



ANALYSIS

| | |
|-------------------|---|
| Title | 3. Custody, carriage, and delivery of goods |
| 1. Short Title | 4. Consequential amendment |
| 2. Interpretation | |

1973, No. 8—*Local***An Act to amend the Ohai Railway Board Act 1932**

[12 November 1973]

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 Ohai Railway Board Amendment Act 1973, and shall be read together with and deemed part of the Ohai Railway Board Act 1932 (hereinafter referred to as the principal Act).

2. Interpretation—Section 2 of the principal Act is hereby amended by inserting, after the definition of the term “existing overdraft”, the following definition:

“‘Goods’ means goods, luggage, or chattels of any description; and includes live or dead animals:”.

3. Custody, carriage, and delivery of goods—The principal Act is hereby further amended by inserting, after section 19, the following section:

“19A. (1) In respect of the receipt, custody, carriage, and delivery of goods the following provisions shall apply:

“(a) All goods received by the Board shall, subject to any bylaws in that behalf, be deemed to be in the custody of the Board until delivered to the consignee thereof:

“(b) No person shall be entitled to recover from the Board for any loss of or damage to or in connection with any goods any greater amount than \$40 for any package or unit, \$60 for any horse, \$35 for any one head of cattle, \$10 for any pig, \$20 for any dog, \$5 for any sheep, goat, or other quadruped not otherwise specified, and \$2 for any bird, unless the person delivering the goods at any railway station has given to the officer in charge of the railway station a statement in writing declaring the nature and value of the goods and has obtained a receipt for the goods specifying the nature and value so declared, and has paid insurance charges at the rate for the time being fixed under paragraph (k) of subsection (1) of section 33 of the Government Railways Act 1949, as if the Board operated a Government railway under that Act:

“(c) The Board shall not be liable in respect of goods the nature and value of which have been declared as aforesaid beyond the amount of the value so declared:

“(d) Subject in every case to the limitations contained in this section, the Board shall have the same liabilities, obligations, rights, and protection as a common carrier:

“(e) Nothing in this section shall be so construed as to subject the Board to any liability in respect of any goods which, pursuant to any bylaw, are left on the premises of the railway at the risk of the person leaving the same.

“(2) Every person who knowingly and wilfully makes a false statement as to the nature, quantity, or value of any goods delivered in any waybill or other document which, under this Act or any bylaw or regulation for the time being in force under the Local Railways Act 1914, he is required to deliver in respect of such goods, shall be liable on summary conviction to a fine not exceeding \$100.”

4. Consequential amendment—Section 20 of the principal Act is hereby consequentially amended by inserting, after the word “forty-four,”, the words “section 73,”.
