

THE JAMAICA RAILWAY CORPORATION ACT

REGULATIONS
(under section 38)

The Jamaica Railway Corporation (Pensions) Regulations, 1973

L.N. 359/73
L.N. 149B/79

BY-LAWS
(under section 42)

The Jamaica Railway Corporation By-Laws, 1970

G.N. 85/70

NOTIFICATIONS
(under regulation 2 of the Jamaica Railway Corporation (Pensions)
Regulations, 1973)

(Omitted)

THE JAMAICA RAILWAY CORPORATION ACT

REGULATIONS
(under section 38)

THE JAMAICA RAILWAY CORPORATION (PENSIONS) REGULATIONS, 1973

(Made by the Jamaica Railway Corporation with the approval of
the Minister responsible for finance on the 26th day of July, 1973)

L.N. 359/73
Amdt:
L.N. 149B/79

1. These Regulations may be cited as the Jamaica Railway Corporation (Pensions) Regulations, 1973.

2.—(1) In these Regulations—

“Minister” means the Minister responsible for the public service;

“non-pensionable office” means an office which has been declared to be a non-pensionable office by resolution of the Corporation approved by the Minister and notified in the *Gazette*;

“pensionable office” means an office which has been declared to be a pensionable office by resolution of the Corporation approved by the Minister and notified in the *Gazette*.

(2) Where by virtue of an amendment or revocation of a notification declaring an office to be a pensionable office or a non-pensionable office any office ceases to be a pensionable office or ceases to be a non-pensionable office and does not become a pensionable office, then so long as any person holding that office at the time of the amendment or revocation continues therein, the office shall as respects that person, continue for the purposes of this regulation, to be a pensionable office or a non-pensionable office as the case may be.

3.—(1) The Corporation may, with the approval of the Minister grant a pension, gratuity or other allowance to any person who, immediately prior to retirement, held a pensionable office or a non-pensionable office in the service of the Corporation.

(2) The grant of any pension, gratuity or other allowance pursuant to paragraph (1) shall be determined in accordance with the relevant provisions of the Pensions (Parochial Officers) Act, which shall, for the purpose of this regulation, apply—

*THE JAMAICA RAILWAY CORPORATION (PENSIONS) REGULATIONS,
1973*

- (a) to the persons holding pensionable offices in the service of the Corporation as they apply to officers in the service of Parish Councils holding pensionable offices under that Act;
- (b) to persons holding non-pensionable offices in the service of the Corporation, as they apply to officers holding non-pensionable offices in the service of Parish Councils under that Act,

subject to the modification that for references in that Act to a Parish Council or the service of a Parish Council there shall be substituted references to the Corporation or the service of the Corporation, as the case may require.

4.—(1) Subject to paragraph (2), where any person dies while in the service of the Corporation or while in receipt of a pension or other allowance pursuant to these Regulations, the Corporation may, with the approval of the Minister, grant to the dependents or to the legal personal representative of such person, a pension, gratuity or other allowance.

(2) The grant of any such pension, gratuity or other allowance shall be determined in accordance with relevant provisions of the Pensions (Parochial Officers) Act which shall, for the purpose of this regulation, apply in relation to—

- (a) persons who held pensionable offices in the service of the Corporation as they apply in relation to officers who held pensionable offices in the service of Parish Councils; and
- (b) in relation to persons who held non-pensionable offices in the service of the Corporation as they apply in relation to officers in the service of Parish Councils who held non-pensionable offices under that Act,

subject to the modification that for references in that Act to a Parish Council or the service of a Parish Council there shall be substituted references to the Corporation or the service of the Corporation, as the case may require.

5. Where any question exists in relation to any matter arising under these Regulations, that question shall be determined by the Minister.

THE JAMAICA RAILWAY CORPORATION ACT

BY-LAWS
(under section 42)

THE JAMAICA RAILWAY CORPORATION BY-LAWS, 1970

(Made by the Minister and published in the Gazette Extraordinary
dated 19th February, 1970) G.N. 85/70

1. These By-Laws may be cited as the Jamaica Railway Corporation By-Laws, 1970.

2. The times for the arrival and departure of trains shall be in accordance with such schedules as may be approved from time to time by the General Manager.

3. Every person travelling on the Railway shall be in possession of a valid ticket or other valid authority. At stations where there is a resident staff on duty passengers shall, before entering a carriage, purchase a ticket specifying the class of carriage and the journey to be made. Persons who join a train from any halt or station where there is no resident staff on duty shall be permitted to do so without first purchasing a ticket but shall, as soon as possible thereafter, and in any event before leaving the Railway, tender the appropriate fare to an authorized servant of the Corporation and receive in exchange an excess fare ticket.

4. At all railway stations where a notice is exhibited stating that a platform ticket is required for admission to a platform, persons not proceeding by train shall be admitted to the platform only on presentation of a platform ticket.

5. All tickets or other authority issued by the Corporation remain the property of the Corporation and must be produced for inspection or delivered up when so requested by an authorized servant of the Corporation.

