

RAILWAYS

AN ORDINANCE RELATING TO THE CEYLON RAILWAYS.

Ordinance Nos,

1 of 1903
2 of 1904
4 of 1914
6 of 1915
16 of 1922
10 of 1925
1 of 1932
5 of 1932
17 of 1937
8 of 1939
33 of 1941
29 of 1942
23 of 1943
15 of 1944

Act Nos,

18 of 1950
41 of 1961
7 of 1966
20 of 1971

[15th October , 1902]

Short title	1. This Ordinance may be cited as the Railways Ordinance.
Appointment of General Manager and other officers and clerks.	<p>2.</p> <p>(1) There may be appointed -</p> <p>(a) any person by name or by office to be or to act as General Manager; and</p> <p>(b) such other officers and clerks as may be necessary for the purposes of this Ordinance.</p> <p>(2) The General Manager may generally or specially authorize any officer appointed under paragraph (b) of subsection (1) to exercise any power or perform any duty conferred or imposed by this Ordinance on the General Manager.</p>
Rules. [2,20 of 1971.]	<p>3. The Minister may, from time to time, make (and when made, revoke, or add to, or alter) rules regarding the conveyance of passengers, passengers' luggage, parcels, H, C, and D traffic, goods, livestock, and all and every article, animal, person or thing to be conveyed by railway, the classification of goods, the goods that are to be charged for at special rates, the charges to be made for the conveyance of passengers and goods by the railway, the matters in this Ordinance stated or required to be prescribed, and all other matters not specially enacted by this Ordinance, which may be necessary to provide for the management and due and profitable working of the railway: 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 livestock-</p> <p>(a) by an amount not exceeding forty per centum of those rates, or</p> <p>(b) with the prior approval of the Minister, by any other amount;</p> <p>Provided, further, that no rule regarding charges for the conveyance of passengers and goods shall be made without the concurrence of the Minister in charge of the subject of Finance.</p>
Rules to be laid before Parliament	4. All such rules, excepting rules relating to the charges to be made for the conveyance of passengers and goods by railway and the goods that are to be charged at special rates, shall be laid before if Parliament is in session within one month of being made, and if not in session within one month of the commencement of the session next ensuing, and in either case they shall be on the table during four sittings at least of Parliament, and any rule which has been disapproved by resolution of Parliament shall cease to have any force or effect.
Operation of rules relating to charges for conveyance of passengers and goods. [4,20 of 1971.]	4A. Rules made by the Minister relating to the charges for the conveyance of passengers and goods by the railway shall be published in the Gazette and shall come into operation on such date as may be specified therein.
Fares to be prepaid. Passenger tickets to be given up on demand,	5. No person shall enter any carriage used on the railway, for the purpose of travelling therein, without having a pass or having first paid his fare and obtained a ticket. Every person desirous of travelling on the railway shall, upon payment of his fare, be furnished with a ticket specifying the class of carriage for, and the station from, and the station to, which the fare has been paid, and shall, when required, show his ticket to any railway official duly

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authorized to examine the same, and shall deliver up such ticket upon demand to any of the railway officials duly authorized to collect tickets. Any person not producing or delivering up his ticket as aforesaid shall be liable to pay the fare from the place whence the train originally started, unless he can prove that he has travelled a less distance, in which case he shall be liable to pay the fare only from the place whence he has travelled.

Fare to be
accepted
conditionally.

6. The fare paid for the conveyance of passengers shall be deemed to be accepted only upon condition that there be room in the train. In case there shall not be room for all the passengers, those passengers who shall have obtained tickets for the longest distance shall have the preference, and those who shall have obtained tickets for the same distance shall have the preference according to class and to the order in which they shall have received their tickets:

Provided that all officers and troops of the State on duty, and other persons travelling on the business of Government, shall be entitled to be conveyed on the railway in preference to, or in priority over, the public, without reference to the distance for which, or the order in which, they shall have received their tickets.

Penalties for
certain
offences.

