

NIGERIAN RAILWAY CORPORATION ACT

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SCHEDULE

Provisions as to Corporation

An Act to provide for the establishment of a corporation to be known as the Nigerian Railway Corporation, for the transfer to the Corporation of the railway undertaking of the Government of the Federation, for the functions of the Corporation, and for purposes connected therewith.

[1955 No. 20.]

[Parts I, II, V, IX (except section 56) and XIV, section 10 to 14 inclusive, 47, 48, 58, 59 and 99 and the Schedule *9th June*, 1955;
Parts IV, VI, VII, XI, XII, XIII, XV, XVI and XVII, section 15 to 30 inclusive, 49, 57, 97 and 98 *1st October*, 1955;
section 56 *3rd May*, 1956]

[Commencement.]

PART I

Preliminary

1. Short title

This Act may be cited as the Nigerian Railway Corporation Act.

2. Interpretation

In this Act, unless the context otherwise requires-

"**chairman**" means the chairman of the Corporation;

"**charges other than rates and fares**" means demurrage, dues, fees, storage, terminals and tools and any charges, not being rates or fares, for any services performed, facility provided, penalty imposed, or license, permit or certificate granted; and for the purposes of this definition, "**terminals**" includes charges in respect of cranes, depots, sidings, stations, warehouses, wharves and other similar matters and of any services rendered thereat; customer

"**Coal Corporation**" means the corporation established under the Nigerian Coal Corporation Act;

[Cap. N95.]

"**Corporation**" means the Nigerian Railway Corporation established under this Act;

"**fare**" means any charge for conveying passengers;

"**financial year**" in relation to the Corporation, means a period of twelve months beginning on 1 January in any year;

"**functions**" includes powers and duties;

"**Gazette**" means the *Gazette* of the Federation of Nigeria;

"**general manager**" means the general manager of the undertaking of the Corporation;

"**goods**" includes animal, whether alive or dead, luggage, merchandise, parcels, perishables, vehicles and any other movable property;

"**government railway undertaking**" means the undertaking conducted and maintained by the Government of the Federation under the provisions of the Railways Act;

"**Inspector of Railways**" means the person appointed as such under Part IX of this Act;

"**luggage**" means all such articles as a passenger may take with him for his personal use or convenience according to the wants or habits of the class to which he belongs, with reference either to the immediate necessity or to the ultimate purpose of the journey, but does not (except in the case of commercial travellers) include articles for business, trade or profit;

"**Minister**" means the Minister charged with responsibility for railways;

"**motor cycle**" means a motor vehicle designed to travel on not more than three wheels and having a tare weight, together with the weight of any sidecar attached thereto, not exceeding six hundred weight;

"**motor vehicle**" means a vehicle propelled by mechanical or electrical means contained in the vehicle, and includes a trailer designed to be attached to and drawn by such vehicle;

"**National Electric Power Authority**" means the National Electric Power Authority established under the National Electric Power Authority Act;
[Cap. N33.]

"**Nigerian Ports Authority**" means the authority established under the Nigerian Ports Authority Act;
[Cap. N126.]

"**other charges**" means charges other than rates and fares;

"**perishables**" means goods liable to rapid deterioration, and includes bread, butter, cheese, eggs, fish, fruits, game, meat, milk, plants, vegetables and any other things which may be declared by the Corporation to be perishable goods;

"**railway**" means any railway operated by the Corporation, and any portion thereof, for the purpose of the public carriage of passengers or goods, and includes-

- (a) all land vested in or in the possession of the Corporation, for the said purpose;
- (b) all lines of rail, sidings or branches worked over for or in connection with the said purpose;

- (c) all hotels, offices, stations, warehouses, wharves, workshops and other premises or works whatsoever maintained or constructed for or in connection with the said purpose;
- (d) all engines, fixed plant, locomotive, machinery, road vehicle and rolling stock belonging to or worked by the Corporation, for or in connection with the said purpose;
- (e) all vessels and rafts used by the Corporation, for or in connection with the said purpose,

and references in this Act to a railway include, so far as the context allows, a railway under construction by or for the Corporation;

"railway land" means land vested in or in the possession of the Corporation, for the purposes of the railway;

"railway servant" means any person employed by the Corporation, in connection with the service or construction of a railway, but does not include an independent contractor;

"rate" means any charge for receiving, forwarding, conveying or delivering goods;

"route mileage" means the distance between the terminal points of main and branch lines of railway, measured along the centre line of the main or branch line, but does not include any siding;

"suit" includes action and means a civil proceeding commenced by writ or in such other manner as may be provided for in rules of court, and does not include a criminal proceeding;

"vehicle" includes, in addition to any other vehicle defined in this section, any cart, bicycle, handcart, perambulator, rickshaw, tricycle, van or wagon and any other vehicle used or intended to be used for the conveyance of persons or goods;

"vesting day" means the day appointed by the President, under section 35 of this Act, for the purposes of that section.

3. Functions of the Corporation may be discharged by its servants

Where powers are conferred or duties imposed or under this Act or the Corporation, such powers or duties may be exercised or performed by or through any servant or agent of the Corporation authorised in that behalf by the Corporation.

PART II

Establishment and Constitution of the Corporation

4. Establishment and incorporation of the Nigerian Railway Corporation

(1) As soon as may be, after the commencement of this Act, there shall be established, a corporation to be known as the Nigerian Railway Corporation (in this Act referenced to as "the Corporation").

(2) The Corporation shall be a body corporate, with perpetual succession and a common seal and shall have power to sue and be sued in its corporate name and to acquire, hold and dispose of movable and immovable property for the purpose of its functions under this Act.

5. Constitution

The Corporation shall consist of the following members-

- (a) a chairman, who shall be appointed by the Minister;
- (b) twenty-six other members, to be appointed by the Minister, of whom-
 - (i) one shall be a person appearing to the Minister to be qualified academically and practically in industrial relations;
 - (ii) one shall be a person appearing to the Minister to be qualified to represent commercial interest in Nigeria;
 - (iii) twenty-two shall be persons appearing to the Minister to have had experience in commerce and in the use of railway transport, each of whom shall have been recommended by the Governor as representing a State and by the "appropriate Minister" as representing the Federal Capital Territory, Abuja;
 - (iv) one shall be a person appearing to the Minister to be qualified to represent the Nigerian Ports Authority;
 - (v) one shall be a person appearing to the Minister after considering any representations made by labour organisations concerned, to have had experience of, and to have shown capacity in the organisation of workers;
- (c) the general manager of the Corporation appointed in accordance with the provisions of section 10 of this Act, who shall be an *ex-officio* member of the Corporation, but shall have no right to vote at any meeting of the Corporation or on any question falling to be decided at such meeting.

6. Temporary appointments

(1) The Minister may appoint a person (in this Act referred to as "a temporary chairman"), to act in the place of the chairman during the temporary incapacity from illness of the chairman.

[11 of 1958.]

(2) A person appointed to be a temporary chairman shall, while the appointment subsists, be deemed for all purposes of this Act, to be the chairman.

(3) The Minister may appoint any person to be a temporary member of the Corporation during the temporary incapacity from illness, or absence from Nigeria of any member of the Corporation:

Provided that the number of persons holding an appointment under this subsection shall not at any time exceed two.

(4) A person appointed to be a temporary member of the Corporation may, while the appointment subsists, exercise and perform all the functions of a member of the Corporation (other than the chairman) under this Act.

(5) The Minister may, at any time, by notice in writing given to the Corporation, terminate any appointment made under this section.

7. Remuneration of members of the Corporation

The Corporation shall pay to the members thereof any remuneration, fees or allowances for expenses that may be determined by the Minister:

[32 of 1958.]

Provided that no remuneration, fees or allowances, except such allowances for expenses as may be expressly authorised by the President, shall be paid to any person who holds an office of profit under the State otherwise than as a member of the Corporation or as a member of a body corporate incorporated directly by a law enacted by any legislature in Nigeria.

8. Power to remove members from office

The President may, at any time, remove from office, all or any of the members of the Corporation, other than the chairman, if he considers it necessary to do so in the interest of the effective and economical performance of the functions of the Corporation.

9. Further provisions as to the Corporation

The provisions of the Schedule to this Act, shall have effect with respect to the constitution and organisation of the Corporation, and the other matters contained therein.

[Schedule.]

PART III

Duties and powers of the Corporation

10. Appointment and functions of general manager

(1) The undertaking of the Corporation shall be under the immediate management and control of a servant of the Corporation, to be known as the general manager.

[1958 No. 11.]

(2) The general manager shall be appointed by the Corporation and shall be a person appearing to the chairman to have had wide experience of railway management.

(3) The Corporation shall delegate to the general manager, such of its functions under this Act as are necessary, to enable him to transact effectively the day-to-day business of the Corporation or every kind whatsoever and in particular, and without prejudice to the generality of the foregoing, shall delegate to him the power to exercise supervision and control over the acts and proceedings of all servants of the Corporation in matters of executive administration and in matters concerning the accounts and records of the Corporation, and, subject to any general restrictions which may be imposed by the Corporation, the power to dispose of all questions relating to the service of the said servants and their pay, privileges and allowances.

- (4) The general manager shall submit to the Corporation for its decision-
- (a) draft estimates of revenue and expenditure;
 - (b) schemes relative to any extension of the railway route mileage; and
 - (c) major questions of policy, in connection with the management and operation of the undertaking.
- (5) The general manager shall not, without the prior approval of the Corporation-
- (a) incur expenditure other than that provided for in the estimates of expenditure approved by the Corporation, beyond such limits as may be determined by the Corporation; or
 - (b) make any substantial charges in the organisation of the undertaking.
- (6) The general manager may, unless otherwise directed by the Corporation, delegate to any railway servant or agent any of the functions delegated to him.

11. Duty to furnish information

The Corporation shall furnish to the Minister such information relating to the discharge of its functions and its property and finances, including financial, statistical or other returns, as the Minister may, from time to time, require.

12. Power to give directions to the Corporation

The Minister may, after consultation with the Corporation, give to the Corporation directions of a general character, as to the discharge by the Corporation of its functions in relation to matters appearing to the Minister to be of grave public importance, and the Corporation shall give effect to all such directions.

13. Power of chairman with regard to certain decisions of the Corporation

(1) If the chairman considers that at any meeting of the Corporation a matter which, in his opinion, affects the public interest has been wrongly decided-

- (a) he may cause the implementation of the decision to be suspended; and
- (b) in such case he shall, within ten days after the date on which the decision was made, submit a statement of the decision together with his objections thereto and any representations which any other member of the Corporation may desire to make with regard to the decision (such statement, objections and representations being in writing), for determination by the Minister,

and the decision aforementioned shall be implemented, only if the Minister so determines and subject to any modifications which the Minister may direct.

(2) Without prejudice to the power conferred on the chairman by subsection (1) of this section, if the chairman considers that, at any meeting of the Corporation not attended by all the persons who, for the time being, are members (including temporary members) of the Corporation, a question which, in his opinion, is of sufficient importance to justify action being taken as provided in this subsection, has been wrongly decided-

- (a) he may cause the implementation of the decision to be suspended for not more than one month after the date on which the decision was made; and

- (b) in such case he shall, within the said month, convene and hold another meeting of the Corporation, at which the question aforesaid, shall again be considered and determined,

so, however, that he shall not exercise the power conferred by this subsection more than once in respect of the same question.

