company and any person whose road crosses a railway fail to agree as to-

Level crossings,  
protective works,  
bridges and subways

- (a) whether a level crossing should be provided at such crossing;
- (b) whether any protective works are necessary at such level crossing;
- (c) whether any bridge or subway is necessary at such crossing;
- (d) the terms and conditions under which any level crossing, protective works, bridge or subway should be provided or maintained; or
- (e) who should bear the cost of constructing or maintaining any level crossing, protective works, bridge or subway, or in what proportion such costs should be borne;

either party to the dispute may appeal to the Minister.

**23.** (1) Subject to the provisions of subsection (2), where, in exercise of its powers under a railway permit, a railway company constructs a railway, such railway company shall, during the construction of the railway or as soon as practicable thereafter, construct and maintain the following accommodation works for the benefit of the owners and occupiers of lands adjoining those on which the railway is constructed:

Accommodation works

- (a) such crossings, bridges or other works as, in the opinion of such railway company, are necessary for the purpose of making good any interruption caused by the construction of the railway to the use of lands through which the railway is constructed;



- (b) such culverts, drains or other works as, in the opinion of such railway company, are necessary to convey water as freely, or as nearly thereto, as practicable, from or to such adjoining lands as prior to the construction of the railway:

Provided that nothing in this section shall require the construction or maintenance of any accommodation works-

- (i) in such manner as to prevent or obstruct the proper operation of the railway;
- (ii) where the owners or occupiers, or their predecessors in title, of the lands have received an agreed sum of compensation in consideration of such works not being constructed or maintained; or
- (iii) at any time after a period of five years from the date on which the railway passing through the lands was first opened for the public carriage of passengers or goods.

(2) Where suitable accommodation works for the crossing of any road or watercourse have been once constructed and such road or watercourse is afterwards diverted by some person other than the railway company concerned, then such railway company shall not be required to construct other accommodation works for the crossing of such road or watercourse.

**24.** If at any time-

- (a) the owner or occupier of any land on which a railway is constructed desires any accommodation works in addition to those, if any, constructed by the railway company under section *twenty-three*; or
- (b) any highway authority proposes to construct a public road or any other works across a railway;

Additional  
accommodation works

then such owner, occupier or highway authority, as the case may be, may require the railway company to construct such accommodation works-

- (i) as may be agreed between such railway company and the owner, occupier or highway authority; and
- (ii) if no such agreement is reached, as may be determined by the Minister;

and the cost of constructing such accommodation works shall be borne by the owner, occupier or highway authority requiring them.

**25.** Where any matter under this Part has been referred to the Minister, he may cause an inquiry to be made before making a determination thereon.

Inquiry by Minister

**26.** Any person, other than a highway authority, who is aggrieved by any determination of the Minister made under this Part may appeal to the High Court.

Appeal to High Court

**27.** In this Part, unless the context otherwise requires-

Interpretation

"highway authority" means the highway authority responsible for the construction, care and maintenance of any road or class of road in accordance with the provisions of the Roads and Road Traffic Act;

Cap. 464

"person" includes a highway authority.

## PART VI INSPECTORS OF RAILWAYS PART VI

### INSPECTORS OF RAILWAYS

**28.** (1) The Minister may appoint suitable public officers as Inspectors of Railways for the purposes of this Act.

Appointment and  
duties of Inspectors of  
Railways

(2) Notice of the appointment of every Inspector of Railways shall be published in the *Gazette*.

(3) The duties of an Inspector of Railways shall be-

- (a) to inspect any railway or rolling stock with a view to determining whether the same is fit for the public carriage of passengers or goods;
- (b) by notice in writing under his hand addressed to the railway company, to declare unfit for service any part of a railway or any rolling stock and to report thereon to the Minister;
- (c) to inspect any railway or rolling stock used thereon for the purpose of ascertaining whether the provisions of any written law or of any directions relating to the safety and protection of passengers or goods carried by rail are being complied with;
- (d) to inquire into the qualifications or competence of any employee of a railway company who is engaged in any railway operations and in appropriate cases to require the railway company to relieve any such employee from any duties connected with any railway operations;
- (e) to make inquiries, in accordance with the provisions of this Act, into the cause of any accident on any railway;
- (f) to perform such other functions as are conferred or imposed upon him under the provisions of this Act or any other written law; and

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- (g) to perform any other functions as the Minister may direct in relation to the safety and protection of passengers of goods carried by rail.

(4) For the purposes of this section-

"railway operations" means anything connected with the actual operation and maintenance of railways and rolling stock, but does not include any administrative functions.

**29.** (1) Every Inspector of Railways shall, for the purpose of performing his functions under this Act, have power-

Powers of Inspectors of Railways

- (a) to enter, inspect and examine any premises of any railway company at all reasonable times by day or night;
- (b) to interrogate and take written statements from any employee or agent of any railway company;
- (c) to make inquiries regarding the state and condition of any building, works, rolling stock or other thing used, or intended to be used for, or in connection with, the public carriage of passengers or goods by rail;
- (d) to require the production of any book or document other than a communication between a railway company and its lawyers, which appears to him to be necessary to inspect;
- (e) by notice in writing under his hand addressed to the railway company, to require any employee or agent of the railway company to attend before him and provide answers or returns to such inquiries as he may think fit to make from such employee or agent.

(2) No action or other legal proceedings shall be instituted against an Inspector of Railways in respect of any act done or omitted to be done by him in good faith in the exercise or purported exercise of his functions under this Act.

**30.** It shall be the duty of every railway company-

Duties of railway company in respect of functions of Inspectors of Railways

- (a) to comply with any directions given by an Inspector of Railways under the provisions of this Act;
- (b) to give an Inspector of Railways such assistance as may be reasonably required for the efficient performance by him of his functions under this Act; and
- (c) to provide such information to him as he may reasonably require for the purpose of, or in connection with, the exercise of his powers and the performance of his duties under this Act.

PART VII OPENING NEW RAILWAY AND PUTTING INTO SERVICE NEW TYPE OF ROLLING STOCKPART VII

OPENING NEW RAILWAY AND PUTTING INTO SERVICE NEW TYPE OF ROLLING STOCK

**31.** No railway company shall open a new railway or put into service a new type of rolling stock otherwise than in accordance with the provisions of this Part.

Restriction on opening new railway or using new type of rolling stock

**32.** (1) Subject to the provisions of subsection (2), every railway company shall, not less than one month before it proposes to open a railway for the public carriage of passengers or goods or put into service a new type of rolling stock, give to the Minister notice in writing of its intention to do so.

Notice of proposed opening of railway or use of new type of rolling stock

(2) The Minister may in any particular case reduce the period of, or dispense with, the notice required under the provisions of subsection (1).

**33.** A railway company shall not open a railway for the public carriage of passengers or goods, or put into service on a railway a new type of rolling stock, until the Minister, or an Inspector of Railways authorised in that behalf by the Minister, has approved in writing the opening of such railway, or the putting into service on the railway of such new type of rolling stock.

Condition precedent to opening railway or putting into service new type of rolling stock

**34.** (1) The approval in writing required under the provisions of section *thirty-three* shall not be given until an Inspector of Railways has, after inspection in that behalf, reported in writing to the Minister that-

Procedure for approval

- (a) he has made a careful inspection of the railway and the rolling stock;
- (b) the moving and fixed dimensions approved by the Minister have not been infringed;
- (c) the weight of rails, strength of bridges, general structural character of the works, and the size of and maximum gross load upon the axles of rolling stock are such as have been approved by the Minister;
- (d) the regulations and instructions necessary for the working of the railway when open for the public carriage of passengers and goods or for putting into service the new type of rolling stock have been issued by the railway company; and
- (e) in his opinion, the railway may be opened for the public carriage of passengers and goods or the new type of rolling stock may be put into service, without danger to passengers or goods carried by rail.

(2) If, in the opinion of an Inspector of Railways, the railway cannot be opened or the new type of rolling stock cannot be put into service without danger to passengers or goods carried by rail, he shall state that opinion together with the reasons therefor to the Minister and the Minister may thereupon direct the railway company to postpone the opening of the railway or the putting into service of the new type of rolling stock and the railway company shall give effect to such directions.

(3) Any direction given by the Minister under the provisions of subsection (2) shall state the requirements to be complied with as a condition precedent to the opening of the railway or the putting into service of the new type of rolling stock, and shall direct the postponement of the same until the requirements have been complied with or the Minister is otherwise satisfied that the railway can be opened or the new type of rolling stock can be put into service without danger to passengers or goods carried by rail.

(4) The approval in writing required under the provisions of section *thirty-three* may be either absolute or subject to such conditions as may be deemed necessary for the safety of passengers or goods carried by rail.

(5) Where the approval in writing required under the provisions of section *thirty-three* is given subject to conditions, the railway company shall not open the railway or put into service the new type of rolling stock until the conditions are fulfilled to the satisfaction of the Minister or an Inspector of Railways authorised in that behalf by the Minister.

**35.** (1) The provisions of sections *thirty-one*, *thirty-two*, *thirty-three* and *thirty-four* shall apply *mutatis mutandis* to the opening of works to which this section applies when such works form part of, or are directly connected with, a railway used for the public carriage of passengers or goods, or which were approved prior to its construction when the plans and designs were approved by the Minister.

Alteration of railway

(2) This section applies to additional lines of railway, deviation lines, sidings, stations, junctions, level crossings, bridges and any alteration or reconstruction materially affecting the structural character of the railway.

**36.** (1) When an accident has occurred resulting in temporary suspension of traffic and either the original line and works have been restored to their original standard, or a temporary diversion has been laid for the purpose of restoring communication, before an Inspector of Railways has conducted an inspection of such restoration or diversion, the original line and works so restored or the temporary diversion so laid, as the case may be, may be opened for the public carriage of passengers or goods when the employee in charge of the works undertaken by reason of the accident has certified in writing to the railway company that the opening of the restored line and works, or the temporary diversion, will not in his opinion be attended with danger to passengers or goods carried by rail.

Accidents, temporary suspension of traffic, temporary diversion, etc.

(2) A notice by telegraph of the opening of the line and works or the diversion under the provisions of subsection (1) shall be sent, as soon as practicable, to an Inspector of Railways by such railway company.

**37.** (1) Where, after inspecting a railway used for public carriage of passengers or goods or rolling stock used thereon, an Inspector of Railways is of the opinion that the use of the railway or of any specified rolling stock will be attended with danger to passengers or goods carried by rail, he shall state that opinion, together with his reasons therefor, to the Minister and the Minister may thereupon direct the railway company that the railway be closed for public carriage of passengers or goods or that the use of the rolling stock specified in the direction be discontinued or that the railway or the rolling stock specified in the direction be used for the public carriage of passengers or goods on such conditions as may be specified in the direction by the Minister.

Power to close railway or to discontinue use of rolling stock

(2) Any direction given by the Minister under the provisions of subsection (1) shall state the grounds on which the direction is based.

**38.** (1) When a railway has been closed under the provisions of section *thirty-seven* it shall not be re-opened for the public carriage of passengers or goods until-

Re-opening of closed railway, etc.

(a) an Inspector of Railways has made a report to the Minister; and

(b) the Minister has approved in writing the re-opening thereof.

(2) When the Minister has directed under the provisions of section *thirty-seven* that the use of rolling stock specified in the direction be discontinued, the railway company shall not put into service the specified rolling stock until-

(a) an Inspector of Railways has made a report to the Minister; and

(b) the Minister has approved in writing that the rolling stock may be put into service.

**39.** (1) The Minister may, by statutory instrument, delegate to an Inspector of Railways the exercise of any of his powers or the performance of any of his duties under this Part.

Delegation of Minister's powers

(2) The Minister may vary or cancel any approval or direction given by an Inspector of Railways in exercise of the powers or the performance of the duties delegated to him under subsection (1).

(3) The Minister may exercise a power or perform a duty notwithstanding that he has delegated the exercise or performance thereof to an Inspector of Railways.

PART VIII ACCIDENTSPART VIII

ACCIDENTS

**40.** When an accident occurs in the course of any operations carried on by any railway company which- Duty to report accidents

- (a) is attended, or is of a kind usually attended, with loss of human life, or with serious injury to any person or property;
- (b) involves any collision or averted collision between two or more trains;
- (c) involves the derailment of any train, or of any part thereof carrying passengers;
- (d) involves any collision between a train and any motor vehicle;
- (e) occurs in midsection;
- (f) involves cases of landslides or breaches by rain or floods causing interruption of through-communication for twenty-four hours or more; or
- (g) occurs in such circumstances or is of such a kind as the Minister may specify in directions given to the railway company;

such railway company shall, as soon as possible, give notice thereof to the Minister and to an Inspector of Railways, and in the case of an accident involving loss of life or serious injury to any person, such railway company shall cause the matter to be reported to the nearest police station.

**41.** (1) The Minister may order an inquiry into any accident referred to in section forty to be made by an Inspector of Railways or by any other person and for that purpose he may prescribe the procedure for the making of such inquiry, specify the person by whom it shall be made, the remuneration to be paid to such person and to witnesses and the place where, and the time at which, it shall be held. Inquiries into accidents

(2) Any expenses incurred in connection with an inquiry made under subsection (1) shall be paid out of the moneys appropriated by Parliament for the purpose.

(3) The Inspector of Railways or the person making an inquiry under subsection (1) shall, for the purpose of such inquiry, have such powers relating to the summoning and examination of witnesses and the production of documents as the Minister may, by statutory instrument, prescribe.

(4) The Inspector of Railways or the person by whom an inquiry is made under subsection (1) shall prepare a report on the accident, setting out *inter alia* the cause or probable cause of the accident, the persons, if any, responsible for the accident, the adequacy of relief measures and the steps, if any, which have been taken, or should be taken, with a view to avoiding a recurrence thereof, and shall submit such report to the Minister.

**42.** Every railway company shall submit to the Minister a return of all accidents occurring on its railway in such form and such manner and at such intervals as the Minister may direct.

Submission of returns of accidents

## PART IX RAILWAY OPERATIONS

### RAILWAY OPERATIONS

**43.** (1) A railway company may, subject to the provisions of this Act-

Powers of railway company to determine conditions for carriage of passengers and luggage

- (a) determine the conditions upon which passengers and luggage shall be carried by it and different conditions may be determined in different cases; and such conditions shall be published in the Tariff Book and shall have effect from the date of such publication or from such later date as may be specified therein;
- (b) determine the fares and other charges for the carriage of passengers and luggage by it; and such fares and other charges shall be published in the Tariff Book and shall have effect from the date of such publication or from such later date as may be specified therein:

Provided that provision shall be made for the carriage free of charge of a specified amount of baggage by a passenger, and different amounts may be determined for passengers travelling by different classes;

- (c) determine the different classes of accommodation available to passengers in its trains or vehicles.

(2) Notwithstanding the provisions of subsection (1), a railway company may, in relation to the special circumstances of any particular case, determine the conditions, fares and other charges applicable to such case for the carriage of passengers or luggage by it and such conditions, fares and other charges shall have immediate effect in relation to such case:

Provided that such conditions, fares and other charges shall, as soon as practicable after such determination, be published in the Tariff Book.

**44.** Subject to the provisions of this Act, any person who has tendered to an authorised employee the proper fare for the ticket he desires shall be entitled to obtain such ticket and to be carried as a passenger by the railway company in accordance with the conditions subject to which such ticket is issued:

General right of persons to be carried as passengers



Provided that if, in the opinion of an authorised employee, a person who applies for a ticket, or a person in possession of a ticket or free pass, appears to be-

- (i) suffering from any mental disorder;
- (ii) suffering from any contagious or infectious disease; or
- (iii) under the influence of alcohol or drugs to such an extent as to be likely to cause annoyance or injury to other persons;

such person shall not be entitled to obtain such ticket or to be carried as a passenger save in accordance with any special provisions dealing with the carriage of any such person.

**45.** (1) Every ticket and free pass for use on a railway shall be issued subject to the provisions of this Act and, in addition to any other conditions prescribed under this Act, to the condition that-

General conditions on which tickets, etc., are to be issued

- (a) there is room available in the train or vehicle of the class for which the ticket or free pass is issued;
- (b) an authorised employee may require the passenger to move from one compartment to another of the same class for the purpose of the better use of the accommodation of such train or vehicle; and
- (c) the passenger shall, on being required to do so, present his ticket or free pass for examination by an authorised employee and shall deliver up such ticket or pass to such employee-
  - (i) in the case of a ticket or free pass issued for a particular journey, at or near the end of such journey:
  - (ii) in the case of a season ticket or free pass, upon the expiry of the period for which it was issued.