7. Any person who-

- (a) travels or attempts to travel upon the railway without having previously paid his fare or with a ticket which is out of date, or rides in or upon a carriage of a higher class than that for which he has paid his fare, or continues his journey in or upon any carriage beyond the station for which he has paid his fare without having previously either paid the fare for the additional distance or obtained the sanction of the guard of the train; or
- (b) refuses or fails to show his ticket, when required to do so, to any railway official duly authorized to examine tickets; or
- (c) refuses or fails to deliver his ticket, upon demand, to any railway official duly authorized to collect tickets; or
- (d) otherwise than in the capacity and in the discharge of the duties of a railway official authorized 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
- (f) knowingly and wilfully refuses or neglects, on arriving at the station to which he has paid his fare, to quit the station and railway premises; or
- (g) in any manner whatsoever attempts to evade the payment of his fare,

shall be guilty of an offence, and shall on conviction 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:

Provided, however, that no prosecution shall be instituted or maintained against any person in respect of any offence under the foregoing paragraph (a) if such person pays to a station master, or to a railway official duly authorized to receive such payments, a penalty of a prescribed amount together with twice his fare or twice the additional or excess fare due from him, as the case may be.

Enforcing
payment of
fare by
passenger not
producing
ticket

8. If any person shall fail to pay on demand any sum due for fares not prepaid, or for excess fares for overriding, or riding with a ticket out of date, or in a higher class of carriage than that for which he shall have paid his fare, or for the occupation of sleeping berths, or any other special accommodation provided for the use of passengers, it shall be lawful for the General Manager to detain all or any part of such person's luggage until the claim be satisfied, or, if the same shall have been removed from the premises appertaining to the railway, any other property of such person which shall then be on the railway premises or shall thereafter come into such Manager's possession; and, after reasonable notice to such person, to sell by public auction so much of such property as such Manager shall think fit, and out of the proceeds realized by such sale to retain any sum due as aforesaid, and all charges and expenses of such detention and sale, and to return the balance, if any, of the money arising by such sale and such of the property as shall remain unsold to the person entitled thereto, or the General Manager may recover any such sum by action at law,

Fine for
entering
carriage in
motion or
riding on the
step.

9. Any person who shall get into or upon, or attempt to get into or upon, or shall quit or attempt to quit, any vehicle upon the railway while such vehicle is in motion; or who shall assist or cause any person to enter or quit any vehicle upon the railway while such vehicle is in motion, or who shall ride or attempt to ride upon the railway on the steps or any other part of a vehicle except on those parts which are intended for the accommodation of

	passengers, shall be guilty of an offence, and liable to a fine not exceeding twenty rupees for each such offence.
Smoking. &c, and chewing of betel prohibited.	10. If any person shall smoke, or shall chew betel, bhang, tobacco, opium, or other like substance, to the annoyance of any other person, passenger, or official: or shall commit a nuisance by expectorating either on the premises or in or upon any of the carriages belonging to the railway, except in places which may be specially provided for the purpose, or shall deface or injure by smearing with chunam or any other substance any railway building, carriage, or other property, he shall be guilty of an offence, and liable to a fine not exceeding twenty rupees for each such offence; and if any person persist in infringing this regulation after being warned to desist by any of the railway officials or passengers, such person, in addition to incurring the liability above mentioned, may be removed by any such official from any such carriage and from the premises appertaining to the railway, and shall forfeit his fare.
Persons afflicted with smallpox or other contagious disease not allowed to travel	11. If any person afflicted with smallpox or other contagious disease shall travel by the railway, he shall be guilty of an offence, and liable to a fine not exceeding fifty rupees; and if any person whilst travelling be discovered to be so afflicted, it shall be lawful for any railway official to remove him from the carriage and from the railway premises at the first opportunity.
Penalty for intoxication or nuisance.	12. Any person who shall be in a state of intoxication, or be insufficiently or indecently clad, or who shall commit any nuisance or act of indecency in any railway carriage, or upon any part of the premises appertaining to the railway, or who shall wilfully and without lawful excuse interfere with the comfort of any passenger on the railway, shall be guilty of an offence, and liable to a fine not exceeding fifty rupees, or to imprisonment of either description for any term not exceeding three months, or to both; and, in addition to such liability, the offender may be removed by any of the railway officials from any such carriage, and also from the premises appertaining to the railway, and shall forfeit his fare.
Penalty for entering private room or carriage.	13. If any special carriage or portion of a carriage or any private room or apartment shall be provided for the exclusive use of females, any male person who, without lawful excuse, shall enter such carriage, or portion of a carriage, or any such room or apartment knowing the same to be exclusively appropriated as aforesaid, or shall remain therein after having been informed of its exclusive appropriation, or if any person shall knowingly and wilfully enter or refuse or neglect to leave reserved carriages or compartments, or shall enter and refuse to leave rooms or places or seats set apart for passengers of higher classes, he shall be guilty of an offence, and liable to a fine not exceeding one hundred rupees, and may be removed therefrom, and also from the premises appertaining to the railway, by any of the railway officials, and shall forfeit his fare.
Penalty for occupying seats clergy [2, 7 of 1966]	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) reserved for 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.
Fine for riding on engine, tender, or luggage van.	14 Any person other than the engineman and fireman and assistant fireman, if any, who, without the special leave of the General Manager, shall ride or attempt to ride upon any locomotive engine or tender upon the railway ; and any person other than the guard or brakeman who, without special permission of the General Manager, shall ride or attempt to ride upon the railway in or upon any luggage van or goods van or other vehicle not appropriated to the carriage of passengers, shall be guilty of an offence, and liable to a fine not exceeding fifty rupees for each offence.
Liability for goods lost, destroyed, or injured.	15. (1) The Government shall in no case be liable for the loss or destruction of, or any injury to, any property carried by the railway, unless such loss, destruction, or injury shall have been caused by negligence or misconduct on the part of their agents or servants, and unless the property in respect of which compensation is claimed shall have been clearly and legibly addressed and booked and paid for or labelled and loaded in conformity with this Ordinance or the rules and regulations in that behalf provided. (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 subsection (1), the