14. Appointment of secretary

The Corporation shall appoint a person, not being a member of the Corporation, to be secretary of the Corporation, who shall perform such duties as the chairman may direct.

15. General duties of the Corporation

(1) It shall be the duty of the Corporation to-

- (a) manage and operate, in accordance with the provisions of this Act, the railway undertaking transferred to the Corporation by virtue of the provisions of this Act and any expansions or extensions thereof and any new railway and to provide all reasonable facilities for carriage by the Corporation of passengers and goods:

Provided that the Corporation shall not be under any obligation to continue or introduce any particular service or facility which is uneconomic, or which appears to the Corporation unlikely to provide within a reasonable time adequate revenue to meet the cost of the Corporation of providing that service or facility, unless the Minister so directs, in which event the Corporation may be reimbursed from the public revenue of the Federation, the amount by which it is proved to the satisfaction of the Minister that the revenue received from the service or facility in respect of any financial year is less than the amount of the charges properly chargeable to revenue in respect of that year and attributed to that service or facility;

- (b) control the expenditure of the Corporation, whether on revenue or capital account;
- (c) conduct the affairs of the Corporation as to ensure that, so far as practicable, the annual revenue of the Corporation are, taking one financial year with another, sufficient to meet all charges properly chargeable to revenue; and
- (d) direct and control any expansion or extension of the railway and the construction of any new railway.

(2) In forming programmes of reorganization or development involving substantial outlay on capital account, the Corporation shall act on lines settled, from time to time, with the approval of the Minister.

(3) For the purposes of this section, the expression "**charges properly chargeable to revenue**" includes the charges referred to in section 41 of this Act.

16. Accommodation works

The Corporation shall make and maintain for the accommodation of the owners and occupiers of lands adjoining a railway-

- (a) convenient crossings, bridges, arches, culverts and passages over, under or by the sides of, or leading to or from, such railway, for the purpose of making

good any interruptions caused by the railway, to the use of the lands through which such railway is made; and

- (b) arches, tunnels, culverts, drains, water-courses or other passages over, or under, or by the sides of, the railway, for the purpose of conveying water at all times as freely from or to such lands as before the making of the railway or as nearly as may be:

Provided that-

- (i) the Corporation shall not be required to make any accommodation works in such a manner as would prevent or obstruct the working or using of the railway, or to make any accommodation works, with respect to which the occupiers of the land have agreed to receive and have been paid compensation, or to make any accommodation works with respect to which the owners or occupiers have made no representations, during the time that the section of the railway affected was in course of construct;
- (ii) where the Corporation has provided suitable accommodation for the crossing of a road or stream and the road or stream is afterwards diverted by the act or neglect of the person having the control, thereof, the Corporation shall not be compelled to provide other accommodation for the crossing of the road or stream.

17. General powers of the Corporation

(1) Subject to the provisions of this Act, the Corporation shall have power-

- (a) to carry goods and passengers by rail, road and water within Nigeria;
- (b) to store goods within Nigeria, whether or not those goods have been or are to be carried by the Corporation;
- (c) to consign goods on behalf of other persons from any place within Nigeria, to any other place, whether within Nigeria, or elsewhere;
- (d) to provide within Nigeria, both for passengers carried by the Corporation and for other persons, hotels, hostels, other living accommodation and places of refreshment;
- (e) to provide within Nigeria, such other amenities and facilities for passengers, carried by the Corporation and other persons, using the services performed or the facilities provided by the Corporation as it may appear to the Corporation requisite or expedient to provide;
- (f) subject to the consent of the President, in any territory adjacent to Nigeria, to perform any services or provide any facilities which the Corporation may properly perform or provide within Nigeria.

(2) Subject to the provisions of this Act, the powers conferred by subsection (1) of this section shall include all such powers as are necessary or advantageous and proper for the purposes of the Corporation and, in particular but without prejudice to the generality of the foregoing, shall include power-

- (a) to acquire, construct, manufacture, maintain or repair anything required for the purposes of the Corporation, including any new railway;

- (b) to carry on any business necessary or desirable to be carried on, for the purposes of the Corporation;
- (c) to take, subject to any restrictions, prohibitions or conditions that may be prescribed, such water, as the Corporation may reasonably require from any natural resources, and to acquire, construct, manufacture, maintain or repair waterworks or any other works, plant or apparatus, necessary or desirable for the supply or transmission of water, and to supply any such water to any person;
- (d) to acquire, construct, manufacture, maintain and repair plant for generating electrical energy and any other works, plant or apparatus necessary or desirable for the generation, transmission and supply of electrical energy, for the purposes of the Corporation, and, subject to the approval of the Minister, to sell any such energy, which may be surplus to its own requirements;
- (e) to prohibit, control or regulate-
 - (i) the use by any person, of the services performed or the facilities provided by the Corporation; or
 - (ii) the presence of any person, vehicle, goods or thing whatsoever, on any premises occupied by the Corporation;
- (f) to sell, let or otherwise dispose of any property of the Corporation, movable or immovable, which in the opinion of the Corporation is not necessary, for the purposes of the Corporation;
- (g) to enter into agreements with any person-
 - (i) for the supply, construction, manufacture, maintenance or repair by that person of any property, movable or immovable, which is necessary or appropriate for the purposes of the Corporation;
 - (ii) for the performance or the provision by that person of any of the services or facilities which may be performed or provided by the Corporation;
 - (iii) for the payment, collection or apportionment of any rates, fares or other charges arising out of the performance or the provisions by that person of any such service or facilities, and for such purposes, to finance or assist in financing the activities of that person, whether by way of loan, the holding of stocks, shares or securities, the guaranteeing of interest or dividends on any stocks, shares or securities, or otherwise;
- (h) to act as agent, whether in Nigeria or elsewhere, for any person engaged, whether in Nigeria or elsewhere, in the performance of services or the provision of facilities of a kind, similar or complementary to those performed or provided by the Corporation;
- (i) to enter into and carry out agreements with any person carrying on business as a carrier of passengers or goods, whether within Nigeria or elsewhere, providing for the carriage of passengers or goods by or on behalf of the Corporation and of that person under one contract or at a thorough charge;
- (j) to provide houses, hostels and other like accommodation, for persons employed by the Corporation;

- (k) to sell food and drinks, including alcoholic beverages, on railway premises and on carriages set apart for the purpose at such times and on such conditions, as the Corporation may deem fit;
- (l) to do anything for the purpose of advancing the skill of persons employed by the Corporation or of the efficiency of the equipment of the Corporation or of the manner in which that equipment is operated, including the provision of facilities for training, education and research;
- (m) to give loans to any person employed by the Corporation-
 - (i) for the purpose of building a house, purchase land on which to build a house, or purchasing a house, for the use of such person or for residential use by his family; or
 - (ii) for any other purpose specifically approved by the Corporation as being likely to increase the effectiveness of such persons in their services to the Corporation, or otherwise, for the purposes of the functions of the Corporation;
- (n) to make reasonable provision, by grants, loans or otherwise, for person employed by the Corporation;
- (o) notwithstanding any prohibition or restriction imposed by any Act relating to telecommunications, but subject to any conditions, restrictions or other provisions that may be prescribed, including provisions as to the application to the Corporation of, or the exemption of the Corporation from any enactment, in any such Act, or the modification of any such enactment in its application to the Corporation, to establish, maintain and work a telecommunications service for the use of the Corporation and of the public, and to impose charges for the use thereof by the public;
- (p) to do any other thing, or carry on or arrange for the carrying on of any business incidental or subsidiary to the principal activities of the Corporation which, in the opinion of the Corporation, is in the interest of the public or of the proper conduct of those activities.

(3) In relation to the exercise by the Corporation of the powers conferred by paragraph (d) of subsection (2) of this section, the Electricity Act shall have effect as if the Corporation were exempted from the provisions of section 3 thereof.

[Cap. E7.]

(4) For the avoidance of doubt, it is hereby declared that the preceding provisions of this section, relate only to the capacity of the Corporation as a statutory corporation, and nothing in the said provisions shall, except where otherwise provided therein, be construed as authorising the disregard by the Corporation of any enactment or rule of law.

(5) The provisions of this section shall not be construed as limiting any power of the Corporation conferred by or under any subsequent provision of this Act.

18. Power to fix rates, fares and other charges

The Corporation shall have power, from time to time-

- (a) subject to such upper limits as may be determined by the Minister, to fix rates and fares;

- (b) to fix charges, other than rates and fares;
- (c) to enter into agreements for the carriage of goods at rates lower than the rates fixed under paragraph (a) of this section, but subject to such other charges and conditions, if any, as the Corporation deems fit;
- (d) to convey passengers at fares lower than the fares fixed under paragraph (a) of this section but subject to such conditions, if any, as the Corporation deems fit;
- (e) for any particular purpose, or on any particular occasion, or in any particular circumstance, and subject to any conditions the Corporation deems fit, to remit, in whole or in part, any rate, fare or other charges fixed under paragraph (a) or (b) of this section;
- (f) in circumstances requiring the Corporation to render services additional to those normally provided by it in respect of the carriage of goods or passengers, and notwithstanding that an upper limit has been determined by the Minister under paragraph (a) of this section, to fix a rate or fare higher than such upper limit,

and to levy any rate, fare, or other charges fixed under any of the provisions of this section.

19. Conditions for holding goods on railway

The Corporation may (in addition to fixing charges other than rates and fares under the provisions of section 18 of this Act) impose conditions, not inconsistent with the provisions of this Act, for the holding of goods left upon a railway, before or after carriage or for warehousing or in any other circumstances whatsoever.

20. Provision of additional facilities for traffic

(1) The Corporation may provide and maintain-

- (a) foot-ways and roadways on any of its bridges, for the passage of persons or vehicles;
- (b) subject to the provisions of the Nigerian Ports Authority Act and without prejudice to the powers of the Nigerian Ports Authority, piers and wharves for the accommodation of traffic;

[Cap. N126.]

(c) other facilities for the accommodation of traffic.

(2) The Corporation may (in addition to fixing charges other than rates and fares under the provisions of section 18 of this Act) impose conditions, not inconsistent with the provisions of this Act, in respect of traffic, using such footways, roadways and facilities as aforesaid.