(2) If no such room as is referred to in paragraph (a) of subsection (1) is available, the holder of a ticket may-

- (a) obtain a refund of the fare which he has paid on returning his ticket to an authorised employee as soon as practicable; or
- (b) elect, subject to their being room available, to travel in a lower class and shall, upon drawing as soon as practicable the attention of an authorised employee to such fact, be entitled to obtain from such employee a certificate that he is entitled to a refund and shall, on presenting that certificate to the railway company, be entitled to a refund of the difference between the fare which he paid and the fare payable in respect of the class in which he travelled:

Provided that the provisions of this subsection relating to a refund shall not apply to the holder of a season ticket.

**46. (1) Any person who-**

Fares, etc., payable by person travelling without valid ticket, etc.

- (a) travels on any train or vehicle without a valid ticket or free pass; or
- (b) being in, or having come from, any such train or vehicle does not present his ticket or free pass for examination or does not deliver up his ticket or free pass in accordance with the conditions on which the ticket or free pass is issued;

shall be liable to pay on demand by an authorised employee the fare for the distance he has travelled or proposes to travel and, in addition, such excess charges as may be specified in the Tariff Book; and for the purpose of ascertaining such fare it shall be presumed that such person has travelled from the station-

- (i) from which the train or vehicle originally started; or
- (ii) if the tickets or free passes of passengers have been examined during the journey and found to be in order, from the place where they were last examined and found to be in order;

unless he satisfies such authorised employee to the contrary.

**(2) Any person who-**

- (a) travels in a class of a train or vehicle higher than that for which he is in possession of a valid ticket or free pass; or
- (b) travels on a train or vehicle beyond the place authorised by his ticket or free pass;

shall be liable to pay on demand by an authorised employee a fare equal to the difference between the fare he has paid and that which he should have paid and, in addition, such excess charges as may be specified in the Tariff Book.

(3) If, on demand by an authorised employee, any person refuses to pay the fare and excess charge for which he is liable under this section, any authorised employee or any police officer may arrest such person without warrant, and as soon as practicable thereafter shall bring him before a magistrate having jurisdiction to try him or to commit him for trial.

**47. (1)** Subject to the provisions of this Act, every passenger shall, on payment of the appropriate charge, if any, be entitled to deliver his luggage to an authorised employee for carriage by the railway company in the appropriate part of a train or vehicle and to obtain a receipt for each piece of such luggage so delivered.

Conditions of carriage of luggage

(2) Luggage shall be carried by a railway company subject to the provisions of this Act and, in addition to any other conditions prescribed under this Act, to the condition that-

- (a) unless the luggage is delivered to an employee of the railway company for carriage in accordance with the provisions of subsection (1), it shall be carried at the risk of the passenger; and
- (b) the provisions of this Act in respect of the carriage of goods shall apply to the carriage of luggage, save in so far as it is otherwise specifically provided.

**48.** (1) A railway company may, subject to the provisions of this Act, determine-

Railway company may determine conditions for carriage of goods, etc.

- (a) the conditions upon which goods shall be carried or warehoused by it and different conditions may be determined in different cases; and such conditions shall be published in the Tariff Book and shall, subject as aforesaid, have effect from the date of such publication or from such later date as may be specified therein;
- (b) the rates and other charges for the carriage or warehousing of goods and for any other service or facility provided by it; and such rates and other charges shall be published in the Tariff Book and shall, subject as aforesaid, have effect from the date of such publication or from such later date as may be specified therein.

(2) Notwithstanding the provisions of subsection (1), a railway company may, in relation to the special circumstances of any particular case, determine the conditions, rates and other charges applicable to such case for the carriage or warehousing of goods by it or for any other service or facility; and such conditions, rates and other charges shall have immediate effect in relation to such case:

Provided that such conditions, rates and other charges shall, if they are of a continuing nature, be available to the public on request.

**49.** Subject to the provisions of this Act, any person who has tendered to an authorised employee the appropriate rates and other charges, and has complied with the conditions upon which goods may be accepted for carriage by the railway company, shall be entitled to obtain a receipt for such goods and have such goods carried in accordance with the conditions of carriage:

General right to have goods carried

Provided that if, in the opinion of an authorised employee-

- (i) any animal tendered for carriage appears to be suffering from any infectious or contagious disease;

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- (ii) any goods tendered for carriage are goods to which section *fifty-four* applies;
- (iii) any goods tendered for carriage exceed the maximum weight or dimensions specified in the Tariff Book;
- (iv) any goods tendered for carriage are improperly or insufficiently packed;
- (v) any animal tendered for carriage is wild or dangerous;
- (vi) the carriage of any goods would at any stage of the transit thereof be contrary to any law; or
- (vii) facilities for dealing with the goods tendered for carriage are not available at the place where such goods are tendered or at the place of destination or at any place *en route*;

the person tendering such goods for carriage shall not be entitled to have such goods carried, save when such goods are accepted for carriage in accordance with any special provisions dealing with the carriage of such goods.

**50.** (1) The consignor of, or the person tendering any goods to a railway company for carriage or warehousing and, on request by an authorised employee, the consignee of, or the person receiving, any goods which have been carried or warehoused by the railway company, shall deliver to an authorised employee an account in writing signed by such consignor, person or consignee, as the case may be, containing such description of the goods as may be sufficient to enable such employee to determine the rates and charges payable in respect of the carriage or warehousing thereof.

Description, etc., of  
goods to be delivered

(2) Any authorised employee may, for the purpose of checking any account delivered under subsection (1) require such consignor, person or consignee, as the case may be, to permit him to examine such goods.

(3) If such consignor, person or consignee fails to deliver the account referred to in subsection (1) or to permit such goods to be examined as required under subsection (2), an authorised employee may-

- (a) in respect of goods which are tendered for carriage or warehousing, refuse to accept the goods for such carriage or warehousing unless in respect thereof a rate or charge not exceeding the highest rate or charge payable for any class of goods is paid; or
- (b) in respect of goods which have been carried, refuse to deliver such goods unless in respect thereof a rate or charge not exceeding such highest rate or charge as is referred to in paragraph (a) is paid.

(4) If, in respect of goods which have been carried or warehoused, an account delivered under subsection (1) is found to be false in any material particular with respect to the description of any goods to which it purports to relate, an authorised employee may refuse to deliver such goods unless, in respect of the carriage or warehousing of the goods, a rate or charge not exceeding double the highest rate or charge payable for any class of goods is paid.

**51.** (1) Where any person fails to pay on demand made by an authorised employee any fare, rate or charge due from him as a passenger or in respect of any goods, a railway company may detain the whole or any part of such goods, including the luggage of the passenger or, if the value of the goods is, in the opinion of such authorised employee, insufficient to pay for such fare, rate or charge due or if such goods have been removed from the possession of the railway company, any other goods of such person which may be in, or may thereafter come into, the possession of the railway company.

Goods may be sold to pay fares, rates, etc.

(2) Where any goods have been detained under subsection (1), the railway company may, if the fare, rate or charge due is not sooner paid, sell by public auction sufficient of such goods to produce the fare, rate or charge so owing as well as the expenses of such detention and sale; and in the case of-

- (a) perishable goods, such auction may take place as soon as practicable;
- (b) any other goods, such auction may take place on the expiry of at least fifteen days' notice, published in one or more local newspapers, of the intended auction:

Provided that no imported goods shall be sold under this section until they have been entered for home consumption in accordance with the provisions of any customs law in force in the Republic.

(3) The railway company may, out of the proceeds of any sale effected under subsection (2), retain a sum equal to the fare, rate or charge due as well as the expenses of the detention and sale; and shall deliver the balance, if any, of such proceeds together with such of the goods, if any, as remain unsold to the person appearing to the railway company to be entitled thereto:

Provided that if such person fails, after notice to do so, to remove within a reasonable time the goods, if any, remaining unsold, the railway company may sell such goods and dispose of the proceeds of such sale in accordance with the provisions of this section.

(4) Nothing in this section shall prejudice the right of the railway company to recover any such fare, rate or charge, or any part thereof, by any other lawful means.

**52.** (1) Where any goods in the possession of a railway company are not claimed by the owner or any other person appearing to the railway company to be entitled thereto, the railway company shall, if such owner or person is known, take all reasonable steps to cause a notice to be served upon him requiring him to remove the goods.

Unclaimed goods in possession of railway company

(2) If-

- (a) the owner of any goods referred to in subsection (1) is not known or no person appears to be entitled thereto; or
- (b) the notice referred to in subsection (1) cannot for any reason be served; or
- (c) there has been non-compliance with the provisions of any notice served under subsection (1);

the railway company may, within a reasonable time, being not less than three months (except in the case of perishable goods), sell the goods and retain the proceeds of the sale thereof:

Provided that no imported goods shall be sold under this section until they have been entered for home consumption in accordance with the provisions of any customs law in force in the Republic.

**53.** Where-

- (a) any goods, or the proceeds of the sale of any goods are in the possession of a railway company and such goods or proceeds are claimed by two or more persons; or
- (b) any person claiming any goods in the possession of a railway company does not produce valid documents showing that he is entitled to take delivery thereof;

Indemnity where goods claimed by two persons, etc.

the railway company may withhold delivery of such goods or proceeds until the person appearing to the railway company to be entitled thereto has given an indemnity to its satisfaction against the claim of any other person with respect to such goods or proceeds.

**54.** (1) No person shall take with him upon any train or vehicle of a railway company or tender to it for carriage or warehousing any goods to which this section applies without giving notice of the nature of such goods-

Dangerous or offensive goods, etc.

- (a) in the case of goods taken by a person, to the employee in charge of the station at which such person commences his journey; or
- (b) in the case of goods tendered for carriage or warehousing, to the employee to whom such goods are tendered.

(2) An authorised employee may-

- (a) refuse to permit any goods to which this section applies to be taken by any person upon any train or vehicle of the railway company;
- (b) refuse to accept such goods for carriage or warehousing, or accept them only in accordance with any special provisions dealing with the carriage or warehousing of any such goods;
- (c) require any such goods to be marked and packed in such manner as he may direct.

(3) Where an authorised employee has reason to believe that any goods to which this section applies are being carried or warehoused, or have been accepted for carriage or warehousing, in contravention of the provisions of subsection (1) or (2), he may examine such goods and if, on examination, they are found to be goods to which this section applies, he may order their removal from any train, vehicle or premises of the railway company.

(4) Goods to which this section applies are any dangerous or offensive goods or any goods which are likely to cause damage to persons or property.

(5) Nothing in this section shall-

- (a) derogate from the provisions of any written law in force in the Republic relating to the possession or transportation of explosives, petroleum, firearms or ammunition;
- (b) apply to any goods carried by any member of any military force established for the defence of the Republic, or by any police officer, in the course of his duty.

**55.** Subject to the provisions of this Act, a railway company shall have power to fix and alter from time to time the rates, fares and other charges for the services and facilities provided by it.

Power to fix rates, fares and other charges

**56.** (1) Whenever a railway company considers that the main-tenance of any structure of rates, fares and other charges in respect of the services provided by it under this Act will produce a greater or lesser revenue than is reasonably required to cover operating expenses, financial commitments and the replacement of assets, it may, subject to the approval of the Minister, make such alteration in the said rates, fares or other charges as may be necessary to produce in future years an appropriate increase or decrease, as the case may require, in its revenue, and, in considering any proposals for such alterations, it shall disregard any revenue derived from traffic or services of a temporary or non-continuing nature.

Alteration of rates, fares and other charges

(2) Whenever a railway company proposes to alter any rates, fares or other charges under section *fifty-five* it shall-

- (a) give reasonable notice to the public of the proposed alteration; and
- (b) state in such notice that objections by the public to the proposed alterations may be made in writing to the Minister.

(3) Any objection to a proposed alteration of rates, fares or other charges of which notice is given by a railway company under subsection (2), shall be submitted to, and decided upon, by the Minister, whose decision on the matter shall be final.

**57.** (1) Every railway company shall prepare and publish in such manner as it may think fit-

Preparation of Tariff Book, etc.

- (a) a Tariff Book containing all matters which under this Act are required to be contained therein, together with such other matters as under this Act may be determined by the railway company;
- (b) such other books, time-tables and other documents as are required to be kept under this Act.

(2) There shall be available for public inspection at every booking office of a railway company-

- (a) a copy of its Tariff Book containing all amendments for the time being in force;
- (b) a list specifying the fares for the carriage of passengers by it from the place at which the list is kept to every other place to which bookings are commonly made; and
- (c) a time-table of the passenger transport services operated by it.

**58.** (1) Every railway company shall determine-

Determination of maximum load, etc.

- (a) the maximum load for each of its wagons and no wagon shall, except with the permission of an Inspector of Railways, be loaded in excess of such maximum load;
- (b) the maximum number of passengers that may be carried in any compartment of a coach of a train, or vehicle of the railway company.



(2) Every railway company shall cause the maximum load determined under subsection (1) in respect of every wagon to be marked in a conspicuous manner on such wagon.

PART X RESPONSIBILITY OF RAILWAY COMPANY AS CARRIER AND  
WAREHOUSEMANPART X

RESPONSIBILITY OF RAILWAY COMPANY AS CARRIER AND WAREHOUSEMAN

**59.** (1) A railway company shall not be liable for the loss of life of, or personal injury to, any passenger except where such loss of life or personal injury is caused by want of reasonable care, diligence or skill on the part of the railway company or of any of its employees or agents: Liability for loss of life, etc., of passengers

Provided that nothing in this subsection shall impose upon the railway company any liability from which it is exempt under the provisions of this Act.

(2) A railway company shall not in any circumstances be liable for the loss of life of, or personal injury to, any passenger-

- (a) who is travelling, whether with or without permission, in any part of its train or vehicle other than a part normally provided for the use of passengers during travelling;
- (b) who, not being its employee on duty, is travelling over a railway in the course of construction whether with or without permission;
- (c) who, at the time such loss of life or injury occurred, was being carried by any transport service other than one provided by, or under the control of, the railway company;

and to avoid liability in accordance with the provisions of this subsection it shall not be necessary for notice to be given to such passenger of the conditions on which he travels, and it shall be immaterial whether or not such passenger is an infant.

**60.** A railway company shall not be liable for any loss arising from delay to any passenger caused by- No liability for delay to passengers

- (a) the failure of any train or vehicle to start on or to complete any journey;
- (b) the late starting or late arrival of any train or vehicle;

**61.** Subject to the provisions of this Act, except when the owner or consignor or his representative accompanies the property and retains control thereof, a railway company shall be liable for any loss or misdelivery of, or damage to, goods occurring, while such goods are in transit, from any cause whatsoever unless it proves that such loss, misdelivery or damage arose from-

Liability for loss, etc.,  
of goods in transit

- (a) act of God;
- (b) act of war or an act of an enemy of the Republic;
- (c) seizure under legal process;
- (d) act or order of the Government;
- (e) act or omission of the consignor, his servant or agent;
- (f) inherent liability to wastage in bulk or weight, latent or inherent defect or natural deterioration of the goods; or
- (g) casualty, including fire or explosion:

Provided that-

- (i) where such loss, misdelivery or damage occurs in any of the cases specified in this section owing to failure of the railway company or of any of its employees or agents to use reasonable foresight and care in the carriage of such goods, the railway company shall not be relieved from liability for such loss, misdelivery or damage;
- (ii) the railway company shall not be liable for loss, mis-delivery or damage in respect of goods in relation to which an account false in any material particular has been given under subsection (1) of section *fifty* or any incorrect or insufficient address for delivery has been given and such loss, misdelivery or damage is in any way caused by such false account or incorrect or insufficient address;
- (iii) the railway company shall not in any circumstances be liable for loss, misdelivery or damage in respect of goods-
  - A. where there has been fraud on the part of the consignor;
  - B. unless a document acknowledging receipt of such goods for carriage by the railway company has been given;
  - C. which at the time such loss, misdelivery or damage occurred were being carried by any transport service other than one provided by, or under the control of, the railway company;
  - D. where there is a loss of a particular market, whether held daily or at intervals;
  - E. where such loss, misdelivery or damage arises from insufficient packing or incorrect address; or
  - F. where such loss, misdelivery or damage arises from riots, civil commotions, strikes, lockouts, stoppage or restraint of labour from whatever cause, whether partial or general.

