

TRAMWAYS ACT

Cap 430 – 3 January 1878

ARRANGEMENT OF SECTIONS

SECTION

- | | |
|---|------------------------------------|
| 1. Short title | 10. — |
| 2. Interpretation | 11. Repairing tramways |
| 3. Construction of tramways | 12. Obligations of promoters |
| 4. Particulars which notices are to contain | 13. Offences |
| 5. Notice to Ministry | 14. Responsibilities for accidents |
| 6. Lodging of plans and documents | 15. Regulations |
| 7. Consideration of application | 16. When tramways may be removed |
| 8. Grant of application | 17. Licence |
| 9. Gauge for tramways | 18. Obstruction |

TRAMWAYS ACT

1. Short title

This Act may be cited as the Tramways Act.

2. Interpretation

In this Act—

“assigns” means the assignees or holders of the rights of a promoter of a tramway;

“Minister” means the Minister to whom responsibility for the subject of land transport is assigned;

“Permanent Secretary” means the Permanent Secretary of the Ministry;

“promoter” means a person who applies for an order to construct a tramway;

“road” means a public road and the carriageway of a bridge forming part of a public road;

“tramway” means a tramway crossing or running on a public road.

3. Construction of tramways

(1) (a) An order for the construction of a tramway may be granted to a person who applies by petition to the Minister.

(b) Subject to subsection (2), no order under paragraph (a) shall be granted unless one month's notice has been given in the *Gazette* and 2 local newspapers, and objections called for.

(2) Where the proposed tramway only crosses a public road, the Minister may make the necessary order without the notices referred to in subsection (1), or the deposit of plans or documents referred to in section 6.

4. Particulars which notices are to contain

Every notice given under section 3 shall contain—

- (a) the object of the intended application;
- (b) a general description of the value of the proposed works; and
- (c) the description of the roads which the proposed works are intended to cross or to run on, and be included in one advertisement.

5. Notice to Ministry

(1) Special notice shall be sent to the Minister at the time of the notice under section 3.

(2) The notice under section 3, with the exception of the value of the proposed works, shall be served by an usher at the request of the promoter within the time specified, on each house or landowner whose premises or property are situated on either side of a road on which the works are intended to run.

(3) The owner may lodge with the Minister objections to the proposed works within 14 days from the service of the notice.

6. Lodging of plans and documents

All plans and documents in support of the application shall, subject to section 3 (2), be lodged with the Clerk of the Assembly one month at least before the application is considered.

7. Consideration of application

(1) The Minister—

- (a) may consider the application;
- (b) may, if he thinks fit, direct an inquiry in the district to which the application relates, or may otherwise inquire, as to the propriety of proceedings on the application;
- (c) shall consider any objections to the application that may be lodged with him on such day as he shall appoint; and
- (d) shall determine whether the application may, or may not, be granted.

(2) Where a point of law arises when the application, or the objections to it, are taken into consideration, the Minister may refer the point of law to the

Supreme Court for adjudication, and stay proceedings until the opinion of the Court on the point has been returned.

8. Grant of application

Where it appears to the Minister expedient and proper that the application should be granted, with or without addition or modification, or subject, or not, to any restriction or condition, he may order accordingly.

9. Gauge for tramways

(1) An order under section 8 shall empower the applicant to make the tramway upon the gauge and in the manner described, and shall contain such provisions as the Minister thinks fit to make.

(2) Every tramway running on a public road shall be constructed on a gauge prescribed by the Minister and all tramways, running on or crossing public roads, shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road, and shall not be opened for traffic until inspected and certified fit for traffic.

10. —

11. Repairing tramways

(1) A promoter, for the purpose of making, forming, laying down, maintaining and renewing a tramway, may break up and open a public road, subject to subsection (2).

(2) (a) The promoter shall give to the Permanent Secretary notice of his intention, specifying the time at which he will begin to do so, and the portion of road proposed to be opened or broken up, such notice to be given 7 days, at least, before the commencement of the work.

