



ANALYSIS

<p>Title</p> <p>1. Short Title</p> <p>2. Interpretation</p> <p>3. Traffic at level crossings</p>	<p>4. Method of appointment to Department</p> <p>5. Railway employees responsible for loss</p> <p>6. Notice of appeal, jurisdiction, etc.</p>
--	---

1964, No. 38

An Act to amend the Government Railways Act 1949

[11 November 1964]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Government Railways Amendment Act 1964, and shall be read together with and deemed part of the Government Railways Act 1949 (hereinafter referred to as the principal Act).

2. Interpretation—Section 2 of the principal Act is hereby amended by omitting from the definition of the term “administrative officer” (as substituted by subsection (1) of section 3 of the Government Railways Amendment Act 1956) the words “Grade Special 2 of Class 5”, and substituting the words “Grade Special 7 of Class 3”.

3. Traffic at level crossings—Section 64 of the principal Act (as substituted by section 6 of the Government Railways Amendment Act 1956) is hereby amended by repealing subsection (4), and substituting the following subsection:

“(4) If any person drives or attempts to drive any vehicle or animal onto or across a level crossing or elsewhere on a railway while any crossing keeper or any bridge keeper or any warning device of any kind whatsoever is giving reasonable and adequate warning against so doing, or at a time when a warning device on any approaching locomotive, railcar, carriage, or other vehicle is giving or has given reasonable and adequate warning against so doing, there shall for the purposes of subsections (1) and (3) of this section be deemed to be a risk of the vehicle or animal being involved in a collision with a locomotive, railcar, carriage, wagon, or other vehicle using the railway line.”

4. Method of appointment to Department—(1) Section 77 of the principal Act is hereby amended by repealing subsection (1) (as amended by section 9 of the Government Railways Amendment Act 1953 and by subsection (6) of section 9 of the Government Railways Amendment Act 1956), and substituting the following subsection:

“(1) Every person who may hereafter be appointed to a position in the Department classified in a higher grade than Grade Special 7 of Class 3 of the 1953 classification, or such other grade as the Minister from time to time declares to be equivalent to that grade, shall be so appointed by the Minister.”

(2) Section 9 of the Government Railways Amendment Act 1953 is hereby consequentially repealed.

(3) The Government Railways Amendment Act 1956 is hereby consequentially amended by repealing so much of the Second Schedule as relates to subsection (1) of section 77 of the principal Act.

5. Railway employees responsible for loss—Section 88 of the principal Act is hereby amended by inserting, after the word “damage”, the words “or loss”.

6. Notice of appeal, jurisdiction, etc.—(1) Section 97 of the principal Act is hereby amended by inserting, after subsection (3), the following subsection:

“(3A) Where the appeal is against any penalty, the Minister in respect of appeals to him, and the Appeal Board in respect of appeals to it, may confirm, vary, or annul the penalty, or substitute therefor any other penalty authorised in the subsection under which the penalty was imposed.”

(2) Section 97 of the principal Act (as amended by section 7 of the Government Railways Amendment Act 1963) is hereby further amended by adding the following subsection:

“(6) The Board may state a case for the opinion of the Supreme Court on any question as to the jurisdiction of the Board or on any question of law arising in proceedings before it.”

This Act is administered in the Railways Department.