**62.** A railway company shall not be liable for any loss arising from the detention, delay or deviation in the carriage of goods unless such detention, delay or deviation is caused by want of reasonable foresight and care on the part of the railway company or of any of its employees or agents:

Liability for delay, etc.,  
of goods

Provided that the railway company shall not in any circumstances be liable for any loss arising from such detention, delay or deviation-

- (i) where there has been fraud on the part of the consignor;
- (ii) unless a document acknowledging the receipt of such goods for carriage by the railway company has been given;
- (iii) which at the time such detention, delay or deviation occurred were being carried by any transport service other than one provided by, or under the control of, the railway company;
- (iv) where there is a loss of a particular market, whether held daily or at intervals; or
- (v) where such detention, delay or deviation arises from in-sufficient packing or incorrect address; or
- (vi) where such detention, delay or deviation arises from riots, civil commotions, strikes, lockouts, stoppage or restraint of labour from whatever cause, whether partial or general.

**63.** (1) The liability of a railway company in respect of any animal shall not in any case exceed the appropriate amount set out in the Tariff Book, unless at the time of the acceptance of such animal by the railway company for carriage the consignor, or his agent, declared that the value of the animal exceeded such appropriate amount and paid, or agreed to pay, such additional charges as may be specified in the Tariff Book in respect of such excess value; and thereupon the liability of the railway company shall not in any case exceed such declared value.

Limitation of liability for animals

(2) In any proceedings against a railway company for the recovery of any sum in respect of any animal, the burden of proving the value of the animal and, where the animal has been injured, the extent of the injury, shall be upon the claimant.

**64.** (1) The liability of a railway company in respect of any article specified in the Schedule, and contained in any parcel or package, shall not, in any circumstances, exceed one hundred kwacha unless at the time of acceptance of such parcel or package by the railway company for carriage, the consignor or his agent declared that the value of such article exceeded one hundred kwacha and paid, or agreed to pay, such additional charges as may be specified in the Tariff Book in respect of such excess value; and thereupon the liability of the railway company shall not in any case exceed such declared value.

Limitation of liability for loss, etc., of specified articles

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(2) It shall be a condition of carriage by a railway company of any parcel or package containing any article, the value of which has been declared to be in excess of one hundred kwacha, that the contents of such parcel or package may be inspected by an authorised employee at the time of such declaration.

(3) In any proceeding against a railway company for the recovery of any sum in respect of any article, the value of which has been declared to be in excess of one hundred kwacha, the burden of proving the value of the article and of any loss or damage thereto shall be upon the claimant.

(4) The Minister may by statutory instrument amend the provisions of the Schedule or vary the amount of the maximum liability of any railway company as specified in this section.

**65.** The liability of a railway company in respect of any goods carried by it in relation to which an account false in any material particular has been given under subsection (1) of section *fifty* shall not in any case exceed the value of the goods as calculated in accordance with the description contained in such false account.

Limitation of liability for loss, etc., where false account given

**66.** (1) The liability of a railway company for carriage of goods as prescribed in this Act shall not be limited in any manner otherwise than by contract made in accordance with the provisions of this section.

Limitation of liability by contract

(2) A contract purporting to limit the liability of a railway company for carriage of goods shall, to the extent to which it purports to limit such liability, be void unless it is in writing and signed by or on behalf of the person delivering the goods to the railway company.

**67.** (1) Subject to the provisions of this Act, a railway company shall not be liable for the loss, misdelivery or detention of, or damage to, goods-

Liability for loss, etc., of goods

(a) delivered to, or in the custody of, the railway company otherwise than for the purpose of carriage;

(b) accepted by the railway company for carriage where such loss, misdelivery, detention or damage occurs otherwise than while the goods are in transit;

except where such loss, misdelivery, detention or damage is caused by want of reasonable foresight or care on the part of the railway company or of any of its employees or agents:

Provided that the railway company shall in no case be liable for such loss, misdelivery, detention or damage arising from-

- (i) act of God;
- (ii) act of war or an act of an enemy of the Republic;
- (iii) seizure under legal process;
- (iv) act or order of the Government;
- (v) act or omission of the consignor, consignee or depositor, or of any servant or agent of any such person;
- (vi) fire, floods, tempest, riots, civil commotions, strikes, lockouts, stoppage or restraint of labour from whatever cause, whether partial or general;
- (vii) inherent liability to wastage in bulk or weight, latent or inherent defect or natural deterioration;
- (viii) deficiency in the contents of unbroken packages; or
- (ix) improper or insufficient packing, or leakage from defective drums, containers or packages.

(2) Where such loss, misdelivery, detention or damage occurs in relation to goods accepted by a railway company for carriage otherwise than while such goods are in transit, the limitation of the liability of the railway company contained in sections *sixty-three*, *sixty-four* and *sixty-five*, or under any contract under section *sixty-six*, shall apply.

(3) Where such loss, misdelivery, detection or damage occurs in relation to goods accepted by a railway company for warehousing, the limitation of the liability contained in section *sixty-five* shall apply.

**68.** (1) The liability of a railway company for any loss or misdelivery of, damage to or delay in the delivery of, any goods deposited in a cloakroom shall not in any case exceed one hundred kwacha unless at the time of such deposit the person depositing such goods declared that the value thereof exceeded that amount and paid, or agreed to pay, such additional charge as may be specified in the Tariff Book in respect of such excess value; and thereupon the liability of the railway company shall not in any case exceed such declared value.

Limitation of liability for loss, etc., of goods deposited in cloakroom

(2) For the purpose of this section, the expression "cloakroom" means any place provided by a railway company in connection with the transport services provided by it as a facility for the temporary deposit of goods by passengers and other persons.

**69.** (1) A railway company shall not be liable for any loss or damage caused by fire from any of its engines to any building, or any property therein, if any part of such building is within sixty metres of the rails of the railway company.

Liability for damage caused by fire

(2) Subject to the provisions of subsection (1), a railway company shall be liable for any loss or damage caused by fire from any of its engines where there is proof of negligence in the working of the construction of such engine.

(3) Subject to the provisions of subsection (1), a railway company shall be liable for any loss or damage caused by fire from any of its engines without proof of any such negligence as is mentioned in subsection (2) if-

- (a) such loss or damage is caused to the owner or occupier of any land which is contiguous to land occupied by the railway company; and
- (b) at the time of such loss or damage such owner or occupier maintained upon such land a firebreak in good condition; and
- (c) where no firebreak in good condition was maintained at the time by the railway company, such owner or occupier had given notice in writing of such fact to the railway company at least one month prior to the occurrence of such loss or damage; and
- (d) the owner or occupier suffering any such loss or damage gives to the railway company-
  - (i) within fourteen days of the occurrence of such loss or damage notice in writing thereof; and
  - (ii) within twenty-one days of the occurrence of such loss or damage, particulars in writing of his claim or damage suffered by him:

Provided that the maximum compensation payable by a railway company under the provisions of this subsection shall not exceed one thousand kwacha.

**70.** In any proceedings against a railway company for compensation under the provisions of sections *sixty-one*, *sixty-two* or *sixty-seven*, it shall not be necessary for the person claiming compensation to prove how such loss, misdelivery, damage, detention, delay or deviation referred to in those sections was caused.

Burden of proof

**71. (1)** No person shall be entitled to compensation for non-delivery of the whole of a consignment of goods, or of any separate package forming part of such consignment, accepted by a railway company for carriage or warehousing unless a claim in writing, giving such particulars as may reasonably be necessary, is given to the railway company within six months of the date on which such goods were accepted by the railway company.

Notice of claim

(2) No person shall be entitled to compensation for any goods missing from a packet or unpacked consignment of, or for mis-delivery of, damage or delay to, detention of or deviation in the carriage of, any goods accepted by a railway company for carriage or warehousing unless-

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- (a) the railway company is notified of such facts in writing within four days of the date on which such goods were delivered, or offered by the railway company for delivery, to the consignee or person entitled to take delivery thereof; and
- (b) a claim in writing, giving such particulars as may reasonably be necessary, is given to the railway company within one month of such date.

(3) Where the person claiming compensation proves that it was impracticable for him to notify, or give to the railway company his claim as set out in subsections (1) and (2), within the time specified therein, and that such notification or claim was made or given in reasonable time, nothing in those subsections shall prejudice the right of such person to obtain compensation.

**72.** (1) Where the amount paid for the carriage of any passenger or goods by a railway company is found to be incorrect, then if such amount is- Overcharge and undercharge

- (a) an overcharge, the passenger or the person who paid the charge shall be entitled to a refund of the amount of the overcharge;
- (b) an undercharge, the railway company shall be entitled to collect the amount of the undercharge from the passenger or the person who paid the charge:

Provided that such overcharge or undercharge shall not be refunded or collected, as the case may be, unless a notice in writing containing such particulars as may be reasonably necessary is given-

- (i) by the person claiming such overcharge to the railway company; or
- (ii) by the railway company to the person from whom the amount of such undercharge is claimed;

within six months after the commencement of the passenger's journey or the acceptance of the goods by the railway company, as the case may be, so however, that where such undercharge is caused by any information or description subsequently found to be incorrect, such period of six months shall commence from the discovery by the railway company of the correct information or description.

(2) Where a ticket issued under the provisions of this Act has not been used, a refund of the amount paid for such ticket shall be made if, within two months of the date of the expiry of the validity of such ticket, a notice in writing containing such particulars as may be reasonably necessary is given to the railway company by the person claiming such refund.

(3) Where the person claiming a refund under subsection (1) or (2) proves that it was impracticable for him to notify the railway company of his claim within the time specified in those subsections and that such notifications were given in reasonable time, nothing in those subsections shall prejudice the right of such person to obtain such refund.

PART XI OFFENCES AND PENALTIESPART XI

OFFENCES AND PENALTIES

**73.** Any person who by any wilful, negligent or careless act or omission obstructs or causes to be obstructed any train or vehicle using the railway, or endangers or causes to be endangered the safety of any person in or upon any train or vehicle using the railway, or aids, assists, counsels or procures any such act or omission shall be guilty of an offence and shall be liable upon conviction to imprisonment for a term not exceeding twenty-one years.

Endangering safety

**74.** Any person who-

Other serious offences

- (a) unlawfully and maliciously puts, places, casts or throws upon or across any railway line any wood, stone or other matter or thing or unlawfully and maliciously takes up, removes or displaces any rail, sleeper or other matter or thing belonging to a railway company, or unlawfully and maliciously turns, moves or diverts any points or other machinery belonging to a railway company, or unlawfully and maliciously makes or shows, hides or removes any signal or light upon or near to any railway line, or unlawfully and maliciously does or causes to be done any other thing with intent to obstruct, upset, overthrow, damage or destroy any train or vehicle using such railway or to endanger the safety of any person travelling by or being upon such railway; or
- (b) unlawfully and maliciously throws or causes to fall or strike at, against, into or upon any train or vehicle used upon the railway any wood, stone or other matter or thing with intent to injure or endanger the safety of any person being in or upon such train or vehicle; or
- (c) unlawfully and maliciously sets fire to, destroys or in any way damages any railway track or way or the rails and appurtenances laid thereon or any station, engine house, warehouse or other building or any train, or vehicle belonging or appertaining to the railway; or
- (d) unlawfully and maliciously sets fire to any matter or thing being in or against or under any building or train or vehicle belonging to a railway company;

shall be guilty of an offence and liable upon conviction to imprisonment for a term not exceeding twenty-one years.

**75.** Any person who-

Minor offences

- (a) not being specifically authorised in that behalf and not being an employee, agent or passenger of a railway company-
  - (i) is found during the hours of darkness on any premises occupied by the railway company;
  - (ii) is found in any area designated by the railway company as dangerous or restricted by the erection of notice boards to that effect; or



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- (iii) refuses to leave premises occupied by the railway company or any train or vehicle of the railway company after being lawfully required to do so by an employee of the railway company or a police officer;
- (b) being on any premises occupied by, or upon any train or vehicle of, a railway company-
- (i) when called upon by an employee of the railway company or a police officer refuses to give his name and address, or gives a false name or address with intent to avoid prosecution; or
  - (ii) is in a state of intoxication or behaves in a violent or offensive manner to the annoyance of any other person; or
  - (iii) discharges any firearm or does anything which may cause injury to any person on such premises or upon such train or vehicle; or
  - (iv) commits any nuisance or act of indecency or uses profane, obscene, indecent or abusive language; or
  - (v) without lawful excuse contravenes any direction lawfully given by any employee of the railway company; or
  - (vi) save with the permission of an authorised employee, hawks, sells or exposes for sale any article or touts, applies for or solicits custom of any description; or

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- (vii) smokes in any part of such premises, train or vehicle bearing a notice that smoking is prohibited in that part; or
- (c) writes, draws or affixes any profane, obscene, indecent or abusive work, matter, representation or character upon any premises occupied by a railway company or upon any train or vehicle of a railway company; or
- (d) defaces the writing on any board or any notice authorised by a railway company or upon any train or vehicle of a railway company; or
- (e) damages or without lawful excuse interferes with any property of a railway company; or
- (f) without lawful excuse, enters or leaves any train or vehicle of a railway company while it is in motion or elsewhere than at the place appointed by the railway company for passengers to enter or leave, or opens any outer door of any train while it is in motion; or
- (g) in the absence of a gate-keeper, omits to shut or to fasten, if any form of fastener is provided, any gate on the railway as soon as such person or any animal, vehicle or other thing under his charge has passed through such gate; or
- (h) knowing, or having reason to believe, that a train is approaching or without having exercised due care to ascertain whether a train is approaching, opens any gate, chain or bar set up on either side of a railway track or drives any animal, vehicle or other thing onto or across such railway track; or
- (i) permits or allows any animal to stray on any properly fenced premises occupied by a railway company; or
- (j) fails to deliver at the earliest possible opportunity to an authorised employee any property which there is reason to believe has been lost or forgotten and is found on any premises, train or vehicle of the railway company; or
- (k) wilfully obstructs or impedes an employee of a railway company in the performance of his duties as such; or
- (l) gives or offers to any employee of a railway company any money or anything of value for the purpose of avoiding payment of any due to the railway company; or
- (m) unlawfully removes any property of or in use by a railway company, or permits any property of or in use by a railway company to be unlawfully in his possession or on his premises; or
- (n) throws from a train any article or substance likely to be a source of danger to, or to cause injury to, any other person; or
- (o) without the prior approval of the railway company, takes or sends or attempts to take or send upon any railway any dangerous animal or any animal not under proper control or any animal suffering from any contagious or infectious disease; or
- (p) being an employee of a railway company, receives from any passenger, or from any other person delivering goods to the railway company for carriage or warehousing, or from any other person making use of the facilities provided by the railway company, any money and fails within a reasonable time not exceeding half an hour to issue a ticket or other receipt for such money; or
- (q) without the permission of an authorised employee, travels in or upon any part of a train or vehicle of the railway company other than the part ordinarily provided for passengers during travel; or
- (r) wilfully obstructs any person acting under the instructions of a railway company in the lawful exercise of its power in setting out or constructing a line of railway, whether originally or for the purpose of any work being done

76. (1) Any person who-

Travelling without valid ticket, etc.

- (a) travels on a train or vehicle of a railway company without a valid ticket or free pass with intent to avoid payment of any fare for which he is liable; or
- (b) having a valid ticket or free pass for a certain distance, knowingly travels on a train or vehicle of a railway company beyond that distance with intent to avoid payment of the fare for the additional distance; or
- (c) travels on a train or vehicle of a railway company by a class higher than the class by which the valid ticket or free pass he holds entitles him to travel, with intent to avoid payment of any additional fare; or
- (d) wilfully refuses to pay the fare and excess charge which, on demand, he is liable to pay under section *forty-six*; or
- (e) travels on a train or vehicle of a railway company with a ticket or free pass, or any portion thereof, purchased or obtained by him from any person other than an authorised employee;

shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five hundred penalty units or to imprisonment for a term not exceeding two months and, in addition, shall be liable to a penalty equal to the fare and excess charge for which he is liable under section *forty-six* or, in the case of an offence under paragraph (e), equal to the single fare for the journey in the class by which the offender has travelled, unless the offender has already paid such penalty to an authorised employee.

(2) Where any penalty imposed under this section is recovered, the amount thereof shall be paid to the railway company concerned.

(3) Nothing in this section shall prejudice the right of the railway company concerned to recover any amounts due from the offender by any other lawful means.

(As amended by Act No. 13 of 1994)

- 77.** Any person who, being a passenger on any train or vehicle of a railway company-
- Offences by passengers
- (a) enters any part thereof reserved for the use of another person, or already containing the maximum number of persons authorised for that part, and refuses to leave that part after being required to do so by an authorised employee; or
  - (b) resists or obstructs the lawful entry of any person into any part thereof not already containing the maximum number of persons authorised for that part; or
  - (c) refuses or fails to obey any lawful direction of an authorised employee relating to the requirements of section *forty-five*; or
  - (d) knowingly enters or refuses to leave any part thereof not intended for the use of passengers; or
  - (e) without reasonable cause, uses or interferes with any means of communication provided thereon for communication between passengers and any employee therein of the railway company; or
  - (f) knowingly enters, or refuses to leave, after being required so to do, any part thereof provided for the exclusive use of persons of a different sex, or entitled to a different class of accommodation;

shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding two hundred and fifty penalty units or to imprisonment for a term not exceeding one month, or to both.