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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.

(3) The onus of proof of the value of any property in respect of which compensation is claimed shall lie with the claimant.

Notification of claims to compensation for loss or to refunds of overcharges. **16.** 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.

Goods accepted conditionally. **17.** The Government shall not be bound to despatch by the first or any specified train any goods, parcels, passengers luggage, bicycles, livestock, horses, carriages, or any other article or thing tendered for conveyance, but freight shall be deemed to be accepted only upon condition that there is room in the trains and suitable space or vehicle available, and sufficient time and opportunity for loading, invoicing, and all other matters and works necessary to and connected with the despatch thereof.

Carriage of goods of a dangerous nature. **18.** No person shall carry upon the railway any dangerous article, or be entitled to require any railway official to carry upon the railway any article which, in the judgment of any of the railway officials, shall be of a dangerous nature, or which it would be unsafe for the railway to convey, and if any person shall carry upon the railway any dangerous article, or shall deliver to such railway official any such article for the purpose of being carried upon the railway, without distinctly marking its nature on the outside of the package containing the same, and likewise giving notice in writing of the nature thereof to the station master or other principal railway official to whom the same shall be delivered for the purpose of being so carried, he shall be guilty of an offence, and liable to a fine not exceeding two hundred rupees for every such offence, and it shall be lawful for the railway officials to refuse to carry any goods, luggage, or parcel that they may suspect to contain articles of a dangerous nature, and to require the same to be opened to ascertain the fact previously to carrying the same; and in case any such goods, luggage, or parcel shall be received by the railway officials for the purpose of being carried on the railway, it shall be lawful for any railway official to stop the transit thereof until he shall be satisfied as to the nature of the contents of the goods, luggage, or parcel.

Written account of goods to be given on demand. **19.** The consignor, owner, or person having the care of any goods, package, or parcel which shall have been carried upon the railway, or shall be brought to the premises appertaining to the railway for the purpose of being carried on the railway, shall, on demand by any railway official, deliver to such official an exact account in writing signed by him of the number, quantity, value, and description of such goods, package, or parcel.

Penalty for giving no account or false account. **20.** If any such owner or person as aforesaid shall, on demand by any such railway official as aforesaid, fail to give such account to such railway official, or if he shall wilfully give a false account thereof, he shall be guilty of an offence, and for every such offence be liable to a fine not exceeding fifty

rupees for every ton of goods, and to a fine not exceeding twenty rupees for any quantity of goods less than a ton.

Remedy for non-payment of carriage of goods.

21. If any person shall fail to pay on demand any sum due for the conveyance of any livestock goods, H, C and D traffic, luggage, or parcels, it shall be lawful for the General Manager to detain all or any part of such property, or, if the same shall have been removed from the premises appertaining to the railway, any other property of such person which shall then be on such premises or shall thereafter come into the possession of such Manager; and, after reasonable notice to such person, to sell by public auction so much of such property as such Manager shall think fit, and out of the proceeds realized by such sale to retain any sum due as aforesaid, and all charges and expenses of such detention and sale, and to return the balance, if any, of the money arising by such sale and such of the property as shall remain unsold to the said person entitled thereto, or the General Manager may recover any such sum by action at law.