6. The Corporation will accept for carriage free of charge personal baggage of passengers travelling by the same train only up to the weight limits shown in the current Tariff Book or amendments thereto.

7. No holder of a season ticket, a free pass, or any other ticket issued at less than the ordinary fare shall sell or transfer it to any other person and no person shall travel on such ticket except the person to whom it was issued.

8. No person having a ticket for one class shall enter or use accommodation set apart for passengers having tickets of a higher class.

9. No passenger shall travel on the roof steps, platform or foot-board of any vehicle, or on the engine or any portion of any vehicle not intended for the conveyance of passengers unless authorized by the General Manager.

10. No person shall enter or leave or attempt to enter or leave any carriage while the train is in motion.

11. No person shall enter or leave the train other than at a scheduled stopping place unless requested to do so by an authorized servant of the Corporation. Persons leaving or entering the train must do so from the side adjacent to the platform or, if there is no platform, from the side indicated by the station staff or the Guard of the train.

12. No person shall enter a carriage or compartment of a carriage already containing the full number of persons permitted by the Corporation when any servant of the Corporation objects to his so entering and where any person enters such a compartment or carriage he shall leave immediately upon being requested to do so by a servant of the Corporation.

13. Where any special carriage or portion of a carriage or any room or apartment is provided for the exclusive use of females, no person of the male sex (other than a child under seven years of age) shall knowingly enter such carriage or portion of a carriage, or any such room or apartment, or shall remain therein after having been informed of its exclusive reservation.

14. No person shall hold or attempt to hold any form of public meeting or religious service or make or attempt to make any sort of public speech or to carry out any unauthorized collection of money or alms in or upon any carriage, vehicle, or premises of the Corporation.

15. No person suffering from any contagious or infectious disease shall enter any railway vehicle or station.

16. Every person who has failed to pay any fare, excess charge, or other sum due shall on demand by an authorized servant of the Corporation give his proper name and address.

17. Any person who finds any lost property upon any station or premises or in or upon any carriage of the Railway, shall immediately hand over the same to the Station Master in charge of the station at or nearest the place where such property was found, or to the Guard of the train and shall be entitled to demand and obtain a receipt or other acknowledgment in writing therefor.

18. No person shall without the consent in writing of the General Manager of the Railway, sell or attempt to sell any article on any train or premises belonging to the Corporation.

19. No person whether acting as principal or as or through any servant or agent shall, without the permission in writing of the General Manager of the Railway, post, stick upon, or write, or cause to be posted, stuck upon, or written any placard or advertisement or other matter within or on any post, fence, gate, platform, wall, building, or other property or premises of the Corporation.

20. No person shall take into or have in his charge in or cause to be taken into any carriage or other vehicle intended for the conveyance of passengers, any dog or other animal.

21. No person shall enter in or upon the Railway or upon any of the lines, stations or other premises of the Corporation unless authorized to do so by the General Manager.

22. No person shall cut, remove, or in any other way interfere with any post, wire, or other material that is part of any telegraph or telephone system in use by the Corporation.

23. No person other than a Gate-keeper or in his absence any other authorized person shall open or close, or shall cause to be opened or closed, any gate placed at the crossing of a public road.

24. No person shall obstruct any officer or servant of the Corporation in the discharge of his duties on the Railway or at any station or premises connected with the Corporation.

25. No person other than a servant of the Corporation shall, except in the case of a reasonable apprehension of danger, display or cause to be displayed a signal or other device which shall cause or would be likely to cause any train to be stopped or started or cause or be likely to cause the speed of any train to be reduced or increased.

26. No person shall cross or attempt to cross any line of railway elsewhere than at an authorized crossing place, or shall cross or attempt to cross any line or railway at an authorized crossing place when warned not to do so by a servant of the Corporation, or by the closing of the gates protecting the crossing, or when given warning of the approach of a train by the indication of signals operated either manually or automatically to give warning of the approach of a train, or when an approaching engine or train is within sight or hearing.

27. No person shall move or attempt to move across the Railway any vehicle, excavator, or other piece of machinery whether self propelled or towed which is so loaded as to require a special permit from the Minister responsible for works whether or not such permit has been obtained, across the Corporation's Railway without giving the General Manager of the Corporation at least twenty-four hours notice of the intention to do so and thereafter complying with such instructions for protecting, minimizing or avoiding damage to the Railway as the General Manager may give.

28. No person shall take or drive across or along the railway line any vehicle, machine or implement that is likely to cause damage to the railway track or equipment unless such person gives the General Manager of the Railway not less than twelve hours notice of his intention and obtains from the General Manager approval for doing the abovementioned things and unless such person after obtaining such approval complies with such directions as the General Manager may give.

29. No person shall drive any motor car or other vehicle or ride any bicycle, or ride or drive any animal upon or along the railway line, or any pier, wharf, jetty, platform or any pathway or subway of the Corporation save and except upon or along any area specifically authorized by the General Manager to be so used.

30. No person shall drive or allow any cattle, horse, donkey, goat, sheep, swine or other animal upon any line or premises of the Corporation unless authorized to do so by the General Manager.

