

PARLIAMENT OF CEYLON

1st Session 1960-61



Railways (Amendment) Act, No. 41 of 1961

Date of Assent : June 17, 1961

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Railways (Amendment) Act, No. 41 of 1961

L. D.—O. 25/59.

AN ACT TO AMEND THE RAILWAYS ORDINANCE.

Chapter 153.
(Vol. IV.,
page 90).

[Date of Assent: 17th June, 1961]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Railways Short title.
(Amendment) Act, No. 41 of 1961.

2. Section 31 of the Railways Ordinance, hereinafter referred to as the "principal enactment", is hereby amended as follows:—

Amendment of
section 31 of
Chapter 153

(1) by the substitution, for all the words from "the General Manager" to the end of the second proviso in that section, of the following:—

"the General Manager shall, before the line is opened for traffic, cause to be erected and afterwards maintained good and efficient gates, bars, or barriers which are capable of being moved to such a position that they make the railway impassable at the intersection of the railway and the road, or to such a position that they make the road impassable at such intersection; and the gates, bars, or barriers shall be moved to and kept in the first mentioned position except when engines or trains passing along the railway have occasion to cross the road:

Provided that the Minister may in any case order that the gates, bars, or barriers shall—

(a) be so constructed as to be capable of being moved to such a position that they make the road, and not the railway, impassable at the intersection of the railway and the road, or to such a position that they do not make either the road or the railway impassable, and

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(b) be moved to and kept in the position mentioned first in paragraph (a) of this proviso only when engines or trains passing along the railway have occasion to cross the road,

and in such case the gates, bars, or barriers shall be erected, maintained, and moved to and kept in position, accordingly.”; and

(2) by the substitution, for the words “in case any such gates”, of the words “in case any such gates, bars, or barriers”.

Amendment of
section 34 of
the principal
enactment.

3. Section 34 of the principal enactment is hereby amended as follows:—

(a) by the repeal of sub-section (2) of that section and the substitution therefor of the following sub-section:—

“(2) Any person who, at a time when any engine or train approaching along a railway is within sight or hearing or is due,—

(a) moves any gate, bar, or barrier, erected and maintained by the General Manager at the intersection of such railway and a road, from the position in which such road is made impassable to a position in which the road is made passable; or

(b) in any way impedes or interferes with any person in charge of such gate, bar, or barrier while in the execution of his duty; or

(c) passes or attempts to pass, or drives or attempts to drive, any animal, vehicle or other thing across such railway,

shall be guilty of an offence and liable to a fine not exceeding one hundred rupees.”; and

(b) in the marginal note to sub-section (2) of that section by the substitution, for the word “gates.”, of the words “gates, etc.”.