

(Hon. Mr. Richardson.)

Railways Regulation and Inspection.

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A BILL INTITULED

AN ACT to provide for the Regulation and Inspection of Railways, and Inquiry into Accidents occurring thereon. Title.

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

1. The Short Title of this Act shall be "The Railways Regulation and Inspection Act, 1873." Short Title.

2. Where used in this Act,

The term "railway" means and includes all railways and tramways intended or used for the conveyance of passengers in or upon carriages drawn or impelled by steam or any other mechanical power or by animals. Interpretation.

The term "proprietors" means and includes the proprietors for the time being of any such railway or in whom any such railway is vested or who have the management or control of any such railway, whether such proprietors be a Superintendent of a Province or a body corporate or individuals.

INSPECTION ETC. OF RAILWAYS.

3. It shall be lawful for the Governor in Council, if and when he shall think fit, to authorize any proper person or persons to inspect any railway; and it shall be lawful for any person so authorized, at all reasonable times, upon producing his authority if required, to enter upon and examine any such railway, and the stations works and buildings and the engines and carriages belonging thereto. Governor in Council may appoint persons to inspect railways.

4. Every person wilfully obstructing any person duly authorized as aforesaid in the execution of his duty, shall, on conviction before a Justice of the Peace in a summary way, forfeit and pay for every such offence any sum not exceeding ten pounds. Penalty on persons obstructing Inspector.

Notice of intended opening of railway.

5. No railway or portion of any railway, other than a railway constructed by the Governor under "The Immigration and Public Works Act, 1870," and the Acts amending the same, shall be opened for the public conveyance of passengers until two calendar months after notice in writing of the intention of opening the same shall have been given by the proprietors of such railway to the Colonial Secretary, and until thirty days after notice in writing shall have been given by such proprietors to the Colonial Secretary, of the time when the said railway or portion of railway will be, in their opinion, sufficiently completed for the safe conveyance of passengers and ready for inspection. 5 10

If railway opened without notice, company to forfeit £20.

6. If any such railway or portion of any such railway as last aforesaid shall be opened without such notices as aforesaid, the proprietors of such railway shall forfeit to Her Majesty the sum of twenty pounds for every day during which the same shall continue open until the said notices shall have been duly given and shall have expired; and every such penalty may be recovered in any Court of competent jurisdiction. 15

Governor in Council empowered to postpone the opening.

7. If the officer or officers appointed by the Governor in Council to inspect any railway or portion of railway shall, after inspection thereof, report in writing to the Colonial Secretary that in his or their opinion the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or the insufficiency of the establishment for working such railway, together with the grounds of such opinion, it shall be lawful for the Governor in Council, and so from time to time as often as such officers shall, after further inspection thereof, so report, to order and direct the proprietors of such railway to postpone such opening for any period not exceeding one calendar month at any one time, until it shall appear to the Governor in Council that such opening may take place without danger to the public; and if any such railway or any portion thereof shall be opened contrary to any such order and direction of the Governor in Council, the proprietors of such railway shall forfeit to Her Majesty the sum of twenty pounds for every day during which the same shall continue open contrary to such order and direction; and any such penalty may be recovered in any Court of competent jurisdiction: Provided always that no such order as aforesaid shall be binding upon the proprietors of any railway unless therewith shall be delivered to such proprietors a copy of the report of the officer or officers on which such order shall be founded. 20 25 30 35 40

Notice of accidents to be given to Colonial Secretary.

8. There shall be for every railway on which passengers are carried an officer called the General Manager, and the name and address of each such General Manager shall be registered in the office of the Colonial Secretary: The General Manager of every railway shall, within forty-eight hours after the occurrence upon the railway under his management of any accident attended with serious personal injury to the public using the same, give notice thereof by a telegram to the Colonial Secretary, which telegram may be sent by the officers of the Government lines of telegraph free of charge; and if any such General Manager shall wilfully omit to give such notice, he shall forfeit to Her Majesty the sum of five pounds for every day during which the omission to give the same shall continue, and every such penalty may be recovered in any Court of competent jurisdiction. 45 50

Governor in Council empowered to direct returns.

9. The Governor in Council may order and direct the General Manager of any railway to make up and deliver to the Colonial Secretary returns of serious accidents occurring in the course of the public traffic upon the railway under his management, whether attended with personal injury or not, in such form and manner as the Governor in Council shall deem necessary, and require with a view to the public safety; and if any such returns shall not be so delivered within 55 60

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fourteen days after the same shall have been required, such General Manager shall forfeit to Her Majesty the sum of five pounds for every day during which he shall neglect to deliver the same; and every such penalty may be recovered in any such Court of competent jurisdiction:

5 Provided always, that all such returns shall be privileged communications, and shall not be evidence in any Court whatever.

10 **10.** The proprietors of every railway shall be bound to convey all public mails in the ordinary trains free of charge; and in the event of war or civil commotion, the said proprietors shall, on the requisition of the Governor, place the whole of the resources of the railway at his disposal at the charges actually incurred.

Proprietors to convey mails free of charge, also place resources of railway at Governor's disposal in time of war.

15 **11.** The Governor, or such person as shall be duly authorized for that purpose, shall have power at all reasonable times to enter into and upon any railway, and to establish and lay down a line of electric telegraph for Her Majesty's service, and to use the same without any charge: Provided that the work to be done in laying down such line shall be done in such a manner as not to obstruct the working of the railway.

Telegraph may be laid down along line of railway without charge.