*(As amended by Act No. 13 of 1994)*

- 78.** Any person who-
- Offences relating to tickets
- (a) not being an authorised employee or agent of a railway company, sells or parts with any ticket or free pass, or any portion thereof, in order to enable any other person to travel therewith on a train or vehicle of the railway company; or
  - (b) purchases or obtains any ticket or free pass, or any portion thereof, from any person other than an authorised employee or agent of a railway company; or
  - (c) wilfully alters, obliterates or defaces any ticket or free pass with intent to render any material portion thereof illegible;

shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five hundred penalty units or to imprisonment for a term not exceeding two months, or to both.

*(As amended by Act No. 13 of 1994)*

**79.** Any person who-

- (a) obtains by false pretences or other fraudulent means any ticket or free pass issued by a railway company; or
- (b) with intent to defraud, counterfeits, forges or alters any ticket or free pass; or
- (c) utters or in any way publishes any such forged, counterfeited or altered ticket or free pass;

Forgeries, etc., of tickets

shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding two thousand five hundred penalty units or to imprisonment for a term not exceeding one year, or to both and shall, in addition, be liable to a penalty equal to the fare due in respect of any journey travelled by means of any such ticket or free pass together with the excess charge which on demand he is liable to pay under section *forty-six*.

(As amended by Act No. 13 of 1994)

**80.** Any person who makes, either knowingly or recklessly, any statement which is false in any material particular in any return, claim or other document which is required or authorised to be made under this Act for use by a railway company shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five hundred penalty units or to imprisonment not exceeding two months, or to both.

False returns

(As amended by Act No. 13 of 1994)

**81.** (1) Any person who, in contravention of the provisions of section *fifty-four*-

Unlawfully transporting dangerous goods

- (a) takes with him any goods to which that section applies upon any train or vehicle of a railway company; or
- (b) delivers any such goods to a railway company for carriage or warehousing;

shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding two thousand five hundred penalty units or to imprisonment for a term not exceeding one year, or to both.

(2) Any person who is convicted of an offence under this section shall also be liable for any loss, injury or damage which may be caused by reason of such goods having been so taken upon such train or vehicle or delivered to the railway company for carriage or warehousing; and the court which convicts such offender may order him to pay the amount of any such loss, injury or damage to the person suffering such loss, injury or damage.

(As amended by Act No. 13 of 1994)

**82.** (1) Any person who commits any offence under section *seventy-three*, *seventy-four*, *seventy-five*, *seventy-six*, *seventy-seven* or *seventy-nine* may be arrested without warrant by any authorised employee or by a police officer and shall thereupon, with the minimum possible delay, be taken before a magistrate having jurisdiction to try him or to commit him for trial.

Power of arrest, removal and place of trial

(2) Any person who commits any offence against this Act, other than an offence mentioned in subsection (1), may be arrested without warrant by any authorised employee or by a police officer if-

- (a) there is reason to believe that such person will abscond; or
- (b) such person refuses on demand to give his name and address; or
- (c) there is reason to believe that either the name or the address given by such person is false;

and shall thereupon, with the minimum possible delay, be taken before a magistrate having jurisdiction to try him or to commit him for trial:

Provided that, save where there is reason to believe that such person will abscond, he shall, if his true name and address are ascertained, be released on his executing a bond without sureties for his appearance before a magistrate when required.

(3) Any person who commits an offence under section *seventy-five*, *seventy-six*, *seventy-seven* or *eighty-one*, may be required by any authorised employee or by a police officer to leave the premises occupied by the railway company or the train or vehicle, as the case may be, in which such person is at the time of the commission of the offence; and, if such person fails to comply with such requirement, he may be removed therefrom with such force as may be reasonably necessary in the circumstances.

(4) A person charged with an offence under this Act may be proceeded against, tried and punished in any place in which he may be in custody for that offence as if that offence had been committed in such place; and the offence shall for all purposes be deemed to have been committed in that place.

**83.** Any person who commits an offence under this Act, which is also an offence under the Penal Code or under any other written law, may be proceeded against under this Act or under the Penal Code or under such other written law and the provisions of section *eighty-four* shall apply to all such proceedings.

Offences which are offences under other laws.  
Cap. 87

**84.** A court may order any person convicted before it of an offence under this Act to pay the fare or other charges shown to be due by such person to any railway company, or any damages in respect of injury caused in the commission of the offence by such person to property or premises owned, used or occupied by any railway company, or any costs or expenses incurred by any railway company in the prosecution of such person for the offence, and any sum ordered to be paid may be recovered in accordance with the provisions of the Criminal Procedure Code relating to the recovery of fines.

Recovery of fees and damages  
Cap. 88

**85.** Every railway company shall publish brief particulars of every offence for which any penalty is imposed by this Act affecting persons other than its employees and of the amount of fine or the term of imprisonment for every such offence, and shall cause such particulars to be exhibited at every booking office and such other places as the Minister may direct and such particulars shall be renewed as often as the same or any part thereof is obliterated or destroyed:

Brief particulars of offences and penalties to be exhibited

Provided that the failure to publish such brief particulars of any such offence or penalty or the failure to exhibit them shall not be a defence to a charge in respect of any such offence.

## PART XII OFFENCES BY EMPLOYEES OF RAILWAY COMPANY AND PENALTIESPART XII

### OFFENCES BY EMPLOYEES OF RAILWAY COMPANY AND PENALTIES

**86.** An employee of a railway company who, with intent to defraud, demands, solicits or receives from any passenger, or from any person delivering goods to such railway company for carriage or warehousing or from any person making use of the facilities provided by such railway company, any greater or lesser amount than he should otherwise demand or receive; or similarly demands, solicits or receives any other thing of value, shall be guilty of an offence and liable upon conviction to a fine not exceeding two thousand five hundred penalty units or to imprisonment for a term not exceeding one year, or to both.

Employee of railway company demanding improper amount

*(As amended by Act No. 13 of 1994)*

**87.** (1) Where an employee of a railway company dies or leaves the service of the railway company and, at the time of the death or termination of service, any property of such railway company was in his possession or custody or any premises of the railway company were occupied by him, it shall be the duty of such employee, or in the event of his death, of the person in whose possession or custody such property may be or who may be occupying such premises, as soon as practicable, to deliver such property to the railway company or to vacate such premises, as the case may be.

Property of railway company in custody of its employee, etc.

(2) If any property or premises to which subsection (1) refers is not so delivered or vacated, as the case may be, the railway company shall give notice in writing to the person appearing to it most likely to be in possession of such property or in occupation of such premises to deliver to the railway company such property or vacate such premises within such time as may be specified in the notice; and if such property is not so delivered or such premises are not so vacated within such time, the railway company may, without prejudice to any other means of recovery of such property or premises, apply to a magistrate for an order empowering a police officer, if necessary by force, to enter and search any house or building where such property is believed to be and to deliver such property if found to the railway company or, as the case may require, to evict from such premises any person found therein.

**88.** An employee of a railway company who is convicted of an offence under section *eighty-nine* or *ninety* shall be dismissed from the service of the railway company without any further proceedings being taken.

Dismissal of convicted employees

**89.** An employee of a railway company who-

- (a) by refusal or wilful neglect to carry out his duties properly; or
- (b) by carrying out his duties recklessly or with gross negligence; or
- (c) by wilful disregard of any regulation, lawful order direction or rule applying to him or given to him; or
- (d) by being under the influence of alcohol or dangerous drugs; or
- (e) by contravening any of the provisions of this Act;

Causing dangerous situation by neglect of duty

causes or participates in causing a situation-

- (i) which leads to or might lead to the happening of a reasonably foreseeable contingency, to the derailment of any train or vehicle of such railway company or to a collision involving the property of such railway company; or
- (ii) in which the safety of persons travelling by or working on the railway is or might, on the happening of a reasonably foreseeable contingency, be endangered;

shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding twenty five thousand penalty units or to imprisonment for a term not exceeding seven years, or to both.

*(As amended by Act No. 13 of 1994)*

**90.** An employee of a railway company who while-

- (a) on duty on any train or vehicle; or
- (b) present, even if not on duty, on any locomotive or in any guard's van; or
- (c) on duty having responsibilities related to the movement of traffic or the operation or maintenance of any railway signalling or communication equipment or any part of the permanent way or the repair of any train or vehicle.

Drunkness on duty

is found having consumed alcohol in such quantity that the proportion thereof exceeds the prescribed limit, shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding twenty five thousand penalty units or to imprisonment for a term not exceeding seven years, or to both.

*(As amended by Act No. 13 of 1994)*

**91.** (1) Subject to the provisions of subsection (2), an employee of a railway company may be required to provide a specimen of breath for a breath test by an authorised officer, if such authorised officer has reasonable cause to suspect such employee of having alcohol in his blood.

Breath test



(2) An employee of a railway company shall not be required to provide the specimen mentioned in subsection (1) while at a hospital as a patient if the medical practitioner in immediate charge of his case is not first notified of the proposal to make the requirement or upon being notified, objects to the provision of a specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care of the patient.

(3) An employee of a railway company who, without reasonable excuse, fails to provide a specimen of breath for a breath test under the provisions of subsection (1), shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding twenty five thousand penalty units or to imprisonment for a term not exceeding seven years, or to both.

(As amended by Act No. 13 of 1994)

**92.** (1) Where an employee of a railway company refuses to provide a specimen of breath for a breath test under the provisions of section *ninety-one* the authorised officer shall require such employee to submit himself to a laboratory test as soon as practicable thereafter. Laboratory test

(2) If in consequence of a breath test carried out by him under the provisions of section *ninety-one* it appears to an authorised officer that the device by means of which such test is carried out indicates that the proportion of alcohol in such employee's blood exceeds the prescribed limit, such authorised officer shall require such employee to submit himself to a laboratory test as soon as practicable thereafter.

(3) An employee of a railway company who has been required to submit himself to a laboratory test under subsection (1) or (2) shall, when required by a medical practitioner, provide a specimen of blood or urine for a laboratory test.

(4) An employee of a railway company who refuses to submit himself to a laboratory test when required by an authorised officer to do so under subsection (1) or (2), or who fails to provide a specimen when required to do so by a medical practitioner under subsection (3), shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding twenty five thousand penalty units or to imprisonment for a term not exceeding seven years, or to both.

(5) No employee of a railway company shall be treated for the purpose of subsection (4) as failing to provide a specimen unless-

- (a) he is first required to provide a specimen of blood, but fails to do so;
- (b) he is then required to provide within the hour two specimens of urine, but fails at any time within such hour to provide them; and
- (c) he is again required to provide a specimen of blood, but fails to do so.

(6) The first specimen of urine provided as a result of the requirement under paragraph (b) of subsection (5) shall be disregarded for the purposes of section *ninety*.

(7) An authorised officer on requiring an employee to submit himself for a laboratory test pursuant to subsection (2), or a medical practitioner on requiring him to provide a specimen pursuant to subsection (3), shall warn such employee that failure to submit to a laboratory test or failure to provide a specimen of blood or urine, as the case may be, may render him liable to a fine or imprisonment or to both, and if the authorised officer or the medical practitioner, as the case may be, fails to do so, the court before which such employee is charged with an offence under this Part may, for purposes of mitigation, take such failure into account.

(As amended by Act No. 13 of 1994)

**93.** For the purposes of this Part-

Interpretation

(a) unless the context otherwise requires-

"authorised officer" means a police officer, a medical practitioner, a station master, or an Inspector of Railways or any other person authorised in writing by a railway company to require an employee of such railway company to provide a specimen of breath for a breath test;

"breath test" means a test for the purpose of obtaining an indication of the proportion of alcohol in a person's blood, carried out in accordance with the maker's instructions for the use of the device, on a specimen of breath provided by that person by means of a device of a type approved from time to time by statutory instrument made by the Minister for the purpose of such a test;

"fail", in relation to providing a specimen, includes refuse, and "failure" shall be construed accordingly;

"hospital" means an institution which provides medical or surgical treatment for in-patients or out-patients;

"laboratory test" means the analysis of a specimen provided for the purpose;

"medical practitioner" means a person registered on the register of fully registered, provisionally registered or temporarily registered medical practitioners under the provisions of the Medical and Allied Professions Act;

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"prescribed limit" means 80 milligrammes of alcohol in 100 millilitres of blood or such other proportion as may be prescribed by statutory instrument made by the Minister;

- (b) a person shall be treated as providing a specimen of blood if, but only if, he consents to the specimen being taken by a medical practitioner and it is so taken, and shall be treated for those purposes as providing it at the time it is so taken;
- (c) references to providing a specimen of breath for a breath test are references to providing a specimen thereof in sufficient quantity to enable that test to be carried out;
- (d) 107 milligrammes of alcohol in 100 millilitres of urine shall be treated as equivalent to 80 milligrammes of alcohol in 100 millilitres of blood, and the power conferred by paragraph (a) in the definition of "prescribed limit" to prescribe some other proportion of alcohol in the blood shall include power to prescribe a proportion of alcohol in the urine, which shall be treated as equivalent to the prescribed proportion of alcohol in the blood.

PART XIII GENERAL PROVISIONS

GENERAL PROVISIONS

**94.** (1) Subject to the provisions of this section, nothing in this Act shall prohibit a railway company from carrying passengers or goods on a railway which is under construction or which has not been declared open:

Use of railway under construction

Provided that no such railway shall be used for the carriage of passengers or goods unless the Minister has in writing signified his approval for any such use upon receipt of an application in that behalf made in writing by the railway company.

(2) The Minister may, in granting approval under the provisions of subsection (1), specify the conditions, restrictions and other measures which shall apply to the use of any such railway as is referred to in the said subsection in order to ensure the safety and protection of passengers or goods to be carried thereon.

(3) Where passengers or goods are lawfully conveyed on any railway which is under construction by a railway company or which has not been declared open, the railway company may-

- (a) fix rates, fares, dues and other charges in respect of any services rendered by it on any such railway;
- (b) determine conditions of service of persons employed on any such railway;
- (c) limit or restrict the type and nature of goods which may be accepted for carriage on any such railway;

- (d) limit its liability for the loss of, damage or delay to, any goods occasioned in the course of such carriage;

and any such rates, fares, dues, charges, conditions of service, limitations or restrictions may be different from those applying in respect of any railway which has been declared open.

- (4) The provisions of Parts II and IX shall not apply to a railway under construction.

**95.** Where any action or legal proceeding is commenced against a railway company for any act done in pursuance of, or in the exercise or purported exercise of its powers under a railway permit or under this Act, or in respect of any alleged neglect or default in the exercise of any such powers, the following provisions shall apply:

Limitation

- (a) the action or legal proceeding shall not be commenced against such railway company until at least one month after written notice containing the particulars of the claim, and of intention to commence the action or legal proceeding has been served upon an authorised employee of such railway company by the plaintiff or his agent; and
- (b) the action or legal proceeding shall not lie or be instituted unless it is commenced within twelve months of the occurrence of the act, neglect or default complained of or, in the case of a continuing injury or damage, within six months after the cessation thereof.

**96.** Whenever any person claims compensation against a railway company in respect of any injury alleged to have been suffered by him as a result of the operations of such railway company any court or person having by law, or by consent of the parties, authority to determine the claim may order that the person injured be examined by a medical practitioner named in the order and may also make such order with respect to the costs of the examination as may be deemed fit.

Medical examination of person claiming compensation

**97. (1)** Where the safe operation of any transport service of a railway company is likely to be endangered by the immediate arrest, with or without warrant, of any of its employees, the police officer or any other person whose duty it is to make such arrest shall-

Arrest of employee of railway company

- (a) request the superior officer of such employee to relieve such employee of his duties as soon as practicable; and
- (b) refrain from arresting such employee until he is so relieved and shall, until he is so relieved, take all necessary steps to ensure that such employee does not escape.

(2) Where any request is made to a superior officer under this section, it shall be his duty to relieve the employee in respect of whom the request is made, with the minimum possible delay.

**98.** Notwithstanding anything to the contrary contained in any written law, where any judgment or order has been obtained against a railway company, no execution or attachment, or process in the nature thereof, shall be issued against such railway company or against any of its property; but such railway company shall, within thirty days, do all that is necessary to comply with such judgement or order.