Examination of articles from overseas received by the railway at Talaimannar for the purpose of customs duty.

22. (1) All passengers' luggage, parcels, goods, and every article or thing from overseas received by the railway at Talaimannar shall be liable to examination and detention for the purpose of enforcing the provisions of the Customs Ordinance at any place determined by the Principal Collector of Customs, and in accordance with such rules as may be framed by the Principal Collector of Customs, who is hereby authorized to determine such place and to make such rules.

(2) Any such passengers' luggage, parcels, goods, article, or thing may be opened at any railway station or place appointed for the purpose by an officer of the Railway Department nominated by the General Manager of the railway, in the presence of an officer of the customs nominated by the Principal Collector of Customs.

(3) If the value and description of any such passengers' luggage, parcels, goods, article, or thing are found to have been truly declared on the declaration form, waybill, invoice, or other railway document referring to the goods, they shall be repacked by the officer of the Railway Department, in the presence of the officer of the customs, and shall be forwarded to their destination.

(4) If the value of such passengers' luggage, parcels, goods, article, or thing is, in the opinion of the officer of the customs, undervalued, or the description incorrect, or if the passengers' luggage, parcels, goods, article, or thing should consist of or contain anything totally or conditionally prohibited from being imported under the provisions of the Customs Ordinance or any enactment amending the same or under any other enactment, the whole of such passengers' luggage, parcels, goods, article, or thing shall be delivered to the Principal Collector of Customs to be dealt with as provided by the Customs Ordinance; and the consignee or the person having care of the same shall be liable to any charges thereby incurred, in addition to any forfeiture or penalty which may be inflicted under the provisions of the said Ordinance.

(5) If any parcels, goods, articles or things received from beyond seas are suspected to contain dutiable articles, or articles totally or conditionally prohibited from being imported as mentioned in the preceding subsection, they shall be delivered to the Principal Collector of Customs to be dealt with under the Customs Ordinance, and the General Manager of the railway shall cause notice in writing to be forthwith sent to the consignee advising him of the arrival of the parcels, goods, articles, or things, and requesting him to clear the same either personally or by agent.

(6) The procedure hereinbefore prescribed shall be carried out without any avoidable delay, but no person shall have any right to any payment by way of compensation or otherwise, nor shall any liability be imposed on the Government or on the General Manager of the railway, by reason of the opening or detention of any passengers' luggage, parcels, goods, articles, or things dealt with under the provisions of this 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 authorized 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.

Penalty for removing stakes or pegs, any railway already constructed, or under construction, or any other line which may be hereafter undertaken with the sanction of the Government, or contiguous thereto, for the purpose of setting out, tracing or showing such line, shall be guilty of an offence, and liable to a fine not exceeding fifty rupees.

23. Any person who shall remove any stakes, or pegs, or other marks placed by any railway official or by any surveyor or his servants along the line of any railway already constructed, or under construction, or any other line which may be hereafter undertaken with the sanction of the Government, or contiguous thereto, for the purpose of setting out, tracing or showing such line, shall be guilty of an offence, and liable to a fine not exceeding fifty rupees.

Penalty for damage, willful or negligent.

24.

(1) Any person who shall wilfully or negligently damage or injure any carriage, engine, wagon, truck, station, warehouse, bridge, tunnel, culvert, building, machine, rail points or any other matter or thing belonging to the railway, or who shall remove sand or stone or earth or any other matter or thing from banks, bridges, culverts, retaining walls, or permanent way within railway limits, or shall fell timber in a manner likely to endanger the safety of passing trains or of any person in or upon such trains, or to cause damage to the permanent way, shall be guilty of an offence, and be liable to corporal punishment not exceeding twenty-four lashes, or fine not exceeding one thousand rupees, or imprisonment of either description for any period not exceeding twenty years, or to any two or more of these punishments.

(2) Any person who shall tie up the wires of wire fencing, break down or destroy any fencing or hedges, or do or cause to be done any act that shall damage or be likely to damage any fence or hedge appertaining to the railway, shall be guilty of an offence, and be liable to a fine not exceeding fifty rupees.

(3) Any person who shall wilfully divert any stream or drain, or by any means cause water to flow on to the railway, or cause damage to the railway in any way by water, shall be guilty of an offence, and be liable to a fine not exceeding one hundred rupees.

