

Hon. Mr. Seddon.

PUBLIC WORKS AND GOVERNMENT RAILWAYS ACTS AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p style="text-align: center;">PART I.</p> <p style="text-align: center;">"THE PUBLIC WORKS ACT, 1894."</p> <p>2. Amendments in "The Public Works Act, 1894." Vehicles may be classified. Repeal. Copy of every by-law to be sent to Minister, who may disallow same. "Local authority" substituted for "Board" in certain sections. "Minister" means Minister for Railways in sections 187 to 221. Certain powers may be exercised by Minister for Railways.</p> <p>3. Penalty on owner for trespass of cattle.</p> | <p>4. Liability where quantity or weight of goods understated.</p> <p>5. References to repealed Act to apply to the said Act.</p> <p>6. Officer of Railway Department may appear in proceedings in inferior Court.</p> <p style="text-align: center;">PART II.</p> <p style="text-align: center;">"THE GOVERNMENT RAILWAYS ACT, 1894."</p> <p>7. Amendments in "The Government Railways Act, 1894." By-laws may be altered or revoked. Rights, powers, and duties of Commissioners transferred to Her Majesty. Repeal. Time for lodging appeal extended.</p> <p>8. Officers in Railway service not to be deemed Civil servants. Proviso.</p> |
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A BILL INTITULED

AN ACT to amend certain Acts relating to Public Works and Government Railways. 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 is "The Public Works and Government Railways Acts Amendment Act 1895." Short Title.

PART I.

10 "THE PUBLIC WORKS ACT, 1894."

2. The following amendments are hereby made in "The Public Works Act, 1894" (hereinafter in this Part of this Act referred to as "the said Act") :— Amendments in "The Public Works Act, 1894."

15 (1.) Section one hundred and thirty of the said Act is hereby amended as follows:—

(a.) The Minister, in respect of all or any Government roads, bridges, ferries, or fords under his control, and any local authority, in respect of all or any roads, bridges, ferries, or fords under its care, control, or management, may, in and by any by-laws made under the said section, classify all vehicles of any kind, and may prescribe a maximum and minimum width of tires of all vehicles used wholly or chiefly for the carriage of passengers, whether plying for hire or not; Vehicles may be classified.

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2 *Public Works and Government Railways Acts Amendment.*

Repeal.

(b.) In paragraph (i.) of subsection two of the said section, all the words occurring after the word "period" are hereby repealed;

Copy of every by-law to be sent to Minister, who may disallow same.

(c.) Subsection four of the said section is hereby repealed, and, in lieu thereof, it is enacted that a copy of every by-law made by a local authority under the said section shall within one week after the making thereof be sent by such authority to the Minister, who may at any time within *twelve* months after such copy has been so sent disallow the same, or any part thereof; and, upon such disallowance being gazetted, such by-law or part thereof shall cease to have any force; but such disallowance shall not affect the validity of anything theretofore done under the by-law or part thereof so disallowed.

"Local authority" substituted for Board in certain sections.

(2.) The term "local authority," as defined in the said Act, is hereby substituted for the word "Board" wherever the latter occurs in sections one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-six, one hundred and thirty-seven, one hundred and forty-one, one hundred and forty-two, and one hundred and forty-six of the said Act.

"Minister" means Minister for Railways in sections 187 to 221.

(3.) The term "the Minister," wherever used in sections one hundred and eighty-seven to two hundred and twenty-one, both inclusive, of the said Act, shall be deemed to mean and to have meant from the date of the coming into operation of "The Government Railways Act, 1894," the Minister for Railways appointed under the last-mentioned Act.

Certain powers may be exercised by Minister for Railways.

(4.) The powers conferred upon the Governor by sections two hundred and twelve, two hundred and thirteen, and two hundred and sixteen of the said Act may be exercised by the Minister for Railways in the name and on behalf of Her Majesty.

Penalty on owner for trespass of cattle.

3. No cattle shall trespass on or within the boundaries of any railway open for traffic, whether vested in or belonging to Her Majesty or to any other person or body for the use of the public; and the owner of any cattle, or the person having the possession, care, custody, control, or use of any cattle so found trespassing without lawful excuse or authority, shall be deemed to have committed a breach of this enactment, and shall, on conviction thereof, be liable to a penalty not exceeding pounds for each animal so trespassing.