(b) The Permanent Secretary may superintend such opening, breaking up, or altering the level of any road.

(c) The promoter shall pay to the Accountant-General all the expenses incurred by the Permanent Secretary on account of superintendence of works under paragraph (b).

(d) (i) Where a tramway crosses a public road or carriageway, the promoter shall set up gates or chains with a red disc, and place stop blocks across the rails at a certain distance on each side of the road or carriageway to be crossed, and no person shall open the stop blocks until gates across the roads or carriageway have been closed, or the chains have been fixed across the roads or carriageways.

(ii) Where a tramway runs along or on a public road, the promoters shall set up, at each byroad where it opens out on to the public road where the tramway passes, a gate which shall be closed when trains are running along the tramway.

(e) The gates shall be 2 feet wider than the public road, and where the crossing is a level crossing it shall be as nearly as possible at right angles.

(f) Except as provided in regulations, no person shall use a level crossing between sunset and sunrise.

(g) (i) Solid masonry shall be laid to the exact level of the top of the rails on each side of each road, and the road shall be kept in good repair by the promoters.

(ii) The promoter may, instead of using masonry, lay, flush with the road surface, a guard rail alongside the rails or may replace the rails by grooved rails which shall also be laid flush with the road surface, or by such other appliances as may be approved by the Minister.

(h) Where repairs to the crossings of the road are required, only one half of the road shall be broken up at a time, and the other half shall not be broken up until the first half is restored to circulation and public traffic.

(i) At each level crossing where the tramway is being used for traffic, the proprietor shall provide a gatekeeper to be in constant attendance.

(j) The Minister may exempt tramways worked exclusively by animal power from the requirements of paragraphs (d), (e) and (i).

12. Obligations of promoters

Where the promoter has opened or broken up any portion of any road, he shall—

- (a) with all convenient speed and subject to section 11 (2) (h) complete that work on account of which he opened or broke up the road and (subject to the formation, maintenance or renewal of the tramway) fill in the ground and make good the surface to the satisfaction of the Permanent Secretary, restore the portion of the road to as good a condition as that in which it was before it was opened, or broken up, and clear away all surplus metalling material, or rubbish;
- (b) cause that part of the road which is opened or broken up to be fenced and watched and to be properly lighted at night;
- (c) bear and pay all reasonable expenses for the repair of the road for 6 months after the same is restored, as far as these expenses are increased by the opening or breaking up.

13. Offences

Any person who contravenes this Act shall commit an offence and shall, on conviction, be liable to a fine not exceeding 200 rupees.

14. Responsibilities for accidents

The promoters or lessees or assigns, as the case may be, shall be answerable for all accidents, damages and injuries happening through their act

or default, or through the act or default of a person in their employment by reason or in consequence of any of their works or carriages, and shall guarantee the Permanent Secretary and other authorities, collectively or individually, and their officers from all damages, or costs in respect of such accidents, damages or injuries.

15. Regulations

(1) The Minister may make such regulations as he thinks fit for the purposes of this Act.

(2) Regulations made under subsection (1) may provide that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100 rupees and to a further fine not exceeding 10 rupees for every day during which the offence continues.

16. When tramways may be removed

Where the promoters, lessors or assigns discontinue the working of a tramway that crosses a public road for 9 months, or for 3 months where the tramway runs on a public road, and the discontinuance is not occasioned by circumstances beyond their control, the Minister may order that the tramway or part of tramway, as the case may be, be removed without indemnity to the promoters, lessees, or assigns, and the Commissioner of Police shall carry the order into effect.

17. Licence

(1) The promoter of a tramway shall, subject to subsection (2), pay the same licence fee as the proprietor of a traction engine.

(2) No tax shall be paid where the tramway engine merely crosses a road.

18. Obstruction

Any person who wilfully and maliciously does anything or causes anything to be done to obstruct any engine or wagon or tramway or to endanger the safety of persons conveyed in or on the same shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 12 months.