(4) Any person who having any contract for the supply of bricks, ballast, timber, fuel, or any other material to the railway, or being employed in connexion with the supply to the railway of such material, shall negligently place or stack the said material in an unsafe or careless manner, or at less than the prescribed distance from the rails, so that the safety of passing trains or of any person in or upon such trains shall be endangered, shall be guilty of an offence, and be liable to a fine not exceeding fifty rupees; and any person who shall throw or cause to be thrown, either by hand or otherwise, any fuel upon the line in such a manner as to cause damage to the permanent way, shall be liable to a fine of fifty rupees for every such offence and shall be chargeable with the cost of the repairs consequent thereon.

Penalty for removing documents or notices.

25. Any person who shall remove, deface, or in any way injure any document exhibited by the railway authorities as required by section 42, or any notice, document, or advertisement posted by them at any station or anywhere upon the railway shall be guilty of an offence, and be liable to a fine not exceeding fifty rupees, or to imprisonment of either description for a period not exceeding three months.

Obstructing engine or carriages, or endangering safety of passengers.

26. If any person shall wilfully and maliciously put, place, cast, or throw upon or across the railway any wood, stone, or matter or thing, or shall wilfully and maliciously take up, remove, or displace any signal wire, pulley, or stake, or any number, plate, mile post, gradient post, rail, sleeper, or matter or thing belonging to the railway, or shall wilfully and maliciously turn, move, or divert any points or other machinery belonging to the railway, or shall wilfully and maliciously make or show, hide, remove, alter, or imitate any signal or light upon or near the railway, or shall wilfully or maliciously do or cause to be done any other matter or thing with intent, in any of the cases aforesaid, to upset, obstruct, overthrow, injure, or destroy any engine, tender, carriage, or truck used upon the railway, or to endanger the safety of any persons travelling or being upon the railway, or cast, or throw, or cause to fall or strike against, into, or upon any engine, tender, carriage, or truck used upon the railway, any wood, stone, or other matter or thing with intent to endanger the safety of any person being in or upon such engine, tender, carriage, or truck, every such offender shall be guilty of an offence, and be

	liable to corporal punishment not exceeding twenty-four lashes, or fine not exceeding one thousand rupees, or imprisonment of either description for any period not exceeding twenty years, or to any two or more of these punishments.
Penalty for wilful Act or omission endangering passenger.	27. Whoever shall wilfully do any act, or shall wilfully omit to do what he is legally bound to do, intending by such act or omission to cause, or knowing that he is thereby likely to cause the safety of any person travelling or being upon the railway to be endangered, shall be guilty of an offence, and liable to corporal punishment not exceeding twenty lashes, or fine not exceeding two hundred rupees, or to imprisonment of either description for any term not exceeding seven years, or to any two or more of these punishments-
Penalty for rash or negligent act.	28. If any person shall rashly or negligently and without lawful excuse do any act which shall be likely to endanger his own safety or that of any person travelling or being upon the railway, he shall be guilty of an offence, and liable to imprisonment of either description for a term not exceeding six months, or to fine not exceeding one hundred rupees, or to both.
Penalty for a drunkenness or breach of duty by railway officials.	29. Any railway official who shall be in state of intoxication whilst actually employed upon the railway or any of the works connected therewith, in the discharge of any duty, and any railway official who negligently shall omit to perform his duty or shall perform the same in an improper manner shall be guilty of an offence, and liable to a fine not exceeding fifty rupees; and if the duty in any of the cases in this section above mentioned be such that the omission or negligent performance thereof would be likely to endanger the safety of any person travelling or being upon the railway, such official shall be guilty of an offence, and liable to imprisonment of either description for a term not exceeding one year, or to a fine not exceeding two hundred rupees, or to both.
Breach of rules	30. If any person shall wilfully do any act contrary to the provisions of the rules sanctioned by the Minister, or wilfully omit to do any act thereby prescribed, he shall be guilty of an offence, and liable to a fine not exceeding twenty rupees.
Penalty for trespass.	31. Any person who shall trespass upon the railway, or upon any of the lands, stations, or other premises appertaining to the railway, shall be guilty of an offence, and liable to a fine not exceeding twenty rupees; and if any such person shall refuse to leave the railway, or any land, station, or other premises appertaining thereto, on being requested to do so by any railway official or by any other person on behalf of a railway official, he shall be guilty of an offence, and liable to a fine not exceeding fifty rupees, and may be immediately removed therefrom by such railway official or other person as aforesaid.
Precaution if the railway cross a road. [2,41 of 1961.]	32. If the railway cross any public carriage road on a level at a place not declared to be a " minor crossing " or an " occupation crossing " as hereinafter provided, the General Manager shall, before the line is opened for traffic, cause to be erected and afterwards maintained good and efficient gates, bars, or barriers which are capable of being moved to such a position that they make the-railway impassable at the intersection of the railway and the road, or to such a position that they make the road impassable at such intersection; and the gates, bars, or barriers shall be moved to and kept in the first-mentioned position except when engines or trains passing along the railway have occasion to cross the road : Provided that the Minister may in any case order that the gates, bars, or barriers shall- (a) be so constructed as to be capable of being moved to such a position that they make the road, and not the railway, impassable at the intersection of the railway and the road, or to such a position that they do not make either the road or the railway impassable, and (b) be moved to and kept in the position mentioned first in paragraph (a) of this proviso only when engines or trains passing along the railway have occasion to cross the road, and in such case the gates, bars, or barriers shall be erected, maintained, and moved to and kept in position, accordingly. If the General Manager shall wilfully fail to comply with the provisions of this section, he shall be guilty of an offence, and liable to a fine not exceeding two hundred rupees for each offence ; and any Magistrate may, in case any such gates, bars, or [§2,41 of barriers be not erected or maintained, order 1961] the General Manager to cause the same to be erected and maintained within a time to be specified in the order; and in case of willful failure on his part to comply with such order, he shall be guilty of an offence, and liable to a fine not exceeding two hundred rupees for every day that he shall wilfully fail so to do.

