

PARLIAMENT OF CEYLON

3rd Session 1949-50



Railways (Amendment) Act, No. 18 of 1950

Date of Assent: April 5, 1950.

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Railways (Amendment) Act, No. 18 of 1950.

L D —O. 56/49.

AN ACT TO AMEND THE RAILWAYS ORDINANCE.

Chapter 153
(Vol. IV.,
page 90).

[Date of Assent: April 5, 1950.]

BE it enacted by the King'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. 18 of 1950

Short title.

2. Section 3 of the Railways Ordinance (hereinafter referred to as the "principal enactment") is hereby amended as follows:—

Amendment
of section 3 of
Chapter 153.

(1) by the substitution, for the words "and all other matters", of the words "the matters in this Ordinance stated or required to be prescribed, and all other matters"; and

(2) by the insertion, immediately after the first proviso to that section (as modified by the Proclamation published in *Gazette* No. 9,773 of September 24, 1947), of the following new proviso:—

" Provided that the General Manager may, in any case where he considers it expedient to do so, reduce the rates of the charges for the conveyance by railway of any passengers, passengers' luggage, parcels, goods, or live stock—

(a) by an amount not exceeding forty per centum of those rates, or

(b) with the prior approval of the Minister, by any other amount: "

3. Section 7 of the principal enactment is hereby amended as follows:—

Amendment
of section 7 of
the principal
enactment.

(1) by the re-lettering of paragraphs (b) and (c) of that section as paragraphs (f) and (g);

(2) by the insertion, immediately after paragraph (a) of that section, of the following paragraphs:—

" (b) refuses or fails to show his ticket, when required to do so, to any railway official duly authorised to examine tickets; or

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- (c) refuses or fails to deliver his ticket, upon demand, to any railway official duly authorised to collect tickets; or
 - (d) otherwise than in the capacity and in the discharge of the duties of a railway official authorised to sell tickets, sells or transfers or attempts to sell or transfer any ticket in order to enable any other person to travel therewith upon the railway; or
 - (e) travels upon the railway with any ticket sold or transferred in the manner referred to in the foregoing paragraph (d); or ”;
- (3) by the substitution, for the words “ be liable to a fine not exceeding fifty rupees : ”, of the following words :—
- “ be liable to a fine not exceeding fifty rupees, or to imprisonment of either description for a period not exceeding one month, or to both such fine and imprisonment : ”;
- (4) in the proviso to that section, by the substitution, for the words “ penalty of two rupees and fifty cents ”, of the words “ penalty of a prescribed amount ”

Amendment
of section 15 of
the principal
enactment.

4. Section 15 of the principal enactment is hereby amended as follows:—

- (1) by the numbering of paragraph (a) of that section as sub-section (1) of that section;
- (2) in sub-section (1) of that section—
 - (a) by the substitution, for all the words from “ liable for loss ” to “ such loss or injury shall ”, of the words “ liable for the loss or destruction of, or any injury to, any property carried by the railway, unless such loss, destruction, or injury shall ”; and
 - (b) by the substitution, for the words “ articles or goods ”, of the word “ property ”;

(3) by the substitution, for paragraph (b) of that section, of the following sub-section which shall have effect as sub-section (2) of that section:—

“(2) In the event of any liability being incurred by the Government in respect of property of any class or description in any of the circumstances referred to in sub-section (1), the compensation payable shall—

- (a) where any amount is prescribed as the limit of compensation for property of that class or description, not exceed that amount, and
- (b) where no such limit is prescribed, not exceed the actual value of that property at the time and place at which it was accepted for carriage by the railway:

Provided that—

- (i) where, in accordance with such rules made under section 3 as may be applicable in the case of that property, a higher value than the prescribed limit of compensation has been declared, and in consideration of the increased risk thereby created such additional charge or premium as may be prescribed has been paid, in respect of that property, by or on behalf of the owner or consignor thereof, the compensation payable shall be assessed on the basis of the higher value so declared; and
- (ii) nothing in the preceding provisions of this section shall affect any written agreement to release the Government from liability or to limit the liability.”;

(4) by the numbering of paragraph (c) of that section as sub-section (3) of that section; and

(5) in sub-section (3) of that section, by the substitution, for the words " article or thing ", of the word " property ".

Insertion of new section 15A in the principal enactment.

5. The following new section is hereby inserted immediately after section 15, and shall have effect as section 15A, of the principal enactment:—

" Notification of claims to compensation for losses or to refunds of overcharges.

15A. No person shall be entitled to compensation for the loss or destruction of, or any injury to, any property carried by the railway, or be entitled to a refund of an overcharge in respect of that property, unless his claim to such compensation or refund has—

(a) where that property is from overseas and was accepted at Talaimannar for carriage by the railway, been preferred in writing by him or on his behalf to the General Manager within six months after the date on which that property was so accepted, or

(b) where that property is not property referred to in the foregoing paragraph (a), been so preferred within two months after the date on which that property was accepted for carriage by the railway."

Amendment of section 21 of the principal enactment.

6. Section 21 of the principal enactment is hereby amended by the addition, at the end of that section, of the following sub-section:—

" (7) Where any property is detained under this section in a warehouse or other place under the control of the General Manager because of the failure of the owner, consignor, consignee, or person in charge of that property, when requested to do so by the officer whose duty it is to examine that property for the purposes of any written law, to produce for inspection by that officer, within three days after the date on which the request is made, any document which relates to that property and which that officer is legally empowered to inspect, the General Manager or any officer authorised by him in that behalf may demand, and such owner, consignor, consignee, or person shall on demand pay, storage charges calculated at such rates as may be fixed from time to time by the General Manager by notice published in the *Gazette*."

7. Section 37 of the principal enactment is hereby amended as follows:—

Amendment
of section 37 of
the principal
enactment.

- (1) by the re-numbering of that section as sub-section (1) of section 37; and
- (2) by the addition, at the end of that section, of the following sub-section:—

“(2) A railway official of a rank not below that of an officer in charge of a railway station or a head guard of a train may, notwithstanding anything to the contrary in the Criminal Procedure Code, apprehend without a warrant any person who, in a train or in a place under the control of the General Manager, commits an offence under a written law other than this Ordinance; and where any such official apprehends any such person, that official shall deliver that person to a police officer to be dealt with according to law.”

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8. Section 43 of the principal enactment is hereby amended by the insertion, immediately after the definition of “passengers’ luggage”, of the following definition:—

Amendment
of section 43 of
the principal
enactment.

““prescribed” means prescribed by rule made under section 3;”