21. Authority to execute necessary works

The Corporation may, for the purposes of constructing a railway or additions or alterations to a railway or accommodation or other works connected therewith, enter upon any land and-

- (a) make or construct in, upon, across, under or over any lands or any streets, hills, valleys, roads, railway or tramways, or any rivers, canals, brooks, streams or

other waters, or any drains, water-pipes, gas-pipes or electric power wires or telegraph or telephone lines or such temporary or permanent inclined planes, arches, tunnels, culverts, embankments, aqueduct, bridges, roads, line of railway, ways, passages, conduits, drains, electric power or telegraph or telephone lines, piers, abutments, cuttings and fences, as the Corporation thinks proper;

- (b) alter the course of any rivers, brooks, streams or water-courses, for the purposes of constructing and maintaining tunnels, bridges, passages or other works over or under them; and divert, widen, narrow or alter, temporarily or permanently, the course of any rivers, brooks, streams or water-courses, or any roads, streets, or ways; or raise or sink the level thereof in order, the more conveniently to carry them over or under or by the side of the railway as the Corporation thinks proper;
- (c) convey water by means of drains or conduits into, through or under any lands adjoining the railway;
- (d) erect and construct such houses, warehouses, offices and other buildings, and such yards, stations, wharfs, engines, machinery, apparatus, and other works and conveniences, as the Corporation thinks proper;
- (e) alter, repair or discontinue such buildings, works and conveniences as aforesaid or any of them, and substitute others in their stead; and
- (f) do all other acts necessary for making, maintaining, altering or repairing and using the railway.

22. Alteration of pipes, wire and drains

The Corporation may, for the purpose of exercising the powers conferred on it by this Act, alter the level or position of any pipe, conduit, drain, electric wire or post, provided that it shall give reasonable notice of its intention to do so to the person having the control of such pipe, conduit, drain, electric wire or post; and the Corporation shall so execute the work as to cause as little inconvenience as possible.

23. Temporary entry upon land for purpose of preventing accident or repairing damage

The Corporation may, in case of any slip or other accident happening or being apprehended to any cutting, embankment or other work under the control of the Corporation, enter upon any land adjoining the railway for the purpose of preventing such accident or of repairing damage caused thereby, and may do all such works as may be necessary for the purpose.

24. Notice of entry and compensation in relation to sections 21 to 23

(1) In the exercise of the powers conferred by sections 21, 22 and 23 of this Act, the Corporation shall, when practicable, give notice of the intention to enter upon any occupied land to the occupier thereof, and shall do so as little damage as possible, and shall pay compensation for any damage caused by the exercise of those powers.

25. No suit to be brought to recover compensation

(1) No suit shall be brought or maintained to recover such compensation payable under section 24 of this Act, but any person who considers himself entitled to compensation, may within twelve months after the date on which the damage was caused, if no agreement has been reached between himself and the Corporation, forward to the Corporation, a request that his claim be referred to arbitration, and the claim shall be determined in the following manner-

- (a) there shall be two arbitrators, one of whom shall be nominated by the Corporation and the other by the person claiming compensation;
- (b) the two arbitrators so nominated, shall view the land or property in respect of which such compensation is claimed, with the object of deciding what sum should in the circumstance of the case be awarded as compensation, and, if the said arbitrators agree as to the amount, their decision shall be final: Provided that in case of disagreement, they may and at any stage of the arbitration, refer the matter in dispute to a judge of the Federal High Court in chambers as umpire, and his decision shall be final.

(2) Where the amount of compensation, if any, is determined by the arbitrators, each party shall pay the costs incurred by him in respect of the matter of the arbitration, but if the matter in dispute is referred to the judge, the costs of and incidental to the arbitration and the inquiry by the judge shall, be at the discretion of the judge.

(3) The reference in this section to the Federal High Court, shall be construed as a reference to the Federal High Court having jurisdiction in respect of the place where the damage in question occurred.

26. Removal of trees obstructing working of railway

(1) If there appears to him to be danger that a tree standing near a railway may fall on the railway so as to obstruct traffic, or may obstruct the view of any fixed signal, an officer duly authorised in that behalf by the Corporation, may fell the tree or deal with it in such other manner as will avert the danger or remove the obstruction, as the case may be.

(2) When the power conferred by subsection (1) of this section is exercised in respect of a tree on land, other than railway land, the Corporation-

- (a) shall immediately inform such officer as may be prescribed; and
- (b) if the tree was in existence before the railway was constructed, or the signal was fixed near the place where the tree was standing, shall pay compensation to the person entitled thereto:

Provided that, if no agreement is reached as to the person entitled or as to the amount of compensation, the Corporation shall call upon the officer prescribed as aforesaid, to ascertain the person entitled, if any, and to assess the amount of the compensation and shall make such payment as shall accord with the decision of that officer.

(3) An award of compensation under subsection (2) of this section shall be final.

(4) No court shall entertain a suit to recover compensation for any tree felled or otherwise dealt with under this section.

27. Purchase and importation of coal

(1) The Corporation may-

- (a) enter into agreements for the purchase of coal, for its own use or for resale, from the Nigerian Coal Corporation; and
- (b) purchase and import coal from outside Nigeria, whenever it is of opinion that the production of coal by the Nigerian Coal Corporation is, or is likely to be insufficient for the requirements of coal consumers in Nigeria.

(2) In this section, the expression "**coal**" includes coke and other coal products.

28. Restriction on power to extend railway line

Notwithstanding anything hereinbefore in this Part contained, no extension of the route mileage of a railway, shall be undertaken by or on behalf of the Corporation, without the prior sanction of the Minister, if such extension-

- (a) exceeds 8.0465 kilometres in length; and
- (b) is intended for the public carriage of passengers,

and no extension exceeding 8.0465 kilometres in length of the route mileage of a railway, shall be used for the public carriage of passengers, without such sanction as aforesaid.

29. Construction of railways by persons other than the Corporation

It shall be unlawful for any person, without the consent of the Corporation, to construct or operate a railway for the public carriage of passengers or goods within Nigeria.

30. Duty to train Nigerians

It shall be the duty of the Corporation to provide, to the satisfaction of the Minister, such facilities for the training of Nigerians, as are designed to enhance their suitability for promotion in the service of the Corporation.

PART IV

Further powers in relation to land

31. Construction for purposes of Cap. L5

For the purposes of paragraph (c) of subsection (1) of section 28 of the Land Use Act, a requirement of land by the Government of the Federation for public purposes of the Federation, shall be deemed to include a requirement of land by the Corporation for the purposes of a railway.

[Cap. L5.]

32. Preliminary investigation of land required for railway purposes

(1) Whenever it appears to the Corporation that land in any locality is likely to be needed for any purposes of a railway, the Corporation may, by its servants or agents, together with all necessary workmen, enter upon any land in such locality and-

- (a) survey and take levels of such land;

- (b) dig or bore under the sub-soil;
- (c) do all other acts necessary to ascertain whether the land is adapted for such purposes;
- (d) clear, set out and mark the boundaries of the land, in respect of which it is proposed, to make an application under subsection (1) of section 33 of this Act and the intended line of the work (if any), proposed to be made thereon:

Provided that no such servant, agent or workman shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (except with the consent of the occupier thereof), unless at least seven days' notice of the intended entry shall have been given to such occupier.

(2) As soon as conveniently, may be after any entry made under subsection (1) of this section, the Corporation shall pay compensation for all damage arising out of the exercise of any power conferred by that subsection.

(3) In case of dispute as to the amount of any compensation payable under this section, the amount of the compensation may be determined in the manner provided by the Land Use Act for determining the compensation payable, where a right of occupancy is revoked.

[Cap. L5.]

33. Compulsory acquisition of land

(1) Whenever there is any hindrance to acquisition by the Corporation of any land required for any purposes of a railway, including any failure by the Corporation to reach agreement as to the amount to be paid in respect of such acquisition, the President, upon the application of the Corporation and after such inquiry as he may think fit, may declare that the land is required for the service of the Corporation.

(2) Upon such declaration being made, the land to which it relates, shall be deemed to be land required for a public purpose of the Federation within the meaning of the Land Use Act, and the President may cause action to be taken under the Lands Use Act, for acquiring the land for the Government of the Federation.

[Cap. L5.]

(3) When any land, which has been the subject of a declaration under subsection (1) of this section, has been acquired or the rights relating thereto have been revoked in pursuance of the provisions of subsection (2) of this section, or the President is satisfied that there are no rights relating to that land, the President may vest the land in the Corporation by means of a certificate under the hand and seal of the Governor of a State.

(4) The compensation, if any, payable under the Land Use Act for the acquisition of any land under this section or (as the case may be) payable for the revocation of any rights relating to land in pursuance of this section shall, in the first instance, be paid by the Government of the Federation, but the Corporation shall refund to that Government any compensation so paid and all incidental expenses incurred by that Government.

(5) A plan of any land referred to in subsection (1) of this section, containing measurements of the boundaries of the land and showing the relationship of the land to the existing line of railways or other identifying mark, and signed by the general manager or

person for the time being discharging the functions of the general manager shall be a sufficient description of the land for the purposes of an application under that subsection.

34. Restriction on alienation

The Corporation shall not, without the approval in writing of the Minister, or, in the case of the customary land in any of the States of the Federation, of the Governor of that State, alienate, mortgage, charge or demise any immovable property, which has been vested in the Corporation under any of the provisions of this Act or in respect of which a right of occupancy has been granted to the Corporation.

PART V

Transfer of assets and liabilities and payment of compensation

35. Transfer of assets and liabilities

(1) As from the 1st day of October 1955, the following assets and liabilities of the Government railway undertaking shall, subject to the provisions of section 36 of this Act, be transferred to and vest in the Corporation by virtue of this section and without further assurance-

- (a) all the assets, other than interest in land, and all the liabilities of the said undertaking;
- (b) the interests of the State in the following land together with all improvements and hereditaments corporeal and incorporeal attached or pertaining thereto:
 - (i) all the land described in plans signed by the general manager, or a person authorised by him in that behalf, and by the President, or a person authorised by the President in that behalf, and deposited for the purposes of this Part, in the Land Registry at Lagos;
 - (ii) save where any greater or lesser area is specified in any of the said plans, all land which lies within seventy five feet on each side of the center line of any main or branch line of railway pertaining to the said undertaking, immediately before the vesting day.

(2) The President may, at any time and from time to time, within a period of twelve months after the vesting day, by order, declare that any assets of the Government railway undertaking, being interest in land (together with improvements and hereditaments, corporeal and incorporeal attached or pertaining thereto), other than the land specified in subsection (1) of this section, shall be transferred to and vest in the Corporation, and the assets to which any such order relates, shall be transferred to and vest in the Corporation by virtue of such order and without further assurance, with effect from such date as may be specified in the order.

36. Exceptions as to transfer of assets and liabilities

(1) Notwithstanding anything contained in section 35 of this Act, there shall not, by reason of the transfer of assets and liabilities provided for therein, be transferred to the Corporation-

- (a) any liability in respect of amounts shown in the accounts of the Government railway undertaking as advances made by the Government of the Federation,

or, prior thereto, by the Government of Nigeria, or as advances made from the Joint Colonial Fund; or

- (b) any liability for the payment of pensions to persons employed in the Government railway undertaking, in respect of services before the vesting day; or
- (c) moneys and investments held on behalf of the Nigerian Railway Pension Reserve Fund.

(2) A gratuity or annual allowance (other than a gratuity or pension payable under the Pensions Act, or any Act repealed thereby, or under the Nigerian Government Railway Pensionable Offices Act), to which a person is eligible by contract or custom by virtue of service with the Government of the Federation before service with the Corporation, shall not be included within the term "pensions" for the purpose of subsection (1) of this section and such gratuity or annual allowance shall, upon payment by such Government to the Corporation of such lump sum or sums as shall be agreed upon, by a matter within the authority of the Corporation, whether it is payable by virtue of any legal liability or not, and shall not be a responsibility of such Government.