31. No person shall throw or cause to be thrown at or from any carriage or other vehicle of the Railway any bottle, stone, missile, garbage or other thing.

32. The driver or owner or other person having charge of or control over every omnibus, motor car, taxi cab, cart, hand-cart, barrow, motor bicycle or bicycle, or other vehicle shall, while in or upon any station yard or other premises of the Corporation obey the directions of the servants or officers of the Corporation.

33. No person having control of a vehicle of whatever description, shall park or permit it to be parked for any purpose whatsoever, nearer than a distance of five feet from any Railway line unless the permission of the Station Master or other such responsible servant of the Corporation has been obtained.

34. No person shall begin to load or unload goods at a railway station or shall take possession for that purpose, of any wagon or truck or shall move the same until he has obtained the permission of the Station Master, and all persons loading or unloading shall strictly comply with the orders and directions of the Station Master.

35. No person, unless he holds the written permission of the General Manager of the Railway and is wearing a distinctive badge, shall enter or be upon any carriage, vehicle, or premises of the Corporation for the purpose of removing any passengers' baggage for reward, and no person, unless so authorized and wearing a distinctive badge as aforesaid, shall solicit custom or hire in or upon any carriage, vehicle, or premises of the Corporation.

36. No driver or owner of any omnibus, motor car, taxi cab, or cart while in or upon any station yard or other premises shall enter on or in the platforms, waiting rooms, booking halls, carriages, and vehicles of the Corporation for the purpose of soliciting custom, nor shall he procure or authorize anyone to do so on his behalf.

37. At stations where the necessary facilities exist, the Corporation will provide warehousing and storage at rates and under conditions laid down in the Tariff Book.

38. The Corporation may refuse to accept for conveyance any goods, except those specified in the Tariff Book, which in the opinion of the General Manager are dangerous goods. The term "dangerous goods"

shall include but shall not be limited to explosives, compressed gases, inflammable substances, oxidizing substances, organic peroxides, poisonous (toxic) substances, radioactive materials, corrosives, dangerous chemical and miscellaneous dangerous substances or any offensive goods.

The term "offensive goods" shall include but shall not be limited to carcasses, bones, sewage, night soil, decaying matter, offal rags, sweepings or any other substance, with an offensive smell or nature.

38A. Except where indicated in the Tariff Book, no person shall send to the Corporation for conveyance any dangerous goods unless he has given not less than twenty hours notice of his intention to the Corporation and has stated the true name and description of the goods, his own name and address and that of the consignee and has received an intimation from the Corporation that such dangerous goods will be accepted.

39. No consignment of dangerous goods shall be sent to the Corporation except during such hours that will enable it to be loaded by daylight.

No consignment of dangerous goods shall be loaded or unloaded on the Corporation's premises except by daylight.

This by-law does not apply to the loading and unloading of tank cars containing petrol, paraffin, diesel gas, or fuel oil at places specially constructed for the purpose and properly illuminated.

40. Except where indicated in the current Tariff Book or amendments thereto, no explosive or inflammable substance shall be carried by passenger train.

41. Explosives shall not be carried in the same vehicle as any sort of matches, acids, chemicals or inflammable substances.

42. Every package containing dangerous goods shall be clearly marked by the consignor with the word DANGEROUS or with a clear description of its contents, and every wagon loaded with dangerous goods shall be labelled with the word DANGEROUS clearly shown on each side of the wagon by the loader of the wagon. Tank wagons with the name of the contents painted on both sides need not have the word DANGEROUS in addition.

43. Any person loading or unloading dangerous goods shall take all due precautions to stow and secure such goods so as to prevent them coming in contact with any article or substance likely to cause fire or explosion.

44. In loading or unloading explosives—

- (a) the packages shall, as far as possible be passed from hand to hand and not rolled upon the ground unless clean sheets or cloths have been previously placed on the ground on which such explosives are placed in such quantity and in such manner as to prevent any danger arising from the said explosives;
- (b) no package containing explosive shall be thrown or dropped from any height and such packages shall be carefully handled and stowed.

45. No person while employed in handling, loading, or unloading explosives or inflammable goods shall—

- (a) smoke or have about his person any lucifer match, explosives, or means of striking a light;
- (b) wear boots or shoes with iron or steel nails, heels or tips of any sort.

46. Once the loading or unloading of a wagon of dangerous goods has started it shall continue with all due diligence until it has been completed.

47. Dangerous goods shall be removed by the consignee from the Corporation's premises as soon as practicable after their arrival and shall, in the meantime, be covered by him with a sheet, cloth, or tarpaulin and marked dangerous.

48. The Corporation may refuse to carry or to store any package which it considers is not packed or sent in accordance with these By-Laws or with the Regulations for the acceptance and conveyance of dangerous and offensive goods.

49. Any person committing a breach of any of these By-Laws shall be guilty of an offence and shall be liable on conviction before a Resident Magistrates Court or a court of petty sessions to a fine not exceeding \$40 or in the case of an offence relating to the carriage of dangerous or offensive goods \$100 and in addition shall pay to the Corporation any fare, charge, or other sum of money due to it by reason of his offence.