"Minor
crossings

33.

- (1) It shall be lawful for the Minister, from time to time, to declare by Order any road or path which the railway may cross to be a " minor crossing " and whether such minor crossing shall be closed by gates or not, and such Order to alter, vary, or repeal.
- (2) The gates of minor crossings shall close across the road and not across the railway, and shall be kept locked by means of padlocks, the keys of which shall be kept by a person authorized thereunto by the General Manager of the railway.
- (3) Any person desiring to use a minor crossing closed by gates shall give such notice of his intention to do so to such authorized person, as will allow of arrangements being made for the opening of the gates with safety to the public.
- (4) The General Manager shall provide such authorized person with a copy of the current time table applicable to the district in which such minor crossing shall be situated for his guidance as to the time at which such crossing gates may be opened, but the person authorized shall always satisfy himself before opening such gate that no train, special or ordinary, is within sight or hearing.
- (5) Cattle passing over a minor crossing shall not be driven but led by a suitable and properly secured halter.
- (6) Any person using or attempting to use a minor crossing closed by gates without such notice as aforesaid, and any person causing cattle to cross any minor crossing without such halter as aforesaid, shall be guilty of an offence, and liable to a fine not exceeding fifty rupees, or to imprisonment of either description for a period not exceeding three months.
- (7) Any person authorized by the General Manager to keep the keys of any minor crossing who fails to keep the gates closed across the road and securely locked with padlocks, except at such times as the gates may require to be opened for the passage of vehicles or animals across the railway, shall be guilty of an offence, and liable to a fine not exceeding fifty rupees for every such offence.
- (8) And it shall be the duty of the General Manager to provide and maintain at all minor crossings declared by such Order to be closed by gates, separate gates or stiles of convenient dimensions and pattern for the use of foot passengers crossing the railway.

" Occupation
crossings ".

34.

- (1) "Occupation crossings" are crossings provided and maintained for the sole use of private owners whose roads may at the time of the construction of any railway be intersected by such railway. The gates of such occupation crossings shall close across the road and not across the railway and shall be kept closed and locked except at such times as with due and proper precaution they may be opened for the passage of cattle or vehicles, and the keys shall be retained in the custody of the person for whom such occupation crossing is provided.
- (2) The person for whom any such occupation crossing is provided shall be bound to keep the gates closed across the road at all times of the day and night, except when with due and proper precaution they are opened for the passage of any person, animal, or vehicle, and if the person for whom any such occupation crossing is provided shall leave open any such occupation crossing gate he shall be guilty of an offence, and liable to a fine not exceeding fifty rupees.
- (3) The Government shall not be responsible for any loss or damage arising from the use of any such crossing.
- (4) The General Manager shall provide and maintain the crossing gates and the adjacent fences, together with the approaches thereto within the railway boundaries, in good and proper order, but he shall be entitled to recover from the person for whom such occupation crossing is provided the cost of repairing such damage as may be caused to the crossing gates and the adjacent fences through the negligence of the said person or his servants.
- (5) Occupation crossings may be sanctioned and opened upon any existing line at the discretion of, and upon conditions imposed by, the General Manager, the first cost of construction and an annual rent for maintenance being payable by the person for whom such crossing may be constructed.
- (6) All crossings which at the time of the publication of this Ordinance shall be deemed and proclaimed to be occupation