[Cap. P4.]

37. Compensation

(1) In consideration of the vesting of the assets and liabilities of the Government railway undertaking in the Corporation as provided in this Part of this Act, the Corporation shall pay compensation to the Government of the Federation.

(2) The amount of the compensation to be paid in pursuance of subsection (1) of this section, shall be agreed between the Government of the Federation and the Corporation, and in determining that amount, regard shall be had to the amount which the Government railway undertaking might have been expected to realise if it had been sold on the vesting day in the open market by a willing seller to a willing buyer.

38. Working capital

(1) The amount of working capital required on the vesting day for the performance of the functions of the Corporation, shall be agreed between the Government of the Federation and the Corporation, regard being had to the scale of activities of the Corporation, the expected requirements of funds for renewals and capital expenditure, and other factors relevant thereto.

(2) If the value of the investments and current assets vested in the Corporation is less than the amount agreed to be required for working capital, the amount of the deficiency shall be placed to the debit of an advance account in the books of the Corporation; and this account shall either be repaid by the Government of the Federation as soon as the amount is determined or shall remain as an advance by the Corporation to that Government, on such terms as to interest and repayment, as may be agreed between that Government and the Corporation.

(3) If the value of the investments and current assets vested in the Corporation is more than the amount agreed to be required for working capital, the amount of the excess shall be placed to the credit of an advance account in the books of the Corporation; and this account shall either be repaid to the Government of the Federation by the Corporation as soon as the amount is determined or shall remain as an advance by that Government to

the Corporation, on such terms as to interest and repayment, as may be agreed between that Government and the Corporation.

(4) For the purposes of this section, the expression "**current assets**" means stocks of stores and materials, outstanding traffic accounts and other accounts receivable, cash in hand and at banks and any other assets of the railway undertaking not being investments or assets classified as capital in the accounts of the undertaking.

39. Existing contracts and pending proceedings, etc.

(1) All deeds, bonds, agreements, instruments and working arrangements, subsisting immediately before the vesting day and affecting the Government railway undertaking, shall be of as full force and effect against or in favour of the Corporation, and enforceable as full and effectually, as if, instead of the Government or some person on behalf thereof, the Corporation had been named therein or had been a party thereto.

(2) Any proceedings or cause of action pending or existing immediately before the vesting day by or against the Government in respect of the Government railway undertaking, may be continued or enforced by or against the Corporation, as such proceedings or cause of action might have been confirmed or enforced by or against the Government, if this Act had not been enacted.

(3) For the purpose of this section, the expression "the Government" means the Government of the Federation or the former Government of Nigeria.

40. Railway Land Commissions

(1) In this section, reference to any land shall, unless the context otherwise requires, be construed as reference to the interests in that land vested in the Corporation.

(2) For the purposes of this section, there shall be established one or more commissions (in this section referred to as "the Railway Land Commissions") each consisting of-

- (a) a chairman, which shall be appointed by the Minister and shall be a person who does not hold office in the service of the Corporation or of any Government in the Federation;
- (b) a person appointed by the Minister to represent the Corporation; and
- (c) a person appointed by the Minister as provided in subsection (6) of this section.

(3) Subject to subsection (10) of this section, the Minister may at any time refer to a Railway Land Commission, the question whether or to what extent it is necessary for the land specified in the reference, being land which was transferred to the Corporation by virtue of section 35 of this Act, to be retained by the Corporation and the Railway Land Commission shall investigate the said question and submit its recommendation thereon to the Minister.

(4) In making a recommendation for the purposes of this section, a Railway Land Commission shall have regard to the reasonable requirements of the Corporation both for discharging its functions at the time when the recommendation is made and also for the future developments of the railway undertaking.

(5) A person appointed to a Railway Land Commission under paragraph (b) of subsection (2) of this section, shall, if a recommendation is made in that behalf by the Corporation within such period as the Minister may direct, be the person so recommended.

(6) A person appointed to a Railway Land Commission under paragraph (c) of subsection (2) of this section, shall be a person appointed to represent the Government of the State in which the land which is the subject of a reference under this section to the Railway Land Commission is situated, or, if the land is situated in the Federal Capital Territory, Abuja, of the Government of the Federation.

(7) Upon receiving a recommendation by a Railway Land Commission that it is not necessary for the land specified in the recommendation to be retained by the Corporation, the Minister, subject to the approval of the President, may make an order declaring that such land, or such part of the land as he may specify in the order, shall be transferred to and vest in the State, and thereupon the land to which the order relates, shall be transferred to and vest in the State by virtue of such orders and without further assurance, to be held for the purposes of the Government of the Federation or of the State in which the land is situated, as may be directed in the order.

(8) It shall be lawful for the Minister to make an order under this section in relation to any land, notwithstanding that no reference has been made to, or no recommendation has been made by, a Railway Land Commission under this section, if the Corporation has given notice in writing to the Minister that the Corporation does not require to retain the land.

(9) Where an order made under this section affects the value of the railway undertaking transferred to the Corporation by virtue of section 35 of this Act, there shall be deducted from the compensation payable by the Corporation under section 37 of this Act, or if payment of such compensation has already been made, there shall be refunded to the Corporation, such sums as shall be agreed between the Government of the Federation and the Corporation.

(10) No order shall be made under this section after the expiry of such period, not exceeding five years next following the vesting day, as may be prescribed, and different period may be prescribed in relation to different parts of Nigeria.

(11) The Minister may make regulations governing the discharge of the functions by Railway Land Commissions and the appointment and tenure of office of the member thereof, and generally for carrying the purposes and provisions of this section into effect.

PART VI

Financial provisions

41. Application of revenues

(1) The revenues of the Corporation shall be applied in defraying the following charges-

- (a) the remuneration, fees and allowances of the members of the Corporation and any pension, superannuation allowance or gratuity payable to the chairman;

- (b) the salaries, fees or other remuneration, and pension, superannuation allowances and gratuities, of the servants, agents and technical or other advisers of the Corporation;
- (c) all expenses of working and management of the Corporation and its undertaking, including proper provisions for depreciation or renewal of assets;
- (d) grants for purposes conducive to the welfare of persons employed by the Corporation;
- (e) interest on any stock issued or interest and other charges on borrowed monies;
- (f) sums required to be transferred to a sinking fund or otherwise set aside for the purpose of making provisions for the redemption of debenture stock or the repayment of other borrowed monies;
- (g) income tax and other taxation on profits and rates levied under any written law;
- (h) such allocation to the general reserve, established under section 44 of this Act and to contingencies or other reserves as may, in the opinion of the Corporation, be appropriate;
- (i) such minor works of a capital nature as the Corporation may deem necessary from time to time;
- (j) contributions to such charitable objects as the Corporation may determine;
- (k) any other sums which the Corporation deems necessary to set aside from revenue to provide funds for the redemption of capital.

(2) Nothing in this section shall require the Corporation to make charges against revenue both for redemption of capital and for depreciation or renewal of capital assets, which have been acquired directly or indirectly from funds derived from the issue of such capital.

42. Borrowing powers

(1) The Corporation may, with the consent of the President or in accordance with the terms of any general authority given by him, borrow temporarily, by way of overdraft or otherwise, such sums as the Corporation may require for meeting its obligations or discharging its functions under this Act.

(2) The Corporation may, with the consent of the President, borrow money by the issue of Nigerian Railway stock or otherwise, for all or any of the following purposes-

- (a) the provision of money for meeting expenses incurred in connection with any permanent work, the cost of which is properly chargeable to capital;
- (b) the redemption of any Nigerian Railway stock;
- (c) the provisions of working capital;
- (d) any other purposes for which capital moneys are properly applicable, including the repayment of any money temporarily borrowed under subsection (1) of this section, for any of the purposes mentioned in the preceding paragraphs of this subsection.

(3) Except as aforesaid, the Corporation shall not borrow any money.

43. Nigerian Railway stock

(1) The Corporation may-

- (a) create and issue any stock required for the purpose of exercising its borrowing powers under section 42 of this Act;
- (b) create and issue such stock as is required to satisfy the compensation payable by the Corporation in pursuance of section 37 of this Act, and such compensation shall be satisfied by the issue of stock of a total nominal value to be agreed between the Government and the Corporation, and the stock so created and issued is in this Act referred to as Nigerian Railway stock.

(2) Nigerian Railway stock is to be issued upon such terms as may be approved by the President, and such stock and the interest payable thereon shall be charged upon all the property, undertakings and revenue of the Corporation.

44. General reserve

(1) Without prejudice to the power of the Corporation to set aside from revenue, appropriate amounts for replacements, contingencies or other purposes, the Corporation shall establish and maintain a general reserve.

(2) The management of the general reserve, the sums to be carried, from time to time, to the credit thereof, the charges to be made against the general reserve and any other application of the moneys comprised therein, shall be as the Corporation may determine:

Provided that no part of the moneys comprised in the general reserve, shall be applied otherwise than for the purposes of the Corporation.

(3) It is hereby declared that one of the purposes of the general reserve is the prevention of frequent fluctuations in the charges made by the Corporation and the powers of the Corporation in relation to the general reserve shall be exercised accordingly.

PART VII

Accounts and reports

45. Accounts and audit

(1) The Corporation shall keep proper accounts and other records in relation thereto and shall prepare in respect of each financial year, a statement of accounts.

(2) The accounts of the Corporation shall be audited by auditors to be appointed annually by the Corporation, with the approval of the Minister, from the list of auditors and in accordance with the guidelines supplied by the Auditor-General for the Federation.

(3) As soon as the accounts of the Corporation have been audited, the Corporation shall furnish a copy of the statement of accounts to the Minister together with a copy of any report made by the auditors on that statement of accounts of the Corporation; and the Minister shall lay a copy of every such statement and report before the National Assembly.

46. Annual report

The Corporation shall, as soon as possible after the end of each financial year, furnish to the Minister, a report dealing generally with the activities of the Corporation during that year; and the Minister shall lay a copy of every such report before each House of the National Assembly.

PART VIII

Staff

47. Employment of servants and agents

Subject to the other provisions of this Part, the Corporation may appoint and employ such servants and agents as it deems necessary, for the discharge of its functions under this Act, upon such terms and conditions of service, as it may determine.

48. Regulations as to conditions of service

(1) The Corporation may make regulations, determining generally the conditions of service of servants of the Corporation and in particular, but without prejudice to the generality of the foregoing power, may make regulations relating to-

- (a) the appointment, dismissal, discipline, hours of employment, pay and leave of such servants;
- (b) appeals by such servants against dismissal or other disciplinary measures;
- (c) the grant of pensions, gratuities and other benefits to such servants and their dependants, and to the dependants or estates of deceased servants of the Corporation;
- (d) the establishment and maintenance of sick funds, superannuation funds and provident funds, the contributions payable thereto and the benefits receivable there from;
- (e) the deduction from the salary or wages of such servants of money owed by them to the Corporation or the Government of the Federation in respect of-
 - (i) rent for quarters or other accommodation;
 - (ii) repayment of money lent, together with interest thereon;
 - (iii) payment for electricity or water supplied by the Corporation;
- (f) the recovery from any such servant, otherwise than by way of deduction from the salary or wages of a servant who performs manual labour, of-
 - (i) monies of, or payable to the Corporation, which he has failed to account for or collect;
 - (ii) the value of the property of the Corporation, which he has caused to be damaged, lost or destroyed;
 - (iii) any expenditure incurred by the Corporation in discharging any liability in which he has involved the Corporation, to a third party.