Liability where quantity or weight of goods understated.

4. If the quantity or weight of any goods delivered to be carried upon a railway be understated in the consignment note, the consignor or the person responsible for such understatement shall be liable to a charge of double the ordinary rate on the actual weight or measurement of the goods in question, and also to the charges for loading and unloading such goods, in addition to any penalty which may be inflicted under section one hundred and ninety-five of the said Act.

References to repealed Act to apply to the said Act.

5. Whenever any unrepealed Act of the General Assembly incorporates or refers to any Part or Parts or any provisions of any Act repealed by the said Act, such unrepealed Act shall be deemed

to incorporate or refer to the Part or Parts or provisions of the said Act corresponding to such repealed Parts or provisions, as the case may be.

6. Whenever it shall be necessary to take any proceedings in any Court of inferior jurisdiction for the recovery of any debt due to Her Majesty under the said Act, or any other Act relating to Government railways, or for the recovery or enforcement of any penalty recoverable under any such Act, the Minister for Railways may empower any officer of the Railway Department to appear and act in any such proceedings, either generally or in any particular case; and the statement of any such officer that he so appears or acts by the authority of the Minister shall be sufficient evidence of such authority for all purposes.

Officer of Railway Department may appear in proceedings in inferior Court.

PART II.

“THE GOVERNMENT RAILWAYS ACT, 1894.”

7. The following amendments are hereby made in “The Government Railways Act, 1894” (hereinafter in this Part of this Act referred to as “the said Act”):—

Amendments in “The Government Railways Act, 1894.”

(1.) Subsection nine of section four of the said Act is hereby amended by the addition thereto of the words: “The Minister for Railways may from time to time alter or revoke any of the said by-laws and regulations, and make other by-laws and regulations in lieu thereof under “The Public Works Act, 1894,” or any other Act relating to Government railways, or under any power or authority which, immediately before the repeal of “The Government Railways Act, 1887,” was vested in the Railway Commissioners by or under that Act, and which power or authority is hereby revived and re-enacted for the purposes of this Act.”

By-laws may be altered or revoked.

(2.) Notwithstanding the repeal of “The Government Railways Act, 1887,” all rights, powers, duties, and liabilities which immediately before the repeal of that Act were conferred or imposed upon the Commissioners thereby or thereunder, or by or under any other law or statute then in force, shall be and the same are hereby transferred to and vested in Her Majesty; and so far as the same are not inconsistent with or repugnant to “The Government Railways Act, 1894,” or “The Public Works Act, 1894,” may be exercised and enforced for the purposes of such last-mentioned Acts or either of them, or of any other Act relating to Government railways.

Rights, powers, and duties of Commissioners transferred to Her Majesty.

Every such right, power, or duty shall be exercised by the Governor on behalf of Her Majesty, or by any person or persons whom he may appoint from time to time, either generally or for any particular purpose.

This enactment shall be deemed to have formed part of “The Government Railways Act, 1894,” at the date when it came into operation.

4 *Public Works and Government Railways Acts Amendment.*

Repeal.

(3.) Subsection twelve of section four of "The Government Railways Act, 1894," is hereby repealed.

Time for lodging appeal extended.

(4.) The period for lodging an appeal under section seven of the said Act is hereby extended to one calendar month from the date of the decision appealed against; and the time allowed for hearing such appeal is extended to three calendar months from the date of the appeal being so lodged. 5

Every appeal lodged with the Minister for Railways within one calendar month after the date of the passing of this Act shall be heard and determined, notwithstanding that the period for lodging such appeal under the said Act may have expired. 10

Officers in Railway service not to be deemed Civil servants.

8. No person appointed to any office in the Railway Department or employed therein on or since the first day of January, one thousand eight hundred and ninety-five, shall be deemed to be or to have been in the Civil Service of the colony by virtue of his appointment or employment; but this provision shall not apply to any officer transferred from the Civil Service of the colony to the Railway Department on or since the above date, or who may hereafter be so transferred; and any officer so transferred shall retain any rights he then possessed or may thereafter acquire under any Act relating to the said Civil Service as effectually as though he had not been so transferred. 15 20

Proviso.