

PARLIAMENT OF CEYLON

1st Session 1965-66



Railways (Amendment) Act, No. 7 of 1966

Date of Assent : April 6, 1966

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Railways (Amendment) Act, No. 7 of 1966.

L. D.—O. 50/61.

AN ACT TO AMEND THE RAILWAYS ORDINANCE.

Chapter 200,
Vol. VII,
Page 376.

[Date of Assent: April 6, 1966]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Railways (Amendment) Act, No. 7 of 1966.

Short title.

2. The Railways Ordinance, hereinafter referred to as the "principal enactment", is hereby amended by the insertion, immediately after section 13, of the following new section:—

Insertion of
new section
13A in
Chapter 200.

" Penalty for
occupying seats
reserved for
clergy.

13A. Where any seats are set apart for the exclusive use of members of the clergy, any person (other than a member of the clergy) who occupies any such seat and refuses to leave it when it is required for occupation by a member of the clergy, may be removed from such seat by any railway official, and shall be guilty of an offence and liable to a fine not exceeding one hundred rupees."

3. The following new section is hereby inserted immediately after section 34 of the principal enactment and shall have effect as section 34A of that enactment:—

Insertion of
new section
34A in the
principal
enactment.

" Power of
railway
official
to enter
upon any
land and
cut down
trees.

34A. (1) Where any tree or branch thereof—

(a) obstructs the view of any fixed signal, or

(b) obstructs or is likely to obstruct the passage of any train, engine or carriage used on the railway, or

(c) is likely to cause damage to the railway or any telegraph line maintained and used by the General Manager,

any railway official may, subject to the provisions of sub-sections (2), (3) and (4), cut down such tree or branch thereof

and, for the purpose of cutting down such tree or branch, enter upon any land together with any person employed by him and any vehicle or animal which such official considers necessary and do all things necessary for the aforesaid purpose.

(2) Before any railway official enters any land or cuts down any tree or branch thereof under sub-section (1), he shall, except where such tree or branch has in his opinion to be cut down immediately, give reasonable notice—

(a) of the cutting down of such tree or branch to the owner thereof,
and

(b) of the entry on such land to the occupier of such land,

and shall inquire into any objections raised by the owner of such land.

(3) It shall be the duty of any railway official, when exercising any power under sub-section (1), to ensure that as little damage as possible is done to any property.

(4) Where any damage to any property has been caused as a result of the exercise of any power under sub-section (1) by any railway official, it shall be the duty of the General Manager, upon application made to him in that behalf by the owner of such property, to pay to such owner such compensation in respect of that damage as the General Manager may consider reasonable, and if the owner feels aggrieved as to the amount of compensation, he shall have a right of appeal to the Minister.

(5) Any person who applies for compensation under sub-section (4) shall forward such application to reach the General Manager not later than thirty days after the date of the occurrence of the damage in respect of which such compensation is sought.”.