(2) No regulations made by the Corporation in relation to any of the matters mentioned in paragraph (e) or (f) of subsection (1) of this section, shall be of any force or effect, unless they have been approved by the Minister.

(3) The Corporation shall, as soon as may be, establish, in pursuance of the provisions of subsection (1) of this section, a pension scheme, which shall be such as to make it possible, in the opinion of the Federal Civil Service Commission, for the provisions of the Pensions Act; and no regulations establishing such pension scheme shall come into force, unless the Federal Civil Service Commission shall, by notice in the *Gazette*, having declared that such regulations comply with the provisions of this subsection.

(4) A pension scheme established under the foregoing provisions of this section shall apply in relation to such class or classes of servants of the Corporation as may be specified therein and nothing in those provisions shall be construed as preventing the Corporation from providing, by regulations made in pursuance of subsection (1) of this section, for the grant of-

- (a) retirement benefits of any kind, in respect of servants of the Corporation, in relation to whom the said pension scheme does not apply; or
- (b) any benefits additional to those provided by the said pension scheme, in respect of servants to whom the said pension scheme applies.

49. Transfer of railway staff to employment with the Corporation

(1) In this section, the expression "**officer**" means a person seconded from the service of the Government of the Federation, pursuant to the provisions of subsection (2) of this section.

(2) The Corporation shall, subject to the provisions of this section, employ such persons, being persons on the established staff of the Government of the Federation and serving in the Government railway undertaking immediately before the vesting day, as may be seconded by the Federal Civil Service Commission, from the service of that Government to the service of the Corporation on the vesting day.

(3) The Federal Civil Service Commission may, at any time, determine the secondment of an officer, but no request by the Corporation to the Commission for the determination of the secondment of an officer shall be made, unless the Corporation shall first have given to the officer, notice in writing of the intention to make such request.

(4) At any time within the period of fifteen months next following the vesting day, the Corporation shall, by notice in writing, which may be sent by post or otherwise, offer to every officer remaining seconded to the service of the Corporation at that time, employment by the Corporation upon such terms and such conditions as may be agreed between the Federal Civil Service Commission and the Corporation.

(5) The Corporation shall not offer employment to any officer, except upon terms and conditions certified under the hand of the chairman of the Federal Civil Service Commission, to be in the opinion of the Federal Civil Service Commission, not less favourable than those enjoyed by the officer at the date of such offer.

(6) The Federal Civil Service Commission shall not decline so, to certify the terms and conditions comprised in any offer, merely because they are not in all respects identical with or superior to the terms and conditions enjoyed by the officer concerned at the

date of such offer, if the first-mentioned terms and conditions, taken as a whole, in opinion of the Federal Civil Service Commission, offer substantially equivalent or greater benefits.

(7) Unless the Corporation, with the approval of the Minister, otherwise directs, any officer to whom an offer of employment is made in pursuance of this section and who fails within nine months thereafter, to give to the Corporation, an unqualified acceptance in writing of the offer, shall be deemed to have refused the offer.

(8) If an officer refuses an offer of employment made to him in pursuance of this section, the obligation imposed upon the Corporation by subsection (2) of this section to employ the officer shall thereupon determine.

(9) When an officer accepts an offer of employment made in pursuance of this section, his service with the Corporation shall be deemed to have commenced, and his service with the Government of the Federation to have ceased, upon the expiration of the period of fifteen months next following the vesting day.

(10) Every person employed by the Government of the Federation and serving in the Government railway undertaking, other than a person on the established staff of that Government or a person employed under a contract whereby he receives an annual salary, shall cease to be in the employment of that Government on the day immediately preceding the vesting day and shall be deemed to be employed by the Corporation, with effect from the vesting day, on the same terms and conditions as those on which he was employed immediately before the vesting day.

(11) For the avoidance of doubt, it is hereby declared that, in the exercise of any powers conferred upon him by this section, the Minister may act in this discretion.

PART IX

The Inspector of Railways

50. Appointment of Inspector of Railways

(1) The Federal Civil Service Commission may appoint a person to be the Inspector of Railways for the purpose of this Act, who shall be a person appearing to the Federal Civil Service Commission to have suitable qualifications as a civil engineer and to have had at least fifteen years' service in one or more large railway systems, ten years of which shall have been served in executive engineering work, on lines open to traffic.

[L.N. 112 of 1964.]

(2) The Federal Civil Service Commission may appoint any person to discharge the function of the Inspector of Railways during the temporary incapacity from illness, or temporary absence from duty, of the Inspector of Railways, and the person so appointed shall, while the appointment subsists, be deemed for all purposes of this Act to be the Inspector of Railways.

51. Duties of the Inspector of Railways

The duties of the Inspector of Railways shall be to-

- (a) inspect-
 - (i) any railway, or portion of a railway, which the Corporation proposes to open for the public carriage of passengers; and

- (ii) any additional line of railways, deviation line, station or junction which the Corporation proposes to open and which forms a portion of, or is directly connected with a railway used for the public carriage of passengers, and to furnish a certificate to the Minister, that they are fit for their intended purpose;
- (b) make such periodical or other inspections of any railway as the Minister may direct;
- (c) make inquiry into and report to the Minister on the cause of any accident, which in the opinion of the Inspector of Railways, is of a serious nature;
- (d) perform any other duties imposed on him by or under this Act.

52. Powers of the Inspector of Railways

The Inspector of Railways shall have power to do any act or thing necessary for the performance of his duties under this Act and in particular, but without prejudice to the generality of the foregoing power, he may-

- (a) enter upon and inspect any railway;
- (b) by summons under his hand, require the attendance of any railway servant whom he thinks fit to call before him, and examine and require answers from any railway servant to such inquiries as he thinks fit to make, concerning any accident into which he is inquiring;
- (c) require the production of all books, papers and other documents of the Corporation, which he considers material, but excluding any document in so far as it consists of any comment or expression of opinion.

53. Publication of reports

The Minister may cause the whole or any part of any report made to him under this Part, to be made public in such manner as he thinks fit.

54. Facilities for Inspector of Railways and penalty for obstruction

(1) The Corporation shall afford to the Inspector of Railways, all reasonable facilities for performing the duties and exercising the powers imposed and conferred on him by or under this Act.

- (2) Any person who without reasonable excuse-
 - (a) fails to comply with any summons referred to in section 52 (b) of this Act or to make any answer or produce any document required of him under that section; or
 - (b) hinders, delays or obstructs the Inspector of Railways, in the performance of his duties or the exercise of his powers,

shall be guilty of an offence and liable on conviction, to a fine not exceeding ₦100 or to imprisonment for a term not exceeding two months.

55. Privilege as to information obtained and reports made by the Inspector of Railways

The Inspector of Railways shall not in any legal proceeding, be compelled to disclose any information obtained, or to produce any report made by him in relation to, and in the course of the performance of his duties under this Act if, in his opinion, it would not be in the public interest to make such disclosure or produce such report.

56. Extension of Inspector of Railway's powers to other railways

(1) This section shall apply to any railway operated by a person other than the Corporation and used or intended to be used, for the public carriage or passengers.

[19 of 1956.]

(2) If the Minister by order so directs all the powers and duties conferred and imposed upon the Inspector of Railways under the foregoing provisions of this Part, or such of those powers and duties, as may be specified in the order, may be exercised and performed in relation to any railway to which this section applies and which is specified in the order.

(3) When an order under this section has been made, the foregoing provisions of this Part shall have effect in relation to the railway specified in the order as if-

- (a) references therein to the Corporation, were references to the person operating that railway; and
- (b) references in section 52 of this Act to railway servants, were reference to such class of persons as may be specified in the order.

PART X

Working of railway

57. Sanction for opening of railway for public carriage of passengers

(1) A railway shall not be opened for the public carriage of passengers, until the Minister has, by notice in the *Gazette*, sanctioned the opening thereof for that purpose.

(2) The Minister shall not sanction the opening of a railway under subsection (1) of this section, unless the Inspector of Railways shall have furnished him with a certificate, stating that the Inspector of Railways-

- (a) has made careful inspection of the railway;
- (b) has received from the Corporation a certificate, signed by the person for the time being discharging the functions of chief construction engineer of the Corporation, and stating that the railway complies with the standards approved by the Minister;
- (c) has approved the rules made by the Corporation under section 29 of this Act, for the working of the railway when opened; and
- (d) has satisfied himself that the railway can be opened for the public carriage of passengers, without danger to the public using it.

(3) If, on the expiry of one month after the date on which he receives from the Corporation a certificate referred to in paragraph (b) of subsection (2) of this section, together with a request in writing to issue his certificate under that subsection, the Inspector of Railways has not issued that certificate, he shall by notice in writing inform the Corporation of his reason for not issuing it and, in the same or a subsequent notice, of any requirements to be complied with as conditions precedent to the issue of his certificate.

(4) Nothing in this section shall be deemed to prohibit the Corporation from carrying passengers or goods on a section of the railway in the course of construction or before the Minister has sanctioned the opening thereof under subsection (1) of this section, but in such case, the Corporation shall not be liable for the death of or injury to any passenger or for the loss, damage, deviation, misdelivery, delay or detention of or to any goods occasioned in the course of such carriage.

58. Bye-laws

(1) The Corporation may, with the approval of the Minister, make bye-laws, not inconsistent with the provisions of this Act, with respect to all or any of the following purposes-

- (a) for providing the accommodation and convenience of passengers, and regulating the carriage of their luggage;
- (b) for declaring what shall be deemed to be, for the purposes of this Act, dangerous or offensive goods, and for regulating the carriage of such goods;
- (c) for regulating the conditions on which the Corporation will carry passengers or animals suffering from infectious or contagious diseases, and providing for the disinfection of vehicles which have been used by or for such passengers or animals;
- (d) for regulating the commission of any offence or nuisance in, or about any of the stations, works, plant, building or premises of the railway;
- (e) for preventing the commission of any offence or nuisance in, or about any of the stations, works, plants, buildings or premises of the railway;
- (f) for preventing trespasses upon or injury to the railway, roadways, stations, works, plant, buildings or premises attached thereto or otherwise belonging thereto;
- (g) for the regulation of any motor transport service operated by the Corporation;
- (h) for regulating the duties and conduct of porters or other persons, not being railway servants, at any railway station or on other railway premises, in relation to the carrying of goods or the driving, drawing or propelling of vehicles for the carriage of passengers or goods, and for fixing the charges to be paid to them therefor;
- (i) for regulating public or private traffic across the railway, at any level crossing or elsewhere; and
- (j) generally for regulating the travelling upon and use of the railway and the governance thereof and maintenance of good order thereon.