Restriction on execution against property of railway company

**99.** Subject to the approval and direction of the Minister responsible for home affairs, a railway company may, by notice in writing, authorise any of its employees to maintain order upon any premises occupied by such railway company or in any of its trains or vehicles and any employee so authorised shall, in the performance of such duty, have all the powers, rights, privileges and protection of a police officer.

Maintenance of order on premises, trains, vehicles, etc., of railway company

**100.** (1) Subject to the provisions of this Act, a railway company may make rules for determining the conditions of service of its employees and for regulating their conduct while on duty and in particular, but without prejudice to the generality of the foregoing, such rules may relate to-

Conditions of service and regulation of conduct of employees

- (a) the appointment, dismissal, discipline, hours of employment, pay and leave of employees;
- (b) appeals by employees against dismissal or other disciplinary actions;
- (c) the granting of pensions, gratuities and other terminal benefits to employees and their dependants and to the dependants or estates of deceased employees;
- (d) the establishment and administration of pension schemes and pension funds, medical aid schemes and medical aid funds and other schemes and funds of any kind whatsoever for the benefit of employees or their dependants or the dependants of deceased employees and the appointment, removal and replacement of trustees of any such scheme or fund;
- (e) the deduction from the salary or wages of employees of-
  - (i) contributions payable to any fund in terms of the conditions of service;
  - (ii) rent payable to such railway company for housing or accommodation provided by it;
  - (iii) repayment of money lent by such railway company together with interest thereon;
  - (iv) payment due to such railway company in respect of any electricity, water or other service.

(2) Different rules may be made under this section in relation to different categories of employees, and any such rules may be made so as to have effect as from a date prior to the date on which they are made when they relate to-

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- (a) a pension scheme or pension fund; or
- (b) conditions of service and are either generally beneficial to the persons affected or give each such person an option to accept such revised conditions of service or to remain on his existing conditions of service.

**101.** (1) Subject to the provisions of this Act, a railway company may make rules generally with respect to the services performed and the facilities provided by it under this Act, for the maintenance of order on any premises occupied by it or on any train or vehicle operated by it and, in particular, but without prejudice to the generality of the foregoing, with respect to-

Rules by railway  
company

- (a) the times of arrival and departure of any train or vehicle operated by it, and the manner and speed at which such train or vehicle may be operated;
- (b) the loading or unloading of any such train or vehicle, and the weights or dimensions of goods to be carried therein;
- (c) the collection, receipt, storage, conditions of carriage and delivery of goods carried by it, and the disposal of perishable or unclaimed goods;
- (d) the accommodation and facilities provided for, and the conditions of carriage of, passengers and luggage carried by it;
- (e) the reservation of any portion of any such premises, train or vehicle, for the exclusive use of its employees or of persons of different sexes or categories;
- (f) the prohibition of smoking in any portion of any such premises, train or vehicle;
- (g) the proper control, management and protection of any such premises, train or vehicle, and any property belonging to it;
- (h) the control of all persons on any such premises, the maintenance of order thereon and the admission thereon, or the exclusion therefrom, of persons, and the charges if any, to be made for such admission;
- (i) the defining of dangerous or offensive goods and the conditions under which they may be carried or stored by it;
- (j) the insurance of passengers and goods carried by it, and of goods stored by it;
- (k) the sale of any article on any premises occupied by it;

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- (l) the fixing of fares, rates and other charges, for or in connection with the carriage of passengers and goods and the storing of goods by it and the payment, exemption from payment, refund or remission thereof;
- (m) the control of the use of lights or illuminated signs showing any or all of the colours, or shades of the colours, red, green, white or amber, in or near any premises occupied by it;
- (n) the prevention of fraudulent practices by or in respect of persons carried by, or otherwise using any service performed or facilities provided by it;
- (o) the safety and protection of passengers and goods carried, and of persons employed, by it;
- (p) the procedure to be followed in the conduct of inquiries into accidents;
- (q) the sale, disposal or writing off of any property or assets belonging to it;
- (r) the acceptance of any tender for goods or services;
- (s) any agreement providing for the charging of special rates or fares for the carriage of goods or passengers by rail;
- (t) any general revision of salaries, wages or allowances of persons employed by it;
- (u) any matters relating to its accounts and finances;
- (v) any matter authorised to be prescribed under this Act.

**102.** A railway company shall not exercise any of its powers contained in section *forty-three, forty-eight, one hundred, or one hundred and one* without first obtaining the written approval of the Minister in that behalf.

Approval of Minister

**103.** The Minister may, by statutory instrument, make regulations prescribing anything which may be prescribed under this Act and in respect of which no other prescribing authority is specified; and may, in like manner, make regulations for the better carrying out of the provisions of this Act.

Regulations by  
Minister

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- 104.** The Chief Justice may, by statutory instrument, make rules with respect to- Rules by Chief Justice
- (a) the making and hearing of applications under sections *fourteen* and *nineteen*;
  - (b) the period within which appeals under section *twenty-six* may be brought; and
  - (c) any other matters connected with or incidental to the foregoing.

**105.** (1) Subject to the other provisions of this section, the Zambia Railways Act is hereby repealed. Repeal and savings. Cap. 767 of the old edition

(2) Notwithstanding the repeal of the Zambia Railways Act, the provisions of subsections (1) and (2) of section *eighty-nine* of that Act shall continue in force as if they are part of this Act. Cap. 767 of the old edition

(3) Nothing in subsection (1) shall be deemed to affect any rules, by-laws, conditions of carriage, tariffs and fares or any direction whatsoever relating to the operation, use or regulation of Zambia Railways which was in force at the commencement of this Act, and all such rules, by-laws, conditions of carriage tariffs and fares or direction shall continue to have effect as if they have been made or given under this Act.

SCHEDULE

(Section 64)

1. Gold, silver and other precious metals, coined or uncoined, manufactured or un-manufactured.
2. Precious and semi-precious stones, jewellery and trinkets.
3. Watches, clocks and timepieces of any description.
4. Government securities.
5. Stamps.
6. Bills of exchange, promissory notes, bank notes, currency notes and orders or other securities for payment of money.
7. Maps, plans, writings and title-deeds.
8. Paintings, engravings, lithographs, pictures, photographs, carvings, statuary, sculpture, antique furniture and other works of art.
9. Art, pottery, glass, china and marble.
10. Cameras and cinematograph apparatus (including films).
11. Lace, furs and feathers.
12. Opium and narcotic preparations.
13. Musk, sandalwood oil and other essential oils used in the preparation of perfumes.
14. Pyrethrum extract.
15. Musical and scientific instruments, wireless and television sets, radiograms, record players, tape recorders and all other electronic instruments and equipment.
16. Ivory in any form.
17. Any article the value of which exceeds two thousand kwacha per tonne.



**SUBSIDIARY LEGISLATION**

**RAILWAYS ACT**

CAP. 361

**SECTION 91-THE RAILWAYS (BREATH TEST DEVICE) REGULATIONS**

*Statutory Instrument  
7 of 1972*

*Regulations by the Minister*

**1.** These Regulations may be cited as the Zambia Railways (Breath Test Device) Regulations. Title

**2.** For the purpose of obtaining an indication of the proportion of alcohol in a person's blood on a specimen of breath provided by that person, the use of the device set out in the Schedule is hereby approved. Approval of device for breath test

**SCHEDULE**

(Regulation 2)

Alcotest (R) 80 Breath Test Device, manufactured by Dreager Normalair Ltd., Blyth, Northumberland, England.

**SECTION 18-THE RAILWAYS (COMPENSATION) RULES**

*Statutory Instrument  
385 of 1968*

*Rules by the Chief Justice*

**1.** These Rules may be cited as the Zambia Railways (Compensation) Rules. Title

**2.** An application under section 18 of the Act shall be made by petition in writing filed in the Registry of the High Court. Petition

**3.** The petition shall be in numbered paragraphs and shall set out the name and address of the petitioner, the circumstances of the matter and the relief sought. Particulars of petition

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|--|--|
| 4. The applicant shall serve or cause to be served a copy of the petition on the company.  | Copy of petition to be served on Board |
| 5. The High Court shall fix a date for hearing not being less than fourteen days from the date of filing and shall notify the applicant and the company.   | Date for hearing                       |
| 6. The applicant may appear in person or by a legal practitioner and may adduce evidence.  | Applicant may adduce evidence          |
| 7. The company may appear by a legal practitioner and may adduce evidence.   | Board may adduce evidence              |
| 8. The company may file an answer to the petition not later than two days before the date of hearing and in such case shall serve a copy of the answer on the petitioner on or before the date of hearing. | Board may file answer to petition      |
| 9. The High Court may in its discretion receive evidence by affidavit in addition to or in substitution for oral evidence.   | Evidence by affidavit                  |
| 10. The High Court may adjourn the hearing from time to time.  | Adjournment                            |

SECTION 41-THE RAILWAYS (INQUIRIES INTO ACCIDENTS) REGULATIONS

*Regulations by the Minister*

*Statutory Instrument*  
305 of 1967  
*Act No.*  
13 of 1994

- |  |                   |
|--|-------------------|
| 1. These Regulations may be cited as the Railways (Inquiries into Accidents) Regulations.  | Title             |
| 2. In these Regulations, unless the context otherwise requires-  | Interpretation    |
| "Inspector" means a railway inspector or any person appointed by the Minister for the purposes of section <i>forty one</i> of the Act.   |                   |
| 3. Whenever, under section <i>forty one</i> of the Act, the Minister orders an inquiry to be held into the circumstances of any accident referred to in section <i>forty</i> of the Act, he may appoint an inspector, and every such inquiry shall be conducted by the inspector in accordance with the provisions of these Regulations. | Boards of inquiry |

**4.** Unless the Minister otherwise orders, the inspector or person appointed shall sit at such times and at such places as he may fix and he shall hold his inquiry in public: Sittings of boards of inquiry

Provided that the inspector or the person appointed shall be entitled to exclude the representatives of the press or any or all other persons if he considers it necessary to do so for the preservation of order or for the due conduct of the inquiry.

**5.** Any person who is in any way implicated or concerned in any matter under inquiry by the inspector or person appointed shall be entitled to be represented by a legal practitioner at the whole of such inquiry, and any other person who may desire to be so represented may, by leave of the inspector or person appointed, be represented in the manner aforesaid. Legal representation of persons implicated

**6.** The Government shall be entitled to be represented at any inquiry by the Attorney-General or such person as he may nominate in that behalf. Legal representation of Government

**7.** The inspector or person appointed, in the discharge of any of his functions, shall not be bound by the rules of evidence or by the rules of procedure of any court or tribunal, but may conduct his proceedings in such manner as he may think proper and admit any evidence, written or oral, whether or not such evidence would be admissible in civil or criminal proceedings. Regulation of proceedings

**8.** The inspector or person appointed may- Powers of boards of inquiry

- (a) enter upon and inspect any land, building or place, and examine and make inquiry respecting the state and condition of any building, works, machinery, locomotive, rolling stock or other thing used, or intended for use, for or in connection with the carriage of passengers or goods by rail, where such entry, inspection, examination or inquiry appears to the board requisite or expedient for the purposes of its inquiry;
- (b) require the attendance of any person, at such time and place as the inspector or person appointed may specify, to give evidence before him or to produce to him such books, plans or other documents as he may require for the purposes of the inquiry, and examine and make inquiry respecting any such books, plans or other documents;
- (c) examine witnesses on oath, or affirmation, administered by the inquirer.

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9. If any person who is required by an inquirer to attend before the inquirer as a witness or to produce any book, plan or other documents-

Offences and penalties

- (a) fails, without reasonable cause or excuse, to attend at the time and place specified by the inquirer
- (b) refuses to be sworn or, having been sworn, refuses without sufficient cause, to answer or to answer fully and satisfactorily to the best of his knowledge and belief all questions put to him by the inquirer.
- (c) refuses or omits, without sufficient cause, to produce any books, plans or documents in his possession or under his control;

he shall be guilty of an offence and liable upon conviction to a fine not exceeding one thousand five hundred penalty units or to imprisonment for a period not exceeding six months, or to both.

*(As amended by Act No. 13 of 1994)*

THE RAILWAYS BY-LAWS

ARRANGEMENT OF BY-LAWS

*By-law*

1. Title
2. Application
3. Interpretation
4. Penalties
5. Loading, etc., of explosives
6. Marking, etc., of explosives
7. Smoking and lighting fires
8. Conveyance of explosives in train
9. Opening of packages of explosives
10. Travelling in trucks containing explosives
11. Goods deemed to be of a dangerous nature
12. Smoking and gambling
13. Damaging railway property
14. Travelling on roof, steps, etc.
15. Entering and leaving carriages
16. Conveyance of dogs, etc.
17. Vehicles on railway premises
18. Travelling with infectious or contagious disorder
19. Using unauthorised entrance to station
20. Accommodation for passengers
21. Conditions of carriage
22. Alighting from moving train or boarding moving train
23. Driving vehicle on platform
24. Shining of lights likely to confuse
25. Misuse of facilities for communication between passengers and railway officers
26. Hawking or peddling

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SECTION 89 (4)-The Railways By-laws

*By-laws made under Section 3 of the Regulation of Railways Act, Chapter 755 of the Revised Edition, approved by the Minister and continued in force by virtue of Section 105 (3) of the Cap. 361 Railways Act 1982.*

*Government Notices*

189 of 1933

125 of 1935

70 of 1937

9 of 1939

172 of 1939

222 of 1941

11 of 1944

116 of 1944

264 of 1945

42 of 1946

234 of 1947

278 of 1947

104 of 1948

52 of 1949

93 of 1949

190 of 1949

124 of 1953

329 of 1956

34 of 1957

69 of 1958

279 of 1958

288 of 1959

145 of 1960

497 of 1964

*Federal Government*

*Notices*

314 of 1961

104 of 1962

318 of 1962

319 of 1962

118 of 1963

*Statutory Instrument*

7 of 1966

*Act No.*

13 of 1994

1. These By-laws may be cited as the Railways By-laws.

Title

2. These By-laws shall apply to all lines of railway in Zambia owned or operated by the Zambia Railways.

Application

(No. 70 of 1937)

3. In these By-laws, unless the context otherwise requires-

Interpretation

"dangerous goods" mean any of the following goods:

Acetone.

Acetone oils.

Ketone oils.

Benzole (from coal tar).

Naphtha, coal tar.

Toluol.

Xylol.

Naphtha, mineral, specific gravity not below 0.680.

Petroleum, specific gravity not below 0.680.

Benzine

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Benzoline  
Carburine  
Motor car spirit  
Petrol  
Enamel anti-fouling composition



From petroleum specific gravity not below 0.680.

Benzine collas.  
Collodion.  
Xylonite solution.  
Polishes, liquid, prestoline, shoe cement, and other articles partly composed of naphtha or other highly inflammable liquids.  
Ether (sulphuric).  
Ether chloride.  
Gasoline.  
Petroleum, ether or spirit.  
Methylated spirit, exceeding 5 gallons.  
Spirit of wine, exceeding 5 gallons.  
Spirit varnish (made exclusively of wood or methylated spirit), exceeding 5 gallons.  
Bisulphide of carbon.  
Ammonia, solution of, specific gravity 0.880 to 0.891 (liquid *ammoniae fortis*), exceeding 10 gallons.  
Sweet spirit of nitre, exceeding 5 gallons.  
Wood spirit (vegetable or wood naphtha), exceeding 5 gallons.  
Bromine.  
Chloride of sulphur.  
Hydrofluoric acid or fluoric acid.  
Hydrochloric acid (also called muriatic acid or spirits of salts), exceeding 10 gallons.  
Nitric acid or *aqua fortis*.  
Oil of vitriol or sulphuric acid, except accumulator sulphuric acid not exceeding 1.215 specific gravity.  
Sodium amalgam.  
Sulphuric anhydride or sulphuric acid crystals.  
Picric acid, except in bottles properly packed.  
Phosphorus, except amorphous.  
Calcium carbide or carbide of calcium, exceeding 10 lb.

Compressed atmospheric air  
Compressed oxygen  
Compressed or liquefied carbonic acid gas (carbon dioxide)  
Compressed coal gas  
Compressed hydrogen  
Liquefied anhydrous ammonia or compressed ammonia gas  
Liquefied or compressed nitrous oxide  
Liquefied or compressed sulphurous acid gas (sulphur dioxide)  
Liquefied oil gas  
Blougas  
Supropane  
Acetylene compressed into porous substances



In cylinders

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Potassium cyanide.  
Sheep and cattle dip.

