

## GENERAL

### 108. Definitions

- (a) "The Act" means the Government Railways Act 1949.
- (b) "The Department" means the New Zealand Government Railways Department.
- (c) "The General Manager" means the General Manager of Railways.
- (d) "Officered station" means any station where a Stationmaster is in charge.
- (e) "Flag station" means any station where no Stationmaster is in charge.
- (f) "Goods" means goods, luggage, or chattels of any description, and includes live or dead animals.
- (g) "Person" includes a corporation sole and also a body of persons, whether incorporated or not.

### 109. Inspection of Goods

1. 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 any package for inspection at the expense of the owner.

2. Failure to inspect any goods or the acceptance of any goods improperly or insufficiently packed shall not impose upon the Department any liability for loss or damage arising from such failure or such improper or insufficient packing or otherwise, or in any way affect any warranty given in respect of such goods.

### 110. "Owner's Risk" Goods: Insurance of Goods

1. Where it is provided that goods will be received, held, carried, delivered, or otherwise dealt with 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, carried, delivered, or otherwise dealt with at the sole risk, in every respect whatsoever, of the owner (unless the loss, damage, or expense, whether due to delays in transit or any other cause, is occasioned by the negligence or wrongful act of the Department or its employees or agents) and will be charged at the rates ordinarily applicable to such goods as provided in this the General Scale of Charges or the Local Rates Scale of Charges, as the case may be. Such goods will, however, be received, held, carried, delivered, or otherwise dealt with at the risk of the Department (subject to the provisions of the Act and terms and conditions made thereunder) if a request in writing that the goods be received, held, carried, delivered, or otherwise dealt with 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, carried, delivered, or otherwise dealt with 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 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: Provided that such goods will not be accepted at the risk of the Department if consigned to or from a station or siding where there is no Stationmaster (*vide* section 120).

2. (a) **Liability**—In accordance with section 23 (b) of the Government Railways Act 1949, the liability of the Department for loss of or damage to or in connection with any goods shall be subject to the following provisions:

If the consignor of any 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 for any loss of, or damage to, or in connection with goods, any greater amount than \$40 per package or unit, \$60 for any horse, \$35 for any one head of cattle, \$20 for any dog, \$10 for any pig, \$5 for any one sheep, goat, or other quadruped not otherwise specified, or \$2 for any bird.