

[AS REPORTED FROM THE STATUTES REVISION COMMITTEE]

House of Representatives, 17 October 1956

Amendments made by the Statutes Revision Committee are as contained in Supplementary Order Paper No. 19, and are shown in roman with rule down side; additional words inserted by Statutes Revision Committee are shown in roman within bold square brackets.

Hon. Mr McAlpine

GOVERNMENT RAILWAYS AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Government Railways Act 1949

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

1. **Short Title**—This Act may be cited as the Government Railways Amendment Act 1956, and shall be read together with and deemed part of the Government Railways Act 1949 (hereinafter referred to as the principal Act).

10 *Hutt Valley Passenger Services*

2. **Hutt Valley passenger services**—(1) For the purposes of this section the term “defined route” means all that portion of the Hutt Road from its junction with the Ngauranga – Palmerston North Main Highway to the nearest point thereto
15 at which it joins the approaches to the bridge over the railway approximately half a mile from the Petone Railway Station on the Wellington side of that station.

(2) It shall not be lawful after the commencement of this Act for any person other than the Minister to carry on over
20 the defined route or any part thereof a regular passenger service within the meaning of the Transport Act 1949.

(3) Subsection *two* of this section shall not apply to the carriage of passengers in a regular passenger service over the defined route—

- (a) If that passenger service carries passengers past Point Howard, and the route lies through Petone Esplanade, Buick Street, Jackson Street, Jessie Street, Hutt Estuary Bridge, and Seaview Road, or is approved by the Minister; or 5
- (b) If all of those passengers are carried by that passenger service past the road summit on the Rimutaka Hill, or the road summit on the Akatarawa Hill, or the junction at Pauatahanui of State Highway number ninety-five and Main Highway number four hundred and thirty-seven. 10
- (4) Notwithstanding anything in the Transport Act 1949 or in any licence granted under that Act, the Minister may abandon, suspend, or curtail any authorised passenger service over the defined route; and the abandonment, suspension, or curtailment of any authorised passenger service over the defined route shall not of itself be a breach of the terms and conditions of any such licence. 20

Miscellaneous Provisions

3. Interpretation—(1) Section two of the principal Act is hereby amended by repealing the definition of the term “Administrative officer”, and substituting the following definition: 25

“‘Administrative officer’ means a person holding a position in the Department classified in a higher grade than Grade Special 2 of Class 5 of the 1953 Classification, or such other grade as the Minister from time to time declares to be equivalent to that grade.” 30

(2) Section two of the principal Act is hereby further amended by inserting in their appropriate alphabetical order the following definitions: 35

“‘Level crossing’ means any place where a railway line crosses a road or street on the level or where the public is permitted to cross a railway line on the level; and includes a bridge used for both railway and road traffic: 40

“‘Railway line’ means any set of rails; and includes the area within eight feet of a line drawn midway between those rails:” 40

4. Authorisation of railway—(1) Section forty-seven of the principal Act is hereby amended by omitting from subsection one the words “which is authorised under any of the enactments repealed by this Act, and”. 45

(2) The First Schedule to the principal Act is hereby amended by adding the words "Wanganui Heads Railway: as described in the assent of the Governor dated 12 March 1884 and published in the *Gazette* of 1884, Volume 1, page 525."

5. Warning devices at level crossings—The principal Act is hereby amended by repealing section sixty-three, and substituting the following section:

10 "63. (1) The Commission may cause to be erected at a level crossing such notices and warning devices as it considers necessary for the protection of persons using the level crossing.

"(2) Neither Her Majesty the Queen nor the Commission shall be liable in respect of any accident that may occur by reason of any failure of any such warning device.

15 "3) Notwithstanding any rule of law to the contrary, Her Majesty the Queen and the Commission shall not be deemed negligent in law if the Commission fails to provide a crossing keeper or a bridge keeper or a warning device or a notice at
20 any level crossing for the purpose of protecting locomotives, railcars, carriages, wagons, or other vehicles using the railway line when they are passing over the level crossing, or of warning road users of the approach of any such locomotive, railcar, carriage, wagon, or vehicle."

6. Traffic at level crossings—The principal Act is hereby
25 amended by repealing section sixty-four, and substituting the following section:

"64. (1) No person shall drive or attempt to drive any vehicle or animal onto or across a level crossing or elsewhere on a railway when there is any risk of the vehicle or animal
30 being involved in a collision with any locomotive, railcar, carriage, wagon, or other vehicle using the railway line.

"(2) Every person driving a motor vehicle shall when approaching a level crossing reduce speed when within one hundred yards of the crossing to a rate not exceeding fifteen
35 miles an hour, and shall not increase speed until he has crossed the railway line. It shall be his duty to keep a vigilant lookout for any approaching locomotive, railcar, carriage, wagon, or other vehicle using the railway line.

"(3) If at any level crossing there is erected either a "compulsory stop" sign in the form and of the dimensions specified in the regulations made under the Motor Vehicles Act 1924 and published in the *Gazette* in 1929 at page 833, or a "stop" sign in the form and of the dimensions specified in or permitted by the *Traffic Sign Regulations 1937*
45 or any regulations substituted therefor, it shall be the duty of the person driving any motor vehicle as aforesaid to stop the

motor vehicle clear of the railway line before crossing it for such time as may be necessary for him to ascertain whether there is any risk of the motor vehicle being involved in a collision with any locomotive, railcar, carriage, wagon, or other vehicle using the railway line. 5

“(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 warning against so doing there shall [for the purposes of subsections **one and three 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. 10

“(5) Every person who acts in contravention of this section or who crosses or attempts to cross any railway line when it is unsafe to do so commits an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds.” 15

7. Amending definition of Locomotive Running Branch— Section ninety-one of the principal Act is hereby amended by omitting, from the definition of the term “Locomotive Running Branch” in subsection one, the words “firemen, or cleaners”, and substituting the words “locomotive assistants, or locomotive trainees”. 20

8. Appeals against regrading—(1) Section ninety-five of the principal Act is hereby amended, as from the thirty-first day of March, nineteen hundred and fifty-six, by repealing paragraph (g) of subsection one, and substituting the following paragraph: 25

“(g) Any grading or [maximum] salary of any position fixed on a regrading pursuant to section eighty-seven of this Act, if the appellant was the occupant of the position at the effective date of the regrading or at the date of receipt by him of notification of that grading or [maximum] salary or, as the result of transfer arising out of the regrading, is confirmed in the position.” 30 35

(2) The grading approved by the Minister on the twenty-ninth day of August, nineteen hundred and fifty-six, of positions created after the first day of April, nineteen hundred and fifty-six, shall be deemed to be a regrading for the purposes of paragraph (g) of subsection one of section ninety-five of the principal Act. 40