crossings shall, upon due and proper notice being given to the occupier thereof, become subject to the conditions provided by this Ordinance for the regulation and conduct of occupation crossings.

(7) It shall be at all times within the power and discretion of the General Manager to close any occupation crossing; or, in the event of the neglect of the owner or occupier to comply with the conditions imposed, to appoint and maintain at such crossing an officer of the railway at the expense of the owner or occupier, and such expense shall be payable in addition to any other sums recoverable under, this Ordinance.

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 subsections (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 subsection (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 subsection (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 subsection (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 subsection (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.

Penalty for
driving an
animal upon or
across the
railway

35.

(1) Any person who shall wilfully ride, lead, or drive upon or across the railway any animal (except in directly crossing the railway at a road or place appointed for that purpose and at a time at which he shall be lawfully authorized so to do), shall be guilty of an offence and liable to a fine not exceeding fifty rupees for each offence.

Penalty for
opening
gates, c
[§ 3,41 of 1961.]

(2) Any person who, at a time when any engine or train approaching along a railway is within sight or hearing or is due,-

- (a) moves any gate, bar, or barrier, erected and maintained by the General Manager at the intersection of such railway and a road, from the position in which such road is made impassable to a position in which the road is made passable; or
- (b) in any way impedes or interferes with any person in charge of such gate, bar, or barrier while in the execution of his duty; or
- (c) passes, or attempts to pass, or drives or attempts to drive, any animal, vehicle or other thing across such railway, shall be guilty of an offence and liable to a fine not exceeding one hundred rupees.

Liability of
owner of

36. The owner of any animal which shall trespass or stray upon a railway provided with fences suitable for the exclusion of such animals, or upon any