Arsenite of soda.  
Arsenic compounds.  
Orthonitrotoluene.  
Mirbane oil.  
Tertiary amyl alcohol.  
Paint thinners.  
Insecticides having a flash point below 1501/4 F.  
(Abel Test.)  
Sodium cyanide.  
Fuse lighters (fuse igniters or torches).  
Nitro benzine.  
Methyl acetone.  
Amyl acetate.  
Butyl acetate.  
Methyl alcohol.  
Butyl alcohol.  
Amyl alcohol.  
Diacetone alcohol.  
Neosolve.  
Ethyl alcohol.  
Aeroplane dope.  
Commercial toluol.  
Trichloropropane.  
Allyl chloride.  
Allyl alcohol.  
Methyl isobutyl ketone.  
Epichlorohydrin.  
Nitrate of ammonia.  
Ethyl acetate.  
Methyl bromide.  
Antiblu.  
Barium carbonate.  
Hixonol P.  
Hixonol W.  
Tanalith C.  
Triolith C.  
Triolith Z.  
Liquefied sodium hydroxide (caustic soda).  
Radio-active substances.  
Sodium hydroxide (caustic soda) in all its forms,  
but excluding solid sodium hydroxide when  
packed in sealed steel drums.  
Hygeia dissolvent.  
"Elkol" flake chemical.  
Copper pentachlorophenate.  
Dowicide.  
Permatox.  
Sodium pentachlorophenate.  
Termaseal.  
Woodlife anti-stain powder.  
Barium chloride.  
Isopropyl alcohol.  
Isopropyl ether.  
Isopropyl nitrate.  
Butane;



"explosives" mean any of the following:

- (a) gunpowder, nitro-glycerine, dynamite, gun-cotton, blasting powders, fulminate of mercury, or other metals, coloured fires, and every other substance, whether similar to those herein mentioned or not, which is used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect;
- (b) any fuse, rocket, detonator, cartridge, and every adaptation and preparation of an explosive as herein defined;
- (c) any other substance which the President may from time to time, by statutory notice, declare to be an explosive;

"railway officer" includes any person in the employ of the railways;

"railway premises" include any railway station and its approaches, shed, yard, building or land owned or occupied by the railways;

"railways" mean the lines of railway specified in by-law 2;

"safety cartridge" means a cartridge for small arms, the case of which can be extracted from the small arm after firing, and which is so closed as to prevent any explosion in one cartridge being communicated to another cartridge.

*(As amended by No. 125 of 1935, No. 70 of 1937, Nos. 9 and 172 of 1939, No. 222 of 1941, Nos. 11 and 116 of 1944, No. 264 of 1945, No. 42 of 1946, Nos. 234 and 278 of 1947, No. 104 of 1948, Nos. 52 and 190 of 1949, No. 124 of 1953, No. 34 of 1957, Nos. 69 and 279 of 1958, No. 288 of 1959, No. 145 of 1960, F.G.N. No. 104 of 1962, F.G.N. No. 118 of 1963 and No. 7 of 1966)*

**4.** (1) Any person who contravenes any of the provisions of by-laws 5 to 10, inclusive, shall be liable, on conviction, to a fine not exceeding six hundred penalty units and, in default of payment, to imprisonment with or without hard labour for a period not exceeding three months.

Penalties

(2) Any person who contravenes any of the provisions of by-law 13 shall be liable, on conviction, to a fine not exceeding three hundred penalty units and, in default of payment, to imprisonment with or without hard labour for a period not exceeding one month.

(3) Any person who contravenes any of the provisions of by-laws 12, and 14 to 19, inclusive, shall be liable, on conviction, to a fine not exceeding sixty penalty units and, in default of payment, to imprisonment with or without hard labour for a period not exceeding seven days.

*(As amended by F.G.N. No. 318 of 1962 and Act No. 13 of 1994)*

**5.** (1) No explosives or other dangerous goods shall be brought on to any railway premises, or be there loaded or unloaded, except between the hours of sunrise and sunset, and then only by permission of the stationmaster or officer in charge of the station at which it is proposed such goods shall be accepted, loaded or unloaded:

Loading, etc., of  
explosives

The Laws of Zambia

Provided that, where absolutely necessary, this by-law shall not prevent the removal at a station of a consignment of explosives between the hours of sunset and sunrise from a truck duly labelled and conveying explosives to a further point. Such consignment shall at the forwarding station be placed close to the doors of such truck, so as readily to admit of unloading and to obviate the necessity of any person entering the truck with a hand-lamp in search of the packages.

(2) For the purposes of this by-law, safety cartridges shall not be deemed to be explosives if deposited with the guard of the train by which the owner or person in charge of such cartridges is travelling.

**6.** Every case or package containing explosives or other dangerous goods tendered for transport by rail shall bear the word "explosives" or "dangerous", as the case may be, and shall be plainly and fully addressed to the consignee and the station to which they are to be transported, and the description of the contents of each package shall be written or printed in conspicuous characters on the outside of the outmost package containing the same; and all such explosives and other dangerous goods must be securely packed in strong, secure and sufficient packages, and the packages must be in good condition. Code marks, duly registered and approved by the railways, may be used to designate the name of the consignee and station to which the goods are to be transported:

Marking, etc., of explosives

Provided, however, that, in case of full truck loads from one consignor to one consignee at the station of destination, the name, address or code marks of the consignee need not appear on each package.

**7.** No person shall smoke in, or in the neighbourhood of, any vehicle or truck in which explosives or other dangerous goods are being transported, or on to or from which they are being loaded or unloaded, nor shall any fire be lit in the vicinity.

Smoking and lighting fires

**8.** (1) No persons (other than police officers in charge of prisoners and specie escorts) shall convey or have in their possession in a train any loaded firearms, explosives or safety cartridges, with the exception of-

Conveyance of explosives in train

(a) Government Inspectors of Explosives, who may carry by passenger or mixed trains samples of explosives in such quantities as are reasonably necessary for the purpose of analysis, test and experiment; and

(b) a guard of any train conveying samples of explosives consigned to an Inspector of Explosives by an Inspector of Explosives, Customs or other authorised officer. Such samples shall be contained in a duly approved box or case, which must be kept separate from other traffic and specially handed over by the respective guards of such train.

(2) For the purpose of this by-law, safety cartridges shall not be deemed to be explosives if deposited with the guard of the train by which the owner or person in charge of such cartridges is travelling.

The Laws of Zambia

**9.** No person other than a Government Inspector of Explosives, or some officer duly authorised by him to do so, shall open any case or package containing explosives in or upon any railway premises.

Opening of packages of explosives

**10.** No person, unless he is in possession of a written authority from a head or district officer of the railways, shall be allowed to travel in or upon a truck or other vehicle transporting explosives or other dangerous goods:

Travelling in trucks containing explosives

Provided that this by-law shall not apply to Government Inspectors of Explosives, railway officers or post office linesmen on duty.

**11.** Explosives and dangerous goods (as defined in by-law 3) and loaded firearms shall be deemed to be goods of a dangerous nature for the purposes of section *fifteen* of the Regulation of Railways Act.

Goods deemed to be of a dangerous nature

**12.** (1) No person shall smoke in any shed or building or on any covered platform on railway premises, or in any carriage or compartment of a carriage reserved for non-smokers, nor gamble on railway premises or in any carriage.

Smoking and gambling

(2) Any person who persists in so offending, after being warned by any railway officer to desist, shall be liable, without prejudice to any other penalty, to be removed at the first opportunity from the railway premises or carriage by or under the direction of any such officer.

**13.** No person shall wilfully, wantonly or maliciously break, cut, scratch, deface, remove, soil or damage in any way whatsoever any carriage, vehicle, building or thing upon the railways or any railway premises. Any person so offending shall, without prejudice to any other penalty, be liable for the amount of the damage done:

Damaging railway property

Provided that nothing contained in this by-law shall be deemed to exempt any person from liability under section *seventy-four* of the Act.

**14.** No person, except a railway officer in the performance of his duty, shall mount on any railway engine or on the roof of any carriage or vehicle using the railway, or travel or attempt to travel on or in any luggage or guard's van or other vehicle not provided for conveyance of passengers, or on the step or platform or footboard or any part of any carriage or vehicle, other than a part provided for the conveyance of passengers. Any person so offending shall be liable, without prejudice to any other penalty, to be removed at the first opportunity from the engine, carriage or vehicle by or under the direction of any railway officer.

Travelling on roof, steps, etc.

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**15.** No passenger shall enter or leave, or attempt to enter or leave, any carriage while such carriage is in motion, or elsewhere than at the side of the carriage adjoining the platform, or other place appointed for passengers to enter or leave the carriages.

Entering and leaving carriages

**16.** No person shall take or cause to be taken any bird, dog or other animal into any passenger carriage.

Conveyance of dogs, etc.

**17.** Every driver or conductor of an omnibus, cab, carriage, cart or other vehicle shall, while in or upon any station yard or other premises of the railways, obey the reasonable directions of railway officers and servants and police officers and shall in addition duly observe and obey all traffic signs erected on railway premises.

Vehicles on railway premises

(No. 93 of 1949)

**18.** (1) The railway may refuse to carry any person who has any infectious or contagious disorder. If any person who has any such disorder is found upon railway premises or attempts to travel on the railways without the special permission of a railway officer authorised in that behalf, he shall be liable, in addition to any other penalty, to the forfeiture of any fare which he may have paid, and may be removed at the first opportunity from the railway premises, and shall be liable to the railways for the cost of disinfecting the railway premises and any carriage in which he shall have been, and to make good any other damage to the property of the railways through the infraction or non-observance of this by-law.

Travelling with infectious or contagious disorder

(2) Any person who has charge of any person so offending or who aids or assists any such person in so offending shall be deemed to offend against this by-law.

**19.** No person shall enter or leave a railway station by any but the authorised entrance or exit.

Using unauthorised entrance to station

**20.** (1) Tickets are issued on the condition that, in case there shall not be room in the train for all the passengers to whom tickets have been issued, then, in so far as it may be reasonably practicable, those to whom tickets have been issued for the longer distance shall have the preference, and those to whom tickets have been issued for the same distance shall have priority according to the order in which tickets have been issued, as denoted by the consecutive numbers stamped thereon.

Accommodation for passengers

(2) The railways will not, however, hold themselves responsible for such order of preference or priority being adhered to, but the fare, or the difference of fare, if a passenger travels by an ordinary train in a class of carriage inferior to that for which he has a ticket, shall be immediately returned, on application, to any passenger for whom there is not room as aforesaid, if the application be made before the departure of the train.

**21.** No passenger will be carried and no livestock, vehicle, produce, explosive, goods, luggage or parcel will be received, carried or kept except under and in accordance with such conditions as may from time to time be set forth in the book of time-tables, local regulations, fares and rates of the railways published by the railways, and for the time being in force, or in the book of passenger, luggage, parcels, livestock, vehicle and other goods regulations, tariffs and classification published by the railways, and for the time being in force.

Conditions of carriage

**22.** Any person, other than a railway officer in the performance of his duty, who boards or alights from, or attempts to board or alight from, any train while such train is in motion shall be subjected to a fine not exceeding four thousand penalty units, or, in default of payment, to a term not exceeding seven days' imprisonment with or without hard labour.

Alighting from moving train or boarding moving train

*(No. 222 of 1941 and Act No. 13 of 1994)*

**23.** Any person who, without the authority of a railway officer or police officer, drives a motor car, motor cycle or any other vehicle, or who rides a bicycle or other cycle inside a station, on a station platform or in a railway subway, shall be subjected to a fine not exceeding sixty penalty units or, in default of payment, to a term not exceeding seven days' imprisonment with or without hard labour.

Driving vehicle on platform

*(No. 93 of 1949 and Act No. 13 of 1994)*

**24.** Any person who, without lawful excuse, by shining or flashing a torch or other light, or by any other means whatsoever, shows any signal or apparent signal, which is likely to mislead or confuse the driver of, or the guard in charge of, a train shall be liable to a fine not exceeding one hundred and fifty penalty units, or, in default of payment thereof, to imprisonment for a period not exceeding one month.

Shining of lights likely to confuse

*(No. 329 of 1956 and Act No. 13 of 1994)*

**25.** Any person who, without reasonable and sufficient cause, makes use of or interferes with any means provided by the railways for communication between passengers and a railway officer in charge of or concerned in the running of a railway train shall be liable on conviction to a fine not exceeding one hundred and fifty penalty units, or, in default of payment thereof, to imprisonment with or without hard labour for a period not exceeding one month.

Misuse of facilities for communication between passengers and railway officers

*(F.G.N. No. 314 of 1961 and Act No. 13 of 1994)*

**26.** (1) No person shall hawk or peddle foodstuffs or other goods on railway premises or on a train without the prior approval in writing of the General Manager.

Hawking or peddling

(2) In granting his approval the General Manager may impose on the applicant such conditions as he thinks necessary for the purpose of restricting the hours during which, the places at which and the trains on which hawking or peddling shall take place.

(3) A person who, without the approval of the General Manager, hawks or peddles foodstuffs or other goods on railway premises or on a train shall be guilty of an offence and liable to a fine not exceeding four hundred and fifty penalty units, or, in default of payment, to imprisonment for a period not exceeding two months.

(F.G.N. No. 319 of 1962 and Act. No. 13 of 1994).

SECTION II-THE RAILWAYS (RAILWAY PERMITS) REGULATIONS.

*Statutory Instrument*  
87 of 1984  
*Act No.*  
13 of 1994

*Regulations by the Minister*

1. These Regulations may be cited as the Railways (Railway Permits) Regulations. Title
  
2. (1) An application for a railway permit shall be made in Form RP1 set out in the First Schedule and shall be accompanied by the appropriate fee. Railway permits  
  
(2) In respect of an application approved by him, the Minister shall, on payment of the appropriate fee, issue the permit in Form RP2 set out in the First Schedule.
  
3. (1) A person applying for renewal of a railway permit shall- Renewal of railway permit
  - (a) sixty days before the expiry of the permit, notify the Minister in writing of his intention to renew his permit; and
  - (b) submit an application for renewal in Form RP3 set out in the First Schedule.  
(2) In respect of an application for renewal of a permit approved by him, the Minister shall, on payment of the appropriate fee, renew the permit.
  
4. (1) An application for variation of a railway permit shall be made in Form RP4 set out in the First Schedule and shall be accompanied by the appropriate fee. Variation of railway permit  
  
(2) In respect of an application approved by him, the Minister shall, on payment of the appropriate fee, vary the conditions of the permit.
  
5. A person applying for a permit, renewal or variation of a permit shall, on demand by the Minister, submit any financial, statistical and other information relating to his rail service. Submission of information

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- 6.** Every permit holder shall- Duties of permit holder
- (a) maintain an insurance policy for his rail service indemnifying him, his agents and servants from liability in respect of injury to third parties and damage to property;
  - (b) maintain and adequately repair the locomotives, rolling stock, coaches and other equipment used in his rail service; and
  - (c) submit on demand by the Minister, his financial statistics and any other information relating to his rail service.
- 7.** (1) Subject to sub-regulation (2) the Minister may suspend or revoke a permit if the permit holder- Suspension and revocation of railway permit
- (a) has not complied with any of the conditions of his permit; and
  - (b) has contravened any of the provisions of these Regulations.
- (2) Thirty days before the suspension or revocation of a permit, the Minister shall give written notice of his intention and grounds therefor, and the permit holder to whom such notice has been given may make written representations to the Minister.
- 8.** The fees set out in the Second Schedule shall be payable in respect of the matters prescribed therein. Fees

FIRST SCHEDULE  
(Paragraphs 2, 3 and 4)

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REPUBLIC OF ZAMBIA  
THE RAILWAYS ACT, 1982

FORM RP1

THE RAILWAYS (RAILWAY PERMITS) REGULATIONS, 1984  
APPLICATION FOR A RAILWAY PERMIT  
(Regulation 2 (1))

PART I: Particulars of the applicant:

- (a) Full name: .....
- (b) Address: .....
- (c) Where applicant is a company (or partnership)-
- (i) country of registration .....
  - (ii) date of registration .....
  - (iii) place of registration .....
  - (iv) public or private .....
  - (v) capital: (a) Nominal .....
  - (b) paid up .....
  - (vi) name in full of each director and secretary, or partner.

	<i>Surname</i>	<i>Other names</i>	<i>Nationality</i>	<i>Office</i>
1.	.....	.....	.....	.....
2.	.....	.....	.....	.....
3.	.....	.....	.....	.....
4.	.....	.....	.....	.....
5.	.....	.....	.....	.....
6.	.....	.....	.....	.....
7.	.....	.....	.....	.....
8.	.....	.....	.....	.....
9.	.....	.....	.....	.....
10.	.....	.....	.....	.....



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(d) Applicant's bankers' name and address

.....  
 .....