(2) Bye-laws made under this section, may provide that the breach of any of them shall be an offence punishable with such fine as may be specified in relation thereto, not

exceeding ₦40, or, in the case of a bye-law regulating the carriage of offensive goods, ₦100.

(3) Where a bye-law makes provision in respect of obstruction of a railway by way of damage thereto or in any manner likely to interrupt or endanger the smooth running of the railway, the Corporation and its servants shall not incur liability for damage caused in removing the obstruction; and the Corporation may recover damages from the persons causing the obstruction; and if a monetary penalty is prescribed in a bye-law, the amount recovered shall be taken into account in assessing damages under this subsection.

(4) Bye-laws made under this section shall be published in *Gazette* and shall have effect on the publication thereof or on such later date as may be specified therein.

(5) The Corporation shall keep at each station on the railway, a copy of the bye-laws made under this section and for the time being in force, and shall allow any person to inspect it free of charge.

59. Rules

(1) The Corporation may make rules for the guidance and conduct of railway servants and for regulating the working and management of the railways.

(2) Rules made under this section, shall not be required to be published in the *Gazette* or for the information of the public, but shall be brought to the notice of all servants of the Corporation, in such manner as the Corporation may think fit.

PART XI

Carriage of goods

60. Conditions for carriage of goods

The Corporation may (in addition to fixing rates under the provisions of section 18 of this Act) impose conditions, not inconsistent with the provisions of this Act, for the receiving, forwarding, conveying and delivering of goods.

61. Lien for rates and other charges

(1) If a person fails to pay on demand made by or on behalf of the Corporation any rate, other charges or debt due from him, the Corporation may detain any goods delivered by him or on his behalf to the Corporation or delivered to the Corporation for conveyance to him or, if such goods have been removed from the railway, any other goods of such person then being in or thereafter coming into its possession.

(2) When any goods have been detained under subsection (1) of this section, the Corporation may sell them, or any part of them, by public auction or after calling for tenders for the purchase thereof; and perishable goods may be so sold at any time, but no other goods shall be sold, until two months after the date of the demand referred to in that subsection.

(3) Out of the proceeds of such sale, the Corporation may retain a sum equal to the rate, charge or debt due as aforesaid and all expenses of such detention and sale, including in the case of animals, the expenses of the feeding, watering and tending thereof, and render the surplus, if any, and such goods, as remain unsold to the person entitled thereto.

(4) When any goods remain unsold under subsection (2) of this section, the Corporation may, by written or oral notice, require the person from whom the rate, other charge or debt was due, to remove the goods from the railway within fifteen days from the date of the notice and, if he fails to comply with such notice, the Corporation may sell the goods and dispose of the proceeds of the sale in accordance with the provisions of subsection (3) of this section.

(5) Notwithstanding the foregoing provisions of this section, the Corporation may recover by suit any such rate, other charge or debt due as aforesaid or the balance thereof.

62. Disposal of unclaimed goods on railway

(1) When any goods have come into the possession of the Corporation for carriage or otherwise and are not claimed by the owner or other person appearing to the Corporation to be entitled thereto, the Corporation may, in the case of perishable goods, sell such goods at any time by public auction or after calling for tenders for the purchase thereof, and in the case of other goods shall, if such owner or person is known, cause a notice to be served upon him, requiring him to remove the goods within two months from the date of such notice.

(2) If such person or owner is not known, or the notice cannot be served upon him, or he does not comply with the requisition in the notice, the Corporation may sell the goods by public auction or after calling for tenders for the purchase thereof and shall render the surplus, if any, of the proceeds of the sale to any person entitled thereto.

63. Written description of goods required

(1) The owner or person having charge of any goods which are brought upon a railway for the purpose of being carried thereon, and, if so required by a railway servant, the consignment of any goods which have been carried on the railway shall deliver to a railway servant an account in writing signed by such owner or person, or by such consignee, as the case may be, and containing a description of the goods sufficient to determine the rate which the Corporation is entitled to charge, in respect thereof and the conditions of carriage under which it will accept the goods.

(2) If such owner, person or consignee neglects to give such an account, the Corporation may-

- (a) in respect of goods which have been brought for the purpose of being carried on the railway, agree to carry the goods and charge a rate not exceeding the highest rate which may be in force at the time on the railway, for any class of goods; or
- (b) in respect of goods which have been carried on the railway, charge a rate not exceeding such highest rate.

(3) If an account delivered under subsection (1) of this section, is materially false with respect to the description of any goods to which it purports to relate, and which have been carried on the railway, the Corporation may charge in respect of the carriage of the goods, a rate not exceeding double the highest rate which may be in force at the time on the railway, for any class of goods.

(4) If any difference arises between a railway servant and the owner or person having charge, or the consignee of any goods which have been brought to be carried or have

been carried on the railway with respect to the description of goods of which an account has been delivered under this section, the railway servant may detain and examine the goods.

(5) If it appears from the examination that the description of the goods is different from that stated in an account delivered under subsection (1) of this section, the person who delivered the account, or, if that person is not the owner of the goods, then that person and the owner, jointly and severally, shall be liable to pay to the Corporation, the cost of the detention and examination of the goods.

(6) If a person required under this section to give an account of any goods, wilfully gives an account which is materially false, he shall be guilty of an offence and, in addition to the liability to pay any rate or other charge herein before provided in respect of the goods, shall be liable on conviction, to a fine not exceeding ₦100.

64. Goods of a dangerous or offensive nature

(1) No person shall carry or cause to be carried upon a railway, any good declared by any bye-law made under this Act to be dangerous or offensive, except in accordance with the provisions of any bye-law applicable to such goods.

(2) If any person carries upon or delivers for carriage by the railway, any such dangerous or offensive goods without distinctly declaring the nature of the same, he shall be liable on conviction, to a fine not exceeding N100.

(3) If any person contravenes the provisions of subsection (2) or any bye-law referred to in subsection (1) of this section, that person shall, in addition to any penalty incurred in respect of such contravention, be liable-

- (a) to compensate the Corporation for and indemnify the Corporation against any damage, loss, expense or liability suffered or sustained by the Corporation directly or indirectly, as a result of such contravention; and
- (b) to pay compensation for any injury or damage to persons or property that may arise out of any accident occurring directly or indirectly, as a result of that contravention.

(4) It shall be lawful for any railway servant to refuse to accept for carriage on the railway any luggage or parcel, vessel or package which may be suspected to contain dangerous or offensive goods, and to require the same to be opened, and in case any such luggage or parcel, vessel or package shall have been so accepted, it shall be lawful for any railway servant to stop the transit thereof, until he is satisfied that the nature and contents of the luggage or parcel, vessel or package are not dangerous or offensive.

65. Carriage of animals infected with disease

It shall be lawful for any railway servant to refuse to accept for carriage on a railway, any animal which he shall have reason to believe is infected with any infectious or contagious disease, or has been in contact with any animal so infected.

PART XII

Carriage of passengers

66. Conditions for carriage passengers

The Corporation may (in addition to fixing fares under the provisions of section 18 of this Act) impose conditions, not inconsistent with the provisions of this Act, for the carriage of passengers.

67. Time-tables

The Corporation shall keep and exhibit at each station or the railway, a copy in the English language, of time-tables indicating the passengers train services for the time being in operation on the railway.

PART XIII

Responsibility of Corporation as carriers and warehousemen

68. Corporation not liable in certain cases

(1) Notwithstanding the other provisions of this Part of this Act, the Corporation shall not be liable for any loss, damage, deviation, misdelivery, delay or detention of or to goods arising from-

- (a) an act of God;
- (b) an act of war or the enemies of the State;
- (c) an arrest or restraint of princes or rulers, or seizure, under any legal process;
- (d) orders or restrictions imposed by the Government of the Federation or of any State;
- (e) an act or omission of the consignor, consignee or their servants or agents;
- (f) an inherent liability to wastage in bulk or weight, latent defect or inherent defect, vice or natural deterioration of the goods;
- (g) a casualty, including fire or explosion;
- (h) riots, civil commotion, strikes, lock-outs, stoppage or restraint of labour from whatever cause, whether partial or general:

Provided that-

- (i) in the case of goods which the Corporation has accepted for carriage at railway's risk rates or for warehousing, where such loss, damage, deviation, misdelivery or detention arises and the Corporation has failed to prove that it used all reasonable foresight and care in the carriage or (as the case may be) the warehousing of the goods, the Corporation shall not be relieved from liability for such loss, damage, deviation, misdelivery, delay or detention;
- (ii) the Corporation shall not incur liability of any kind in respect of goods, where there has been fraud on the part of the consignor, consignee or their servants or agents.

(2) Subsection (1) of this section, shall not apply to luggage.

69. Delay to vessels

The Corporation shall not be liable for any demurrage or delay incurred upon or caused to a vessel at any wharf owned or operated by the Corporation.

70. Circumstances in which Corporation is liable

(1) The Corporation shall not be liable for the loss, damage, deviation, misdelivery, delay or detention of or to a consignment of goods or any part thereof carried or delivered for carriage by the railway unless-

- (a) the goods in respect of which compensation is claimed have been accepted and booked by a railway servant; and
- (b) in the case of goods consigned at owner's risk rates, a complete consignment or a complete package forming part of the consignment has been lost, damaged, deviated, misdelivered, delayed or detained as a result of the wilful misconduct of the servants or agents of the Corporation:

Provided that the Corporation shall not be exempt from any liability they might otherwise incur in the following cases-

- (i) non-delivery of the whole of a consignment or of any separate package forming part of a consignment, properly packed and addressed, unless such non-delivery is due to accidents to trains or to fire;
- (ii) pilferage from packages of merchandise protected otherwise than by paper or other packing readily removable by hand, provided the pilferage is pointed out to a servant of the Corporation on or before delivery;
- (iii) misdelivery where merchandise properly addressed is not tendered to or placed at the disposal of the consignee within twenty-eight days, or in the case of perishable merchandise within a reasonable time which shall not be less than seventy-two hours after receipt of the consignment by the Corporation to whom the same was handed by the sender:

Provided however that the Corporation shall not be liable in the said cases of non-delivery, pilferage or misdelivery upon proof by them that the same has not been caused by the negligence or misconduct of the Corporation or its servants;

- (c) in the case of goods consigned at railway's risk rates, the Corporation fails to prove that the loss, damage, deviation, misdelivery, delay or detention was not caused by the negligence or misconduct of the servants or agents of the Corporation.

(2) Notwithstanding subsection (1) of this section, the Corporation may-

- (a) agree to carry any goods on conditions more favourable to the consignor than those set out in that subsection; or
- (b) by special contract, which shall be in writing and signed by the consignor or his agent, limit the liability imposed on the Corporation by that subsection.

71. Passenger's luggage

The Corporation shall not be liable for the loss, damage, deviation, misdelivery, delay or detention of or to any passenger's luggage-

- (a) unless-
 - (i) it has been accepted and booked, and a receipt has been given therefore by a railway servant; and
 - (ii) the loss, damage, deviation, misdelivery, delay or detention has been caused by the negligence or misconduct of the servants or agents of the Corporation; or
- (b) except in such other circumstances, may be notified by the Corporation by general notice or otherwise.