trespassing animals	<p>lands appertaining to the railway provided with such fences, shall be liable to a fine not exceeding ten rupees for each animal; and any railway official or his servants or agents finding any animal so trespassing or straying shall take or drive the same to the nearest Magistrate's Court, there to abide the order of the court. If the owner fails to appear or makes default in paying the amount ordered to be paid by the Magistrate, the Magistrate may, upon proof of the trespass or straying, cause such animal to be sold by public auction, and the proceeds of the sale-after deducting therefrom such fine, or such a sum not exceeding ten rupees for each animal as the Magistrate shall award to be paid in lieu of the fine to which the owner is hereby made liable, and such further sum as the Magistrate shall order to be paid for the expenses of detaining, feeding, and selling such animal-shall be returned to the owner of the animal on demand.</p> <p>For the purposes of this section and of sections 33, 34 and 35 of this Ordinance the word " animal" means any horse, mare, gelding, pony, colt, filly, mule, donkey, buffalo, bull, cow, ox, calf, sheep, lamb, goat, kid, or pig.</p>
Rules for the construction of the Ordinance	<p>37. In the construction to be placed upon this Ordinance, every railway official shall be deemed to be legally bound to do everything necessary for, or conducive to, the safety of the public which he shall be required to do by this Ordinance, or by any rule which shall be made by the Minister, and of which rule such official shall have had notice; and every such official shall be deemed to be legally prohibited from doing every act which shall be likely to cause danger.</p>
Apprehension of offenders.	<p>38.</p> <p>(1) Every person who shall commit any offence mentioned in this Ordinance may be lawfully apprehended, without any warrant or written authority, by any railway official, or by any other person whom such railway official shall call to his aid, or by any police officer, anything in the Code of Criminal Procedure Act to the contrary notwithstanding; and every person so apprehended shall, with all convenient despatch, be taken before a Magistrate to be dealt with according to law:</p> <p>Provided that a railway official of a rank not below that of a station master may release such person on his executing a bond, with or without sureties as that official may direct, to appear before a Magistrate's Court if and when he is required so to do.</p> <p>(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 Code of Criminal Procedure Act, 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.</p>
Jurisdiction of Magistrates.	<p>39. For the purposes of this Ordinance the Magistrates of Anuradhapura, Avissawella, Badulla, Balapitiya, Bandarawela, Chavakachcheri, Chilaw, Colombo, Galle, Gampaha, Gampola, Jaffna, Kalutara, Kandy, Kegalla, Kurunegala, Mannar, Marawila, Matale, Matara, Nawalapitiya, Negombo, Nuwara Eliya-Hatton, Panadura, Ratnapura, Vavuniya, and also any other Magistrate who may hereafter be specially authorized thereto by Order issued by the Minister in charge of the subject of Justice, shall each have jurisdiction over all offences, acts, matters, and things cognizable by Magistrates' Courts, although such Magistrates may otherwise have no jurisdiction in the place where the offence was committed, or where the act, matter, or thing took place.</p>
Cases may be tried before Magistrates courts, though otherwise beyond their jurisdiction	<p>40. In case of any person committing an offence under this Ordinance which would not otherwise be cognizable by a Magistrate's Court by reason of the amount of punishment which may be inflicted in respect thereof, if a certificate shall be presented to such Magistrate's Court signed by the Attorney-General to the effect that such offence or act may be prosecuted before such court, it shall be competent to such court to take cognizance of such offence or act, and to award in respect thereof so much of the punishment assigned thereto as Magistrates' Courts, are empowered by law to award.</p>
Punishment of children for breach of Ordinance	<p>41 It shall be competent to any Magistrate before whom any person under the age of sixteen years shall be convicted or an offence under this Ordinance to order the moderate chastisement of such person instead of subjecting him to the punishment prescribed by this Ordinance, and such chastisement shall be inflicted immediately if the Magistrate shall so direct.</p>
A copy and translation of Ordinance to	<p>42. A copy of this Ordinance and of the rules time tables and tariff of charges which shall, from time to time, be duty made and published, shall be</p>

be exhibited at railway stations. exhibited in some conspicuous place at each station of the railway, so that they may be easily seen and read ; and all such documents shall be so exhibited in the Sinhala, Tamil and English languages, and in such other language, if any, as shall be required by order of the Minister ; and knowledge of the contents of such rules shall be presumed as against any person using the railway, upon proof that a copy of such rules was hanging up and exhibited as herein provided.

Rebate to be granted on freight. **43.** It shall be lawful for the Minister to grant to any company or person conveying by railway goods the freight on which shall exceed an average amount to be fixed, from time to time, by the Minister, such rebate as to him shall appear reasonable.

Interpretation. **44.** In this Ordinance, unless the context otherwise requires-
 " goods" means all merchandise, machinery, bales, boxes, casks, crates, and every article or thing comprised in the classification of goods which may be accepted for conveyance in goods wagons upon goods or mixed trains, under the terms and conditions of the contract contained in the consignment note made and entered into by the sender or his agent;
 " livestock" means all horses, ponies, donkeys, dogs, buffaloes, bulls, cows, oxen, calves, sheep, goats, pigs, or wild animals conveyed in cattle or goods trucks under the terms and conditions of the contract contained in the consignment note made and entered into by the sender or his agent;
 " parcels" means all parcels, packages, bicycles, fish, fruit, poultry, and every other article, matter, or thing conveyed at parcels rates by passenger trains and subject to the conditions provided therefor;
 passenger means any person in or upon the railway being in possession of a ticket duly issued according to the conditions provided therefor;
 " passengers" luggage" means such personal effects as are conveyed free of charge in the luggage vans of passenger trains, and any such additional personal effects as may be paid for as excess luggage;
 " prescribed " means prescribed by rule made under section 3 ;
 " railway" includes all railways already constructed, or in the course of construction, or to be hereafter constructed, by or on behalf of the Sri Lanka Government;
 " railway official" means any person, officer or clerk appointed under section 2 (1) and includes any person for the time being employed to do any act upon the railway;
 " H, C, and D traffic " means all horses, carriages, dogs, bulls, cows, oxen, pigs, calves, sheep, goats, and every other animal or vehicle of any sort accepted for conveyance in horse boxes, carriage trucks, or brake vans, by passenger trains, and charged for at mileage rates,

Schedules