PART II: Particulars of rail service:

(e) Type of rail service to be provided\*:-

- (i) International scheduled passenger service
  - (ii) International scheduled freight service
  - (iii) international scheduled passenger and freight service
  - (iv) international charter passenger service
  - (v) international charter freight service
  - (vi) international charter passenger and freight service
  - (vii) domestic scheduled passenger service
  - (viii) domestic scheduled freight service
  - (ix) domestic scheduled passenger and freight service
  - (x) domestic freight service
  - (xi) domestic passenger and freight service
  - (xii) other (specify) .....
- .....

(f) What facilities will be provided for training of staff

.....  
 .....

PART III: Particulars of locomotives, rolling stock and coaches

	Type and horse power	Regis- tration Number	Hauling capacity	Owner (name of company)
Locomotives	1 2 3 4 5 6 7 8			
Rolling Stock	1 2 3 4 5 6 7 8			
Coaches	1 2 3 4 5 6 7 8			

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(g) If freight services are to be provided what will be the-

(i) cubic capacity? .....

(ii) weight limitation? .....

(h) Where will the workshops, depots of maintenance, etc., be located?

.....

.....

(i) Is it intended to lease any of the locomotives, rolling stock or coaches to any other permit holders? Yes/No\*

(j) If yes, give details below:

Locomotives/Rolling stock/Coach registration number	Name of lessee	Purpose of lease

PART IV: Schedule of charges:

(i) Two copies of the proposed Schedule(s) of fares for passengers and freight operations must be submitted together with this form.

PART V: Miscellaneous:

(m) Give details below of any previous experience in railway operations.

.....  
 .....  
 .....

(n) Any other relevant information:

.....  
 .....

This form is completed by.....

Designation .....

Date .....

FOR OFFICIAL USE ONLY	
MINISTRY OF POWER TRANSPORT AND COMMUNICATIONS	THE RAILWAYS ACT

The Laws of Zambia

NOTES

1. \*Delete whatever is inapplicable.
2. A separate statement may be attached if space provided is insufficient.
3. The completed form should provide a comprehensive statement of the applicant's background and proposals.
4. Where applicant is a limited company two copies each of its Memorandum of Association and Articles of Association should be submitted together with this application.

The Laws of Zambia  
REPUBLIC OF ZAMBIA  
THE RAILWAYS ACT, 1984

FORM RP2

THE RAILWAYS (RAILWAY PERMITS) REGULATIONS, 1984  
RAILWAY PERMIT

(Regulation 2 (2))

PERMIT No.....GRZ  
Date of Issue.....  
Fee paid K.....

Messrs .....  
of (Postal address) .....  
is hereby authorised to operate the following rail services:

- (a)
- (b)

2. This permit is valid until ....., 19.....  
3. Locomotives, rolling stock and coaches covered by this permit are-

Type	Horse Power	Registration	Number

.....  
*Minister of Power, Transport and Communications*

CONDITIONS OF ISSUE

1. This permit is not transferable.
2. Every change or addition of any locomotive, rolling stock or coach authorised by this permit shall be notified in writing to the Minister.
3. Any variation in the service authorised by this permit shall be applied for in Form RP4.
4. Where a permit holder ceases operations under this permit for a period exceeding three months, this permit shall be deemed to be cancelled.
5. Any change in the directorship of a company permit holder during the validity of this permit, shall be notified in writing to the Minister within fourteen days of such change.

THE RAILWAYS ACT, 1982  
THE RAILWAYS (RAILWAY PERMITS) REGULATIONS, 1984  
APPLICATION FOR RENEWAL OF RAILWAY PERMIT  
(Regulation 3 (1))

1. Full name of applicant:.....  
.....

2. Address of applicant:.....  
.....

3. Number and date of issue of subsisting permit:.....  
.....

4. Period for which renewal is sought:.....  
.....

5. Particulars of material differences, if any, from information previously provided:  
.....  
.....

I hereby certify that the particulars in this form and in any attachments hereto are true in every respect.  
.....  
*Signature of Applicant*

Date.....

NOTES

- 1. A separate statement may be attached if the space provided is insufficient.
- 2. An applicant requiring variation at the time of renewal of his permit should complete this form and Form RP4.

The Laws of Zambia  
REPUBLIC OF ZAMBIA  
THE RAILWAYS ACT, 1982

FORM RP4

THE RAILWAYS (RAILWAY PERMITS) REGULATIONS, 1984  
APPLICATION FOR VARIATION OF RAILWAY PERMIT  
(Regulation 4)

1. Full name of applicant.....

2. Address of applicant .....

being the holder of rail service Permit No.....

issued on.....

hereby apply for the said permit to be varied by\*(1).....

.....

3. Reasons for requested variation\*(2).....

.....

I hereby declare that the particulars in this form and in any attachments hereto are true in every respect.

.....  
*Signature of Applicant*

Date.....

\*A separate statement may be attached if space provided is insufficient.

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SECOND SCHEDULE  
(Regulation 8)

PRESCRIBED FEES

	Fee units
1. Application for railway permit .. .. .	125
2. Railway permit.. .. .	375
3. Renewal of railway permit .. .. .	250
4. Application for variation of railway permit .. .. .	125
5. Variation of railway permit .. .. .	250

(As amended by Act No. 13 of 1994)

ZAMBIA RAILWAYS (HANDLING AND TRANSPORTATION OF EXPLOSIVES AND  
OTHER DANGEROUS GOODS) REGULATIONS.

ARRANGEMENT OF REGULATIONS

*Regulation*

1. Title
2. Interpretation
3. Application
4. Loading, unloading and handling
5. Identification markings
6. Prohibition of smoking
7. Conveyance of loaded fire-arms, etc.
8. Opening packages of explosives upon railway premises
9. Travelling in trains transporting explosives
10. Explosives booked to private sidings
11. Trucks containing explosives and other dangerous goods to be so marked and locked
12. Despatch not guaranteed
13. Prohibition of storage
14. Access to explosives trucks
15. Type of truck for and method of loading explosives
16. Carrying capacity of trucks
17. Manner of loading and unloading
18. Prohibition of loading and unloading near fires, etc.
19. Precautions to be observed during loading, etc.
20. Treatment of defective packages in transit
21. Inspection of explosives en route
22. Precautions in case of delay in delivery
23. Handling of explosives
24. Marshalling instructions for trucks containing inflammables, etc.
25. Special provisions for marshalling explosives trucks
26. Explosives trucks without locks
27. Restrictions on loading of explosives
28. Leaking petrol and damaged explosives cases not to be accepted or retained on railway premises
29. Explosives trains not to be delayed
30. Speed restrictions on trains conveying explosives

*Regulation*

31. Escorts
32. Trainmen to pay special attention to explosives and other dangerous goods
33. Shunting, etc., of explosive trucks
34. Trucks containing explosives becoming defective en route
35. Fires not to be raked or drawn near explosives trucks
36. Use of safety lamps for examination of inflammable liquid tank-trucks during darkness
37. Examination of inflammable liquid tank-trucks en route



SECTION 87-ZAMBIA RAILWAYS (HANDLING AND TRANSPORTATION OF EXPLOSIVES AND  
OTHER DANGEROUS GOODS) REGULATIONS

*Statutory Instrument*  
193 of 1974  
*Act No.*  
13 of 1994

*Regulations by the Minister*

1. These Regulations may be cited as the Zambia Railways (Handling and  
Transportation of Explosives and other Dangerous Goods) Regulations. Title

2. In these Regulations, unless the context otherwise requires- Interpretation

"dangerous goods" means any of the following goods:

acetone;

acetone oils;

acetylene compressed into porous substance in cylinders;

aeroplane dope;

allyl alcohol;

allyl chloride;

ammonia, solution of, specific gravity 0.880 to 0.891 (liquid ammoniae fortis)  
exceeding 45 litres;

amyl acetate;

amyl alcohol;

anhydrous ammonia;

arsenic compounds;

arsenite of soda;

benzine-from petroleum, specific gravity not below 0.680;

benzoline-from petroleum, specific gravity not below 0.680;

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benzine collas;

benzole (from coal tar);

bisulphide of carbon;

bromine;

butyl acetate;

butyl alcohol;

calcium carbide, or carbide of calcium, exceeding 5 kg;

carburine from petroleum, specific gravity not below 0.680;

chloride of sulphur;

collodion;

compressed oxygen in cylinders;

compressed atmospheric air in cylinders;

compressed or liquefied carbonic acid gas (carbon dioxide) in cylinders;

compressed coal gas in cylinders;

compressed hydrogen in cylinders;

diacetone alcohol in cylinders;

enamel anti-fouling composition from petroleum, specific gravity not below 0.680;

epichlorohydrin;

ether (sulphuric);

ether chloride;

ethyl alcohol;

fuse lighters (fuse igniters or torches);

gasoline;

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hydrofluoric acid or fluoric acid;

hydrochloric acid (also called muriatic acid or spirit of salts), exceeding 45 litres;

insecticides having a flash point below 65.60 degrees C (Abel test);

ketone oils;

liquefied anhydrous ammonia or compressed ammonia gas in cylinders;

liquefied oil gas (blougas, supropane) in cylinders;

liquefied or compressed nitrous oxide in cylinders;

liquefied or compressed sulphurous acid gas (sulphur dioxide) in cylinders;

methylated spirit, exceeding 22 litres;

methyl acetone;

methyl alcohol;

methyl isobutyl ketone;

mirbane oil;

motor car spirit from petroleum, specific gravity not below 0.680;

naphtha, coal tar;

naphtha, mineral, specific gravity not below 0.680;

neosolve;

nitrate of ammonia;

nitric acid or aqua fortis;

nitrobenzine;

oil of vitriol or sulphuric acid, except accumulator sulphuric acid, not exceeding 1.215 specific gravity;

orthonitrotoluene oil;

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paint thinners;

petrol from petroleum, specific gravity not below 0.680;

petroleum, specific gravity not below 0.680;

petroleum, ether or spirit;

phosphorus, except amorphous;

picric acid, except in bottles properly packed;

polishes, liquid, prestoline, shoe cement, and other articles partly composed of naphtha or other highly inflammable liquids;

potassium cyanide;

sheep and cattle dip;

sodium amalgam;

sodium cyanide;

spirit of wine, exceeding 22 litres;

spirit varnish (made exclusively of wood or methylated spirit), exceeding 22 litres;

sulphuric anhydride or sulphuric acid crystals;

sweet spirit of nitre, exceeding 22 litres;

tertiary amyl alcohol;

toluol;

toluol, commercial;

trichloropropane;

wood spirit (vegetable or wood naphtha), exceeding 22 litres;

xylo;

xylonite solution;

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and any other substances which the Minister may from time to time, by notice in the *Gazette*, declare to be "dangerous goods";

"explosives" means any of the following:

- (a) gunpowder, nitro-glycerine, dynamite, gelignite, gun-cotton, blasting powder, fulminate of mercury or of any other metal, and every other substance, whether similar to those herein mentioned or not, which is used or manufactured with a view to producing a practical effect by blasting or explosion;
- (b) any detonating, igniter or safety fuse, detonator, per-cussion cap, fuse igniter, and every adaptation or preparation of any explosive herein defined;
- (c) any other substance which the Minister responsible for mines may from time to time, by statutory instrument, declare to be an explosive;

but shall not be deemed to apply to any ammunition, firework or rocket for which a licence to import, possess or deal in is required by any law other than the Explosives Act, 1974;

"Inspector of Explosives" has the meaning assigned to it in the Explosives Act.

Cap. 115

"safe loading bay" has the meaning assigned to it in the Explosives Regulations.

Cap. 115

**3.** These Regulations shall apply to the handling and transportation of explosives and other dangerous goods over all lines of railway owned or operated by Zambia Railways.

Application

**4. (1)** No explosives or other dangerous goods shall be brought on to any railway premises, or be there loaded or unloaded, except between the hours of sunrise and sunset, and then only by permission of the official in charge of the station at which it is proposed such goods shall be accepted, loaded or unloaded:

Loading, unloading and handling

Provided that explosives shall only be loaded and unloaded at a safe loading bay.

(2) Nothing in sub-regulation (1) shall prevent the removal at a safe loading bay of a consignment of explosives between the hours of sunset and sunrise from a truck duly labelled and conveying explosives to a further point where it is absolutely necessary to do so:

Provided that, at the forwarding station, such consignments shall be loaded in such order that they can be unloaded by the consignee without the removal of other consignments, obviating the necessity for any person entering the truck with a hand-lamp in search of the packages.

**5.** (1) Every case containing explosives and every package containing other dangerous goods tendered for transportation by rail shall bear the word "explosives", "detonators" or "dangerous" as the case may be, and shall be plainly and fully addressed to the consignee and the station to which it is to be transported, and the name of the contents of each case or package shall be written or printed in conspicuous characters on the outside of the outermost case or package containing the same; and all such explosives and dangerous goods shall be securely packed in cases and packages which shall be in good condition. Identification markings

(2) Code marks, duly registered and approved by the railways, may be used to designate the name of the consignee and station to which the explosives or dangerous goods are to be transported:

Provided that in the case of full truck loads from one consignor to one consignee at the station of destination, the name, address or code marks of the consignee need not appear on each case or package.

**6.** (1) No person shall smoke in, or within four metres of any truck in which explosives or other dangerous goods are being transported. Prohibition of smoking

(2) Smoking or lighting of any fire within thirty metres of where explosives and dangerous goods are being loaded into or unloaded from any rail truck is strictly prohibited.

**7.** (1) Except as provided in sub-regulations (2) and (3) of this Regulation, no person shall convey or have in his possession in a train any loaded fire-arms, explosives or detonators. Conveyance of loaded fire-arms, etc.

(2) Inspectors of Explosives may carry by passenger or mixed or goods trains samples of explosives in such quantities as are reasonably necessary for the purpose of analysis, test and experiment.

(3) Police Officers in charge of prisoners and specie escorts may carry by passenger, mixed or goods trains loaded fire-arms.

**8.** No person other than an Inspector of Explosives or some other official duly authorised by him to do so, shall open any case or package containing explosives in or upon any railway premises. Opening packages of explosives upon railway premises

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- 9.** No person other than an Inspector of Explosives or railway official on duty shall be allowed to travel on a train conveying loaded explosives trucks. Travelling in trains transporting explosives
- 10.** Explosives in truck loads booked to private sidings shall be placed at locations mutually agreed upon between the Railways and the private siding owner. Explosives booked to private sidings
- 11.** (1) Every truck containing explosives other than detonators or capped fuses shall have a clearly visible label, one on each side of the truck, having the legend "Explosives". Trucks containing explosives and other dangerous goods to be so marked and locked
- (2) Every truck containing detonators or capped fuses shall have a clearly visible label, one on each side of the truck, bearing the legend "Detonators".
- (3) Every truck loaded with inflammable liquids such as paraffin, petrol, etc., shall bear on each side a distinctive label indicating the dangerous nature of the load.
- (4) Any explosives rail truck, whether loaded or empty shall, except during loading and unloading operations, be kept locked up with an approved type lock.
- 12.** The Railways do not guarantee to despatch explosives or other dangerous goods at any particular time or by any particular train. Despatch not guaranteed
- 13.** (1) Save as provided in these Regulations, no person shall retain or keep explosives or other dangerous goods upon railway premises for a longer period than is absolutely necessary for transportation purposes; nor shall explosives or other dangerous goods be allowed to remain on such premises for any period beyond that notified by the official in charge of the forwarding or receiving station to the consignor or consignee. In all cases explosives and other dangerous goods shall be kept well away from places to which the public has access. Prohibition of storage
- (2) Inflammable liquids shall not be stored in railway premises, except where a special building has been provided for the purpose, but shall be stacked in the open, observing if possible, a distance of at least ten metres from any building; if necessary, protection may be afforded by the use of suitable covering.
- 14.** No person other than an Inspector of Explosives or a person authorised under section *twelve* of the Explosives Act, unless actually engaged in or supervising the loading or unloading of trucks containing explosives or other dangerous goods, shall have access to, or remain near such trucks. When loaded, the truck doors shall be closed and locked and the trucks set apart. Access to explosives trucks  
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**15.** (1) Explosives shall only be conveyed in trucks approved by the Chief Inspector of Explosives, fitted with roofs, completely closed sides, doors and good springs. Such trucks shall be carefully swept, and, if necessary, washed and dried.

Type of truck for and method of loading explosives

(2) All exposed iron and steel shall be covered with wood, cloth or other suitable material. Explosives shall not be transported in the same truck with other goods.

**16.** Subject to regulation 17 (2), trucks transporting explosives may be loaded to their full registered carrying capacity, but in no case shall such carrying capacity be exceeded.