72. Animals

(1) The liability of the Corporation for the loss, damage, deviation, misdelivery, delay or detention of or to animals accepted for carriage by the Corporation shall not exceed, in the case of-

- (a) a horse, ~~₹~~40;
- (b) neat cattle or mules, per head ~~₹~~30;
- (c) adonkey ~~₹~~16;
- (d) a sheep, goat or pig, ~~₹~~4;
- (e) a dog or other animal not hereinbefore in this subsection mentioned, ~~₹~~2.

(2) Where such higher value has been declared, the Corporation may impose an additional charge in respect of the increased liability of, if the value of the animal has been declared to exceed ~~₹~~200, may either impose such additional charge or, notwithstanding the provisions of subsection (1) of this section, decline to accept liability in excess of the sum specified in relation to that animal by the subsection.

73. Vehicles

(1) The liability of the Corporation for the loss, damage, deviation, misdelivery, delay or detention of or to vehicles accepted for carriage by the Corporation, shall not exceed, in the case of-

- (a) a motor cycle with or without a sidecar, ~~₹~~100;
- (b) any other motor vehicle, ~~₹~~200;
- (c) any vehicle other than a motor vehicle, ~~₹~~10,

unless a higher value has been declared in writing by or on behalf of the consignor at the time of consignment.

(2) Where such higher value has been declared, the Corporation may impose an additional charge in respect of the increased liability or, if the value of the vehicle has been declared to exceed ~~₹~~2,000, may either impose such additional charge or, notwithstanding the provisions of subsection (1) of this section, decline to accept liability in excess of the sum specified in relation to that vehicle by that subsection.

74. Articles of special value

(1) For the purpose of this section, the expression "**excepted articles**" means articles which are declared as such by the Corporation in any tariff or amendment thereto published by the Corporation under the provisions of Part XIV of this Act.

(2) When any excepted articles are contained in any parcel or package accepted for carriage by the Corporation and the value of such articles exceeds N20, the liability of the Corporation for the loss, damage, deviation, misdelivery, delay or detention of or to the articles in the parcel or package shall not exceed that sum, unless the value and contents of the parcel or package have been declared in writing by or on behalf of the consignor at the time of consignment.

(3) Where such value has been declared to exceed ~~N~~20, the Corporation may impose an additional charge in respect of the increased liability or, if the value has been declared to exceed ~~N~~2,000, may either impose such additional charge or, notwithstanding the provisions of subsection (2) of this section, decline to accept liability in excess of ~~N~~20.

(4) The Corporation may make it a condition of carrying a parcel or package declared to contain any excepted article, that a railway servant authorised in that behalf shall have been satisfied, by examination or otherwise, that the parcel or package actually contains the article declared to be therein:

Provided that this subsection shall not apply to any parcel of package carried by the Corporation for the Nigerian Postal Service.

75. Limit to compensation in certain cases, and proof of value

The compensation recoverable in respect of any animal, vehicle or article which has been declared under sections 72, 73 or 74 of this Act to be of higher value than the amount for which the Corporation might be liable apart from such declaration, shall not exceed the amount of the value so declared, and, notwithstanding that such declaration was made, it shall lie upon the person claiming the compensation to prove the value of the animal, vehicle or articles in respect of which the claim is made.

76. Notification of claims

(1) A person shall not be entitled to a refund of an overcharge in respect of goods accepted by the Corporation for carriage or custody, unless a notice in writing clearly and explicitly specifying particulars of the overcharge and acceptance has been given by him or on his behalf, to the Corporation within four months from the date of such acceptance.

(2) A person shall not be entitled to compensation for the loss, damage, deviation, misdelivery, delay or detention of or to goods accepted by the Corporation for carriage or custody, unless a notice in writing clearly and explicitly specifying such loss, damage, deviation, misdelivery, delay or detention and particulars of the acceptance has been given by him or on his behalf, to the Corporation-

- (a) within a period of one month, from the date of such acceptance; or
- (b) if he can prove that it was not reasonably possible for such notice to be given within that period, then, unless the Corporation proves that it has been prejudiced thereby, within a reasonable period, not exceeding two months, thereafter,

and, in either case, if such notice did not specify the amount of the compensation claimed, a claim in writing for such compensation has been given to the Corporation within a period of three months from the date on which such notice was given, or of five months, from the date of the said acceptance, whichever period shall last expire.

77. Effect of false description of goods

Notwithstanding anything in the foregoing provisions of this Part, the Corporation shall not be liable for the loss, damage, deviation, misdelivery, delay or detention of or to any goods, with respect to which a materially false description has been given (whether the description was given under the provisions of this Part or of Part XI of this Act) to the Corporation by the owner or person having charge of the goods, if the loss, damage, deviation, misdelivery, delay or detention was in any way brought about by the false description, and the Corporation shall not in any event be liable for an amount exceeding the value of the goods calculated, in accordance with the description.

78. Injury to or loss of life of passenger

(1) The Corporation shall not be liable for personal injury to, or loss of life of a passenger, unless the personal injury or loss of life is caused by want of reasonable care, diligence or skill on the part of the Corporation or its servants.

(2) The Corporation shall not in any circumstances be liable for personal injury to, or loss of life of a passenger-

- (a) who is travelling, whether with or without permission, in any part of a train, other than that part of a passenger coach, which is set apart exclusively for the use of passengers;
- (b) who is travelling, whether with or without permission over a line, in course of construction; or
- (c) who is travelling on a free pass.

(3) In order to avoid liability in pursuance of subsection (2) of this Act, it shall not be necessary for the Corporation to give any notice to any such passenger as is therein mentioned, of the conditions of which he travels, and it shall be immaterial whether or not the passenger is an infant.

(4) For the purposes of this section, the expression "**passenger**" includes every person, other than a railway servant on duty, lawfully travelling on any train.

79. Delay to a passenger

The Corporation shall not be liable for any delay to a passenger caused by the failure of any train or railway road motor vehicle, to start on any advertised journey or by the late starting or arrival of any train or railway road motor vehicle, from whatever cause arising.

PART XIV

Tariffs

80. Publication of tariffs

(1) Subject to subsection (3) of this section, the following matters shall be embodied in printed tariffs and published by the Corporation-

- (a) rates, fares, other charges and conditions fixed or imposed under sections 18, 19, 20 (2), 60 and 66 of this Act;
- (b) the upper limits of rates and fares determined by the Minister under section 18 of this Act.

(2) Subject to the provisions of subsection (3) of this section, every amendment made to any of the matters mentioned in subsection (1) of this section, shall be printed and published by the Corporation and shall take effect upon such date, not being a date earlier than the date of publication, as may be specified in the amendment; and for the purposes of this subsection, an amendment shall be deemed to be published upon a notice containing particulars of the amendment, or stating that a printed copy of the amendment may be inspected at any station on the railway, being published in the *Gazette* or in any newspaper circulating in Nigeria.

(3) Notwithstanding the forgoing provisions of this section, the Corporation shall not be obliged to print or publish the following matters-

- (a) a remission of any rate, fare or other charge granted under the powers conferred by paragraph (e) of section 18 of this Act;
- (b) an amendment reducing any rate, fare or other charge;
- (c) the fixing of charges other than rates and fares;
- (c) the fixing, under the powers conferred by paragraph (f) of section 18 of this Act, of a rate or charge higher than the upper limit determined in respect thereof by the Minister,

and any such remission or amendment or fixing of a rate, fare or other charge, shall take effect at such time, or for such period, or in such circumstances and subject to such conditions as the Corporation may specify.

81. Printed copies to be evidence

In any legal proceedings, the production of a printed copy of any tariff or amendment of a tariff purporting to be published by the Corporation, shall be *prima facie* evidence of the matters provided therein and that the rates, fares, charges, conditions or limits fixed, imposed or determined thereby, have been duly fixed, imposed or determined.

82. Copies of tariffs to be kept at all stations

The Corporation shall keep at each station on the railway, a copy in the English language of every tariff, an amendment thereto published under the provisions of section 80 of this Act and for the time being in force, and shall allow any person to inspect the same free of charge at any reasonable time.

PART XV

Legal proceedings

83. Limitation of suits against the Corporation

(1) No suit against the Corporation or any servant of the Corporation for any act done in pursuance or execution or intended execution of any Act or Law, or of any public duty or authority, or in respect of any alleged neglect or default in the execution of such Act or Law, duty or authority, shall lie or be instituted in any court, unless it is commenced within twelve months next after the act, neglect or default complained of or, in the case of a continuance of damage or injury, within twelve months next after the ceasing thereof:

Provided that, in the case of a claim for a refund of an overcharge in respect of goods accepted by the Corporation for carriage, or for compensation in respect of loss, damage, deviation, misdelivery, delay or detention of or to any goods so accepted, the cause of action shall be deemed to have arisen on the day of such acceptance.

(2) No suit shall be commenced against the Corporation, until three months at least after written notice of intention to commence the same, shall have been served upon the Corporation by the intending plaintiff or his agent; and such notice shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.

84. Service of documents

The notice referred to in the last preceding section and any summons, notice or other document required or authorised to be served upon the Corporation under the provisions of this Act or any other law may, unless in any case there is express provision to the contrary, be served by delivering the same to the chairman or secretary of the Corporation, or by sending it by registered post, addressed to the secretary of the Corporation at the principal office of the Corporation.

85. Restriction on execution

In any suit against the Corporation, no execution or attachment or process in the nature thereof, shall be issued against the Corporation, but any sums of money which may by the judgment of the court be awarded against the Corporation shall, subject to any directions given by the court where notice of appeal has been given by the Corporation in respect of the said judgment, be paid by the Corporation, from the funds of the Corporation.

86. Stay of arrest and procedure in case of summon in certain cases

(1) A person connected with the direct working of a railway shall not be removed under arrest, whether in execution of a warrant of his duties until the head of the department in which he is employed or the officer in immediate charge of the work in which such person is engaged, has been given an opportunity of providing a substitute.

(2) A summons issuing from any court, requiring the attendance of a person connected with the direct working of the railway, shall provide for a sufficient period of time, before such attendance is required, to enable a substitute for such person to be provided, for the execution of his duties in the railway.

87. Representation of the Corporation at hearing of suit

In any suit, the Corporation may be represented in court at any stage of the proceedings by any servant of the Corporation, who shall satisfy the court that he is duly authorised in writing by the Corporation in that behalf.

PART XVI

Accidents

88. Report of accidents

(1) When, in the working or construction of a railway, there occurs any of the following accidents, that is to say-

- (a) any accident attended with loss of human life;
- (b) any accident involving the movement of a locomotive or rolling stock and attended with serious injury to any person;
- (c) any accident of any other description, which the Minister may notify in that behalf in the *Gazette*,

the Corporation shall, without unnecessary delay, send notice of the accident to the Inspector of Railways, and the railway servant in charge of that part of the railway on which the accident occurred shall, as soon as practicable after the occurrence of the accident, give notice of the accident to a police officer not below the rank of assistant superintendent of police and to such other officer, if any, as may be prescribed.

