

GENERAL.

108. Definitions.

(a) "The Act" means and includes the Government Railways Act, 1926 and its amendments.

(b) "Department" means the Crown acting through that Department of the Government of New Zealand having the control of the Government railways open for traffic within the meaning of the Act.

(c) "The General Manager" means the General Manager holding office under the Act, or any person for the time being acting in his stead or on his behalf.

(d) "Officered station" means any station where a Stationmaster is in charge.

"Flag station" means any station where no Stationmaster is in charge.

(e) Unless inconsistent with the context, "goods" means goods, luggage, or chattels of any description, and includes live or dead animals.

(f) "Person" includes a body of persons, whether incorporated or not.

The expressions "double rate," "plus 20%," "less 50%," and other similar expressions, mean that the specified rate is to be doubled, increased by 20%, or reduced by 50%, or as the case may be.

109. Inspection of Goods.

The Department reserves the right to inspect any goods before receiving the same or while the same are in its custody, and for this purpose to call upon the owner to open out any package for inspection at the expense of the owner.

110. "Owner's Risk" and "Special Goods": Insurance of Goods.

1. Where it is provided that goods will be received, held, or carried at "Owner's risk," such goods will, unless a request in writing is made and a receipt obtained and increased charges paid as hereinafter provided, be received, held, and carried at the sole risk, in all respects, of the owner, and will be charged at the rates ordinarily applicable to such goods as provided in this the General Scale of Charges, or the Goods—Local Rates Scale of Charges, as the case may be. Such goods will, however, be received, held, and carried at the risk of the Department (subject to the provisions of the Act and the by-laws and regulations made thereunder) if a request in writing that the goods be received, held, or carried at the risk of the Department be delivered to the Department with the goods, which request shall, in the case of goods consigned, be deemed to be sufficiently made if the consignment-note relating to such goods is endorsed with the words "At Railway risk" and a receipt for such goods similarly endorsed is obtained at the time of tendering the goods, and in such cases the goods will be received, held, and carried at the risk of the Department (subject as aforesaid) and the charges computed as provided in this the General Scale of Charges or in the Goods—Local Rates Scale of Charges, as the case may be, for such goods when received for carriage at owner's risk will be increased by one-sixth. Where it is provided that any goods declared to be "Special goods" will be received, held, and carried at "Owner's risk," the liability of the Department in respect of such goods shall be limited as provided for in subparagraph (b) of paragraph 2 hereof unless the provisions of this and the succeeding paragraphs of this regulation are complied with.

2. (a) The liability of the Department for loss of or damage to special goods shall be subject to the following provisions:—

If the consignor of any such goods—

(i) Delivers to the Department with such goods a declaration in writing of the nature and value of such goods (which declaration shall, in the case of goods consigned, be made on the consignment-note delivered with such goods); and

(ii) Requests in writing that the goods be insured with the Department against loss or damage during the transit of such goods over the railways to the extent of the value so declared; and

(iii) Obtains a receipt from the officer in charge of the station at which such goods are delivered to the Department for transit by rail specifying the nature and value of the goods so declared; and

(iv) Pays the charge for insurance as hereinafter provided;

the maximum amount which the Department may be liable to pay in respect of damage to or loss of such goods during such transit shall be the value of the goods declared as aforesaid.

(b) No person, unless he shall have made such declaration and request, and obtained such receipt and paid such charges, shall be entitled to recover any greater sum than £10 for any loss of or damage to any article of goods which exceeds in value the sum of £10 or any parcel, package, or container whatsoever of goods which, together with the contents of such parcel, package, or container, exceeds in value the sum of £10, or any greater sum than £15 for any horse, £8 for any one head of cattle, £2 for any dog, 15s. for any one sheep, goat, pig, or other quadruped not otherwise specified, or 3s. 6d. for any bird.