Carrying capacity of trucks

**17.** (1) All cases of explosives and casks and packages of dangerous goods shall be loaded in the trucks in such a manner as shall best avoid their shifting or rolling.

Manner of loading and unloading

(2) Cases of explosives shall be stacked in full horizontal layers, and where there is any space between the cases and the sides of the truck, the former shall be properly shored up against the latter by means of wood or by some other approved material.

(3) Barrels or casks of dangerous goods shall not be placed on end, but shall be laid on their bilge parallel to the length of the truck, and shall be efficiently and properly scotched up with wood or other approved material.

(4) All explosives and dangerous goods shall be loaded and secured in such a manner as will prevent their falling out when the truck doors are opened.

(5) Cases of explosives shall be carried by one man or passed from hand to hand or conveyed on an approved conveyor, when being loaded or unloaded, and shall not be dragged. Casks and packages containing dangerous goods shall, as far as practicable, be passed from hand to hand when being loaded or unloaded, and shall not be dragged or rolled, except where hides, cloths or sheets have been previously laid down upon the platform or the ground, as the case may be, over which they have to be dragged or rolled. Cases of explosives and casks and packages of dangerous goods shall not be thrown or dropped down, but in all cases they shall be carefully deposited and stowed.

(6) The doors of trucks containing explosives and dangerous goods shall be closed and locked as soon as the loading of each truck is completed.

(7) During wet weather the utmost care shall be observed to avoid any access of moisture to the explosives and dangerous goods.



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(8) Where explosives or other dangerous goods are removed from tranship trucks, the person in charge of off-loading shall, when it is necessary so to do, adjust the balance of load so as to prevent the shifting of cases, casks, or packages.

(9) The loading, unloading or transhipping of explosives and other dangerous goods, when once begun shall be proceeded with, with all due diligence, until such loading, unloading or transhipping is completed.

**18.** No explosives, volatile or inflammable goods shall be loaded or unloaded in the vicinity of a fire or uncovered light, and no lamps or lights of any kind shall be taken inside a truck containing any such goods.

Prohibition of loading and unloading near fires, etc.

**19. (1)** All persons engaged in handling explosives shall exercise the utmost care, and shall avoid any act that may cause shock or friction to the contents of any case.

Precautions to be observed during loading, etc.

(2) Such persons shall not wear boots or shoes with steel or iron nails, heels, or tips; nor shall they have about their persons any pipe or light, or any lucifer or other match, or any other means of striking a light.

**20.** The Railways may detain or stop the further handling of cases containing explosives or packages of other dangerous goods that may appear to be defective; and if in the opinion of the official observing such defect it would be unsafe to permit the further transportation of such defective cases or packages, he shall, in the case of explosives at once notify an Inspector of Explosives and be governed by his instructions.

Treatment of defective packages in transit

**21. (1)** Inspectors of Explosives may travel by any train for the purpose of inspecting consignments of explosives and the trucks or trains in which they are being transported; provided that in so doing they do not unduly impede the traffic.

Inspection of explosives en route

(2) During any such inspection railway employees shall afford such inspectors any information and assistance they may require.

**22.(1)** Where delay occurs in the delivery of explosives, whether through the default of the consignor, the consignee, or otherwise, or where explosives are considered unsafe for further handling or transportation, the official in charge of the station at which the delay has occurred shall place the trucks containing the explosives in the safest place available and shall immediately notify the nearest Inspector of Explosives by the quickest possible means and the official in charge of the forwarding station by telegram of the delay, and the action he has taken; and thereafter, he shall await and in due course carry out the instructions of the Inspector of Explosives regarding the disposal of such explosives.

Precautions in case of delay in delivery

(2) Any extraordinary expenditure incurred by the Railways in or about the storage, watching, disposal or destruction of such explosives in pursuance of the said instructions shall be borne by the owner of the consignment.

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(3) Any unusual occurrence arising in the transit or delivery of explosives shall promptly be reported by telegram to the District Manager and the Chief of Transportation.

**23.** (1) No unloading of explosives shall be carried out except under the direct supervision of a person holding a valid Zambia blasting licence. Handling of explosives

(2) Where, at any time, the opening of the door of loaded explosives trucks is required for examination or other purposes, such opening shall be under the supervision of a blasting licence holder.

**24.** (1) The conveyance of trucks containing inflammables, explosives or other dangerous goods by fast passenger, passenger or mixed trains or by goods trains conveying loaded passenger coaches is strictly prohibited. Marshalling instructions for trucks containing inflammables, etc.

(2) No train shall be composed entirely of inflammable liquid tank trucks.

(3) Trucks containing explosives or other inflammable goods shall be placed as near as possible to the centre of trains.

(4) Trucks containing exposed goods of a nature liable to catch fire from sparks or hot cinders shall not be attached to trains conveying explosives, inflammables or other dangerous goods.

(5) Not less than two bogie or three short trucks of a non-dangerous nature shall separate trucks containing explosives, inflammables or other dangerous goods from the train locomotive and from the van.

(6) Where a train is conveying both inflammables and explosives trucks, they shall be separated from each other by not less than two bogie or three short trucks containing non-dangerous goods.

(7) Inflammable liquid tank-trucks, whether loaded or empty, shall not be placed next to trucks containing lime, heavy machinery, projecting timber, rails, telegraph poles and the like.

**25.** (1) No train shall be composed entirely of trucks containing explosives. Special provisions for marshalling explosives trucks

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(2) The maximum tonnage of explosives including weight of cases permitted on goods trains conveying other traffic shall be 120 tonnes.

(3) The maximum tonnage of explosives including the weight of cases permitted by a special explosives train shall be 350 tonnes.

(4) Special explosives trains as defined in sub-regulation (3) of this Regulation shall be limited to a maximum load of 82 axles.

(5) Special explosives trains shall not be double headed and shall be marshalled as follows:

- (i) Engine;
- (ii) not less than two loaded bogie or three short trucks containing non-dangerous traffic;
- (iii) explosives trucks;
- (iv) not less than two bogie or three short trucks, either empty or loaded with non-dangerous traffic;
- (v) guard's brake van.

(6) Trucks containing explosives shall not be marshalled next to trucks containing lime, heavy machinery, projecting timber, rails, telegraph poles and the like.

**26.** (1) Explosives trucks found in an unlocked condition shall not be cleared from any point.

Explosives trucks without locks

(2) A report of any such truck stating the truck number and location shall immediately be made by the official noticing it to the railway control who in turn shall advise the nearest Inspector of Explosives.

**27.** No rail truck shall be loaded with explosives other than as specified hereunder:

Restrictions on loading of explosives

- (i) Nitro compound explosives, blasting agents and detonating fuse may be transported together excepting that nitro compound explosives known as master-mix shall not be transported together with any of the above-named type of explosives or any other type;
- (ii) detonators and capped fuses shall not be transported together with any other type of explosives;

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- (iii) explosives of any other type when required to be transported shall be transported under such conditions as the Chief Inspector of Explosives shall prescribe.

**28.** Receptacles containing petrol or other highly inflammable liquids which show signs of leakage, or cases containing explosives or other dangerous goods which appear to be damaged or defective, shall not be accepted for conveyance by rail nor be retained upon railway premises.

Leaking petrol and damaged explosives cases not to be accepted or retained on railway premises

**29.** (1) Special or goods trains transporting explosives shall, as far as possible, travel right through to destination without delay; all unnecessary detention in inhabited places and stations shall be avoided.

Explosives trains not to be delayed

(2) The official in charge at the forwarding station shall immediately notify the first depot station in the direction in which the goods are being transported of the despatch and destination of the explosives, and such depot station and all other succeeding depot stations thereafter shall, in turn, similarly transmit such information onward.

**30.** Any train conveying ten or more loaded explosives trucks shall not run at a speed exceeding 32 kmh.

Speed restriction on trains conveying explosives

**31.** (1) Any train conveying ten or more loaded explosives trucks shall have a locomotive inspector on the cab of the engine, whose duty it shall be to ensure that the speed restriction imposed on such train is rigidly observed.

Escorts

(2) Any train conveying one or more loaded explosives trucks shall be escorted by an official of the Railway Police who shall be responsible to keep close watch on such trucks.

**32.** (1) When explosives or other dangerous goods are transported by rail, the attention of the guard in charge of the train shall be specially directed by a responsible official at the despatching station to the trucks containing them; the guard shall thereupon duly inform his driver, and when the train is handed over to another guard, the guard retiring from duty shall draw his attention to such trucks.

Trainmen to pay special attention to explosives and other dangerous goods

(2) Members of the staff engaged in shunting such train shall be cautioned when explosives or other dangerous goods are on the train.

**33.** (1) The shunting, marshalling and coupling of trucks containing, and trains transporting, explosives shall be done with the greatest caution.

Shunting, etc., of explosives trucks

(2) Trucks containing explosives shall on no account be detached from a train until the latter has come to a dead stop; that is to say, they shall not be single, double, or fly-shunted; after being put off, the trucks shall be properly secured by hand brakes and wedges, and when practicable left in an isolated position well away from other traffic.

(3) During shunting, trucks containing explosives shall be separated from the engine by not less than two bogie or three short trucks which may be loaded with non-dangerous goods.

(4) Protection by day shall be given by means of flags conspicuously fixed to the truck containing explosives; or if other trucks are standing on the same line, fixed to the first truck if in a dead-end, or to the trucks at either end of the loop.

(5) Protection by night shall be given by means of a red light, which shall not in any case be attached to a truck of explosives but shall be conspicuously placed and fixed at the nearest points. When explosives are on a loop line such lights shall be placed at each end of the loop.

(6) Trucks containing explosives shall not be left at any location without being guarded by an official of the Zambia Railways Police or Zambia Police until such time as the contents are either delivered to a consignee or the trucks are cleared by trains. At attended stations, the official in charge of such station shall be responsible for arranging personnel to guard such trucks.

**34.** (1) Members of the train crew shall frequently examine en route all trucks containing explosives on their trains and where there is evidence of a dangerous condition, the train must be brought to a stop and an inspection made. Trucks found unsafe for travel shall be detached.

Trucks containing explosives becoming defective en route

(2) Where possible, the trucks must be detached at a location where an official of the Zambia Railways Police or Zambia Police is readily available to guard it. If this is not possible, the train shall be detained until the arrival of a security guard arranged through Control or otherwise.

(3) When trucks are detached as mentioned in sub-regulation (2) of this Regulation, the nearest Inspector of Explosives shall be advised by the quickest possible means. No transshipment of the contents or repairs to the truck shall be undertaken except under the personal supervision of the Inspector of Explosives or his authorised representative.

(4) The railway official controlling the station at which the transshipment takes place shall notify the destination station and the District Manager by telegram of details of transshipment.

**35.** (1) Engine-drivers or observers shall not draw or rake fires in the vicinity of trucks containing explosives or inflammables; nor may they bring their trains to a stand over such raking or their engines opposite to such trucks.

Fires not to be raked or drawn near explosives trucks

(2) For the purpose of this regulation, empty inflammable tank-trucks shall be treated as trucks containing inflammables.

**36.** No examination of loaded or empty inflammable liquid tank-trucks by a carriage and wagon examiner shall be undertaken during the hours of darkness unless he is in possession of an approved safety lamp specially provided for the purpose.

Use of safety lamps for examination of inflammable liquid tank-trucks during darkness

**37.** (1) A thorough examination shall be made of loaded and empty tank-trucks at all depot stations, particularly for indications of hot axles, defective brakes, and signs of leakage or escape of vapour from the tank.

Examination of inflammable liquid tank-trucks en route

(2) Depot stations ahead shall be advised when and by what train tank-trucks are despatched, and carriage and wagon examiners shall be notified by the station official in charge so that they may be prepared to inspect such trucks.

**38.** Appropriate steps shall be taken to test the valve cap of inflammable liquid tank-trucks at every depot en route by tightening the cap where necessary, so as to avoid the valve cap working loose due to vibration in transit.

Testing of valve cap en route

**39.** (1) The leading carriage and wagon examiner at carriage and wagon depot shall take charge of operations in connection with the stoppage of leaks and the remedying of any other defects in tank-trucks. He shall also make himself fully conversant with all working parts.

Stoppage of leaks in inflammable liquid tank-trucks

(2) If it is found necessary to attend to a leak from the discharge valve, the discharge valve cap shall be unscrewed and, if the leak is a small one, then the cap joint shall be renewed. As a temporary measure this can be done with lead or steam jointing. After replacing the valve cap and screwing it up tightly it will be possible to see if the leak has been stopped.

(3) If the renewing of the valve cap joint fails to stop the leakage or if the leakage is a large one, then the leading carriage and wagon examiner shall advise his superior officer, who shall send full particulars by telegram or other means to the District Manager concerned, so that arrangements may be made to deal with the position.

**40.** (1) Guards of trains shall when opportunity offers, make frequent inspections of tank-trucks en route.

Inspection of inflammable liquid tank-trucks

(2) The inspection of loaded or empty tank-trucks shall not be performed by guards or other authorised employees during the hours of darkness unless such employees are in possession of a hand lamp of the design specified in regulation 36.

(3) Employees shall be careful not to come within close proximity of tank-trucks while carrying any other type of lamp unless or until they are satisfied that there is no leakage or escape of vapour.

**41.** (1) In the event of a hot axle, leakage of liquid, escape of vapour or any mechanical running defects being discovered, the truck shall be detached from the train and placed in a suitable siding away from lights, fires, etc. If the leakage is detected some distance from a station, the driver shall disconnect the brake by making a through pipe. The truck shall be kept under close observation and arrangements made for prompt attention to be accorded by a carriage and wagon examiner. Particulars of the action taken in such cases shall be recorded on the truck label by the carriage and wagon examiner for the information and guidance of the examining staff en route.

Detachment of inflammable liquid tank-trucks from trains

(2) In the event of a loaded or empty inflammable liquid tank-truck having to be detached at any station, the guard shall report the circumstances to the official in charge at the station if there is one or that of the controlling station.

(3) Immediately a tank-truck is detached for special examination and attention en route, the official in charge of the station concerned shall telegraph full particulars to the District Manager.

**42.** Whilst loading and discharging operations are proceeding in sidings where engines require to enter for the purpose of performing shunting operations, it shall be the duty of senders or consignees, as the case may be, to place a large warning notice in a conspicuous position. This, however, shall not relieve the guard or shunter from taking every precaution and satisfying himself before allowing an engine or truck to come in contact with a tank-truck, that it is not being loaded or discharged and that the truck can be moved with safety.

Precautions regarding inflammable liquids in tank-trucks

**43.** (1) Shunting operations with loaded or empty tank-trucks shall be limited to the lowest number of movements and the tank-trucks shall be placed as far as possible from the engine. A loaded inflammable liquid tank-truck shall not be marshalled next to the engine during shunting operations.

Shunting and other movements with inflammable liquid tank-trucks

(2) When tank-trucks are received or are stabled in station yards, precautions shall be taken to guard against mishap, particularly during the hours of darkness.

(3) Lighted tail, side- or hand-lamps, shall not be attached to tank-trucks, either when running or when at a stand.

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**44.** (1) Every guard shall inform the driver of the train of which he is the guard, when loaded or empty inflammable liquid tank-trucks are attached to a train.

Precautions regarding loaded or empty inflammable liquid tank-trucks

(2) Before using a torch or other naked light for the purpose of examining or oiling his engine, every driver shall first satisfy himself that the liquid is not leaking or vapour escaping from tank-trucks which may be marshalled in close proximity to the engine.

**45.** (1) Smoking alongside loaded or empty tank-trucks is strictly prohibited and fires or naked lights of any description shall not be carried in close proximity to such trucks.

Prohibition of smoking near loaded or empty inflammable tank-trucks

(2) Drivers shall take steps to prevent engine fires from being shaken, raked or thrown out, whilst their engines are in close proximity to such tank-trucks.

**46.** (1) If at any time during the transportation of explosives by rail, any truck containing explosives is involved in an accident, the nearest Inspector of Explosives shall be notified by the quickest means possible.

Accidents involving loaded explosives trucks

(2) No transshipment of explosives or re-railing or repairing of such truck shall be undertaken except under the personal supervision of an Inspector of Explosives or his authorised representative.

**47.** Any person who contravenes any of the provisions of these Regulations shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding four thousand penalty units or to a term of imprisonment not exceeding two years or to both.

Penalty for violation of regulations

*(As amended by Act No. 13 of 1994)*



**Endnotes**

**1 (Popup - Popup)**

A separate statement may be attached if space provided is insufficient.

**2 (Popup - Popup)**

A separate statement may be attached if space provided is insufficient.