(2) If a railway servant who is required to give notice of an accident under the provisions of subsection (1) of this section, omits without reasonable excuse to do so, he shall be guilty of an offence and liable on conviction, to a fine not exceeding N20.

89. Compulsory medical examination of person injured in railway accident

Whenever any person injured by an accident on a railway, claims compensation on account of the injury, any court or person having by law or consent of the parties, authority to determine the claim may order him to be examined by a medical practitioner named in the order and not being a witness on either side, and may make any order with respect to the costs of the examination, as it or he thinks fit.

PART XVII

Offences and penalties

90. Drunkenness of railway servant

If a railway servant is in a state of intoxication while on duty, he shall be guilty of an offence and liable on conviction, to a fine not exceeding N10 or, if the duty on which he is engaged is such that its improper performance would be likely to endanger the safety of any person travelling or being upon the railway, to a fine not exceeding N200 or imprisonment, for a term not exceeding two years or to both such fine and imprisonment.

91. Power to apprehend railway servant offending against section 90

It shall be lawful for any railway servant, and for all persons whom he may call to his aid, to apprehend any railway servant who is or appears to be in a state of intoxication while on duty, and to convey him to the nearest police station and there hand him over to the custody of the police.

92. Drunkenness or nuisance on a railway

(1) If a person on any part of a railway-

- (a) is in a state of intoxication;
- (b) commits any nuisance or act of indecency or uses obscene or abusive language;
- (c) wilfully and without lawful excuse, interferes with the comfort of any passenger; or
- (d) wilfully and without lawful excuse, interferes with any railway servant in the execution of his duty, he may be removed from the railway by any railway servant or police officer or any other person whom the railway servant or police officer may call to his aid, and shall be guilty of an offence and liable on conviction, to a fine not exceeding N100 or to imprisonment for a term not exceeding six months.

(2) A person removed from the railway under the provisions of this section shall not be entitled to the return of any fare he may have paid.

93. Travelling with intent to defraud

Any person who travels or attempts to travel in any carriage or vehicle of the Corporation, with intent to defraud the Corporation, shall be guilty of an offence and liable on conviction, to a fine not exceeding N100 or to imprisonment for a term not exceeding six months.

94. Failure to pay excess fare, etc.

Any person who, having failed on demand to pay any excess charge or other sum due and demanded under the provisions of any bye-law made under this Act and relating to the carriage of passengers, refuses on demand to give his name and address, or gives a name or address which is false, shall be guilty of an offence and liable on conviction, to a fine not exceeding N50.

95. Power to apprehend offenders

Any person who-

- (a) commits an offence against section 94 of this Act; or
- (b) commits any other offence against this Act or bye-law made thereunder and refuses on demand to give his name and address, or gives a name or address which the railway servant demanding the same has good reason to believe is false,

may be apprehended by any railway servant or police officer, or any other person whom the railway servant or police officer may call to his aid:

Provided that, if the offender is apprehended by a person other than a police officer, such person shall hand over the offender to a police officer without unnecessary delay.

96. Application of sections 98 to 100 and 404 of Criminal Code

Railway servants shall, for the purposes of sections 98, 99 and 404 of the Criminal Code Act, be deemed to be persons employed in the public service.

[Cap. C38.]

PART XVIII

Miscellaneous

97. Exemption of railway land

The provisions of-

- (a) any Act or Law, relating to town or country planning;
- (b) any Act or Law regulating the construction, alteration, repair or demolition of buildings,

shall not apply in relation to any railway land.

98. Common carriers not applicable

Nothing in the common law or statute law regarding the responsibilities and obligations of common carriers or of railway companies, shall affect the responsibilities and obligations of the Corporation set out in this Act, with respect to the carriage of passengers and goods.

99. Regulations

The Minister may make regulations prescribing any matter which by this Act is authorised or required to be prescribed.

[L.N. 112 of 1964.]

SCHEDULE

[Section 9.]

[as amended by 19 of 1956 and 11 of 1958.]

Provisions as to the Corporation

Tenure of office of chairman

1. The chairman shall, subject to the other provisions of this Schedule, hold and vacate his office in accordance with the terms of the instrument appointing him to be chairman.

Tenure of office of other members

2. Members of the Corporation, other than the chairman shall, subject to the other provisions of this Schedule, hold office for such period not exceeding three years, as may be determined at the time of their respective appointments.

Eligibility for re-appointment

3. A person who has ceased to be a member of the Corporation, shall be eligible for re-appointment as a member.

Resignation

4. A member of the Corporation may at any time, by notice in writing given to the Minister, resign his membership.

Vacation of office

5. If the Minister is satisfied that a member of the Corporation (other than the chairman)--
(a) has been absent from two consecutive meetings of the Corporation without the permission of the Corporation; or
(b) is incapacitated by prolonged physical or mental illness; or
(c) is otherwise unable or unfit to discharge the functions of a member,

the Minister may declare the office of such a member vacant, and shall notify the declaration in such manner as he thinks fit; and upon such notification being made, the office shall become vacant.

Corporation may transact business notwithstanding vacancies, etc.

6. The validity of any act or proceedings of the Corporation, shall not be affected by any vacancy among the members thereof, or by any defect in the appointment of a member thereof, or by reason that some person who was not entitled to do so, took part therein.

Meetings

7. (1) The Corporation shall ordinarily meet for the dispatch of business at such times and places as the chairman may, from time to time, appoint, but not less than three times in any financial year.

(2) During the temporary incapacity from illness or absence from Nigeria of the chairman, the secretary may convene an extraordinary meeting of the Corporation.

(3) Where not less than eight members of the Corporation request the chairman, by notice in writing signed by them, to convene an extraordinary meeting of the Corporation for the purposes specified in such notice, the chairman shall upon receipt of such notice, convene an extraordinary meeting for those purposes at the earliest convenient date.

(4) At any meeting of the Corporation, five members, including the chairman or temporary chairman but not including more than one temporary member appointed under subsection (3) of section 6 of the Act, shall form a quorum.

(5) At every meeting of the Corporation, the chairman, or the temporary chairman if the Minister has appointed one, shall preside, but in the absence of the chairman or the temporary chairman, as the case may be, the Corporation shall appoint one of the members present to preside.

(6) Every question which comes before the Corporation at any meeting shall be decided by a majority of the votes of the members present and voting.

(7) The member presiding at any meeting shall have a vote and, in the case of an equality of votes, a second or casting vote.

(8) The Corporation may make standing orders, not inconsistent with the provisions of this Schedule, with respect to the holding of meetings of the Corporation, the notices to be given of such meetings, the proceedings thereat, the keeping of minutes of such proceedings and the custody, and production for inspection, of such minutes.

Procedure

8. Subject to the provisions of this Schedule and of any standing orders made under the last preceding paragraph, the procedure of the Corporation shall be such as the Corporation shall determine.

Disclosure of interest

9. (1) If a member of the Corporation is directly interested in any contract, proposed contract or other matter and is present at a meeting of the corporation at which the contract, proposed contract or other matter is the subject of consideration, he shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of, or vote on, any question with respect to the contract or other matter.

[19 of 1958.)

(2) A disclosure of interest made under this paragraph, shall be recorded in the minutes of the meeting at which it is made.

Common seal

10. The affixing of the seal of the Corporation shall be authenticated by the signatures of the chairman of some other members of the Corporation authorised, either generally or specially, by the Corporation to act in his stead for the purpose, and of the secretary or some other person authorised, either generally or specially by the Corporation, to act for the purpose.

Contracts

11. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed on behalf of the Corporation by any person generally or specially authorised by it, for that purpose.

Proof of documents

12. Any document purporting to be a document duly executed or issued under the seal of the Corporation or on behalf of the Corporation, shall be received in evidence and be deemed to be a document so executed or issued (as the case may be), without further proof, unless the contrary is shown.

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Nigerian Railway Corporation (Railway) Bye-Laws.

NIGERIAN RAILWAY CORPORATION (RAILWAY) BYE-LAWS

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NIGERIAN RAILWAY CORPORATION (RAILWAY) BYE-LAWS

[L.N. 90 of 1955.]

under section 58

[1st October, 1955]

[Commencement.]

PART I

Preliminary

1. Short title

These Bye-laws may be cited as the Nigerian Railway Corporation (Railway) Bye-laws.

2. Construction of subsequent bye-laws

All Railway Bye-laws made subsequent to the said 1st October 1955, shall be read and construed with these Bye-laws.

3. Interpretation

(1) In these Bye-laws, unless the context otherwise requires-

"animal" means a live animal of any species;

"appointed" means appointed by the general manager;

"authorised railway servant" means a railway servant employed by the Corporation as auditor, ticket collector, ticket examiner, conductor, guard, station-master or assistant station-master, or any other railway servant whom the general manager authorises for the purpose;

"bird" means a live bird of any species;

"booking station" means a station at which under the authority of the general manager tickets are issued to persons who desire to travel by railway or goods are accepted for carriage by railway;

"bye-laws" includes these bye-laws and all subsequent bye-laws made by the Corporation;

"compartment" means a compartment of a railway vehicle which is appointed for the conveyance of passengers;

"Corporation" means the Nigerian Railway Corporation established under the Nigerian Railway Corporation Act, and any railway servant to whom the Corporation may delegate their authority;

"general manager" means the general manager of the undertaking of the Corporation and any railway servant to whom he may delegate his authority;

"level-crossing" means a place where a public or private road crosses a railway on the level of the railway;

"passenger" means a person who is in a railway vehicle or on railway premises intending to travel or in the course of travel or after having travelled by a railway vehicle;

"prescribed" means prescribed in the bye-laws or prescribed by the general manager;

"railway" means a railway operated by the Corporation;

"railway land" means any land vested in or occupied by the Corporation;

"railway premises" means any land vested in or occupied by the Corporation and includes any building thereon;

"railway road-motor vehicle" means a road-motor vehicle which is operated by the Corporation;

"railway servant" means any person employed by the Corporation;

"railway vehicle" means a vehicle operated by the Corporation on a railway and includes a railway road-motor vehicle;

"road-motor vehicle" means a vehicle propelled by mechanical or electrical means contained in the vehicle and includes a motor cycle;

"seat" means a seat in a railway vehicle;

"specified" means specified by the Corporation or the general manager by being published in a bye-law, tariff or by notice or announcement in a railway vehicle or at a station;

"station" means a station on a railway;

"tariff" means a tariff published by the Corporation;

"ticket entitling him to travel" or **"ticket entitling him so to travel"** means-

- (a) a ticket, free pass or symbol indicating a right to travel in a train or railway road-motor vehicle, as the case may be, for the journey which is about to be made, is being made, or has been made; or
- (b) a one-station travel voucher which may be issued by a station-master or assistant station-master and which entitles a person, who has arrived too late at a station to purchase a ticket for travel upon a train which is about to depart from the station, to join and travel on the train provided that, immediately on joining the train, he seeks out and pays his fare to an authorised railway servant to whom he shall deliver the voucher and provided further that he shall in any event pay his fare before the train arrives at the next stopping station or

otherwise alight from the train at that station and thereupon pay for the journey made by him;

"train" means a vehicle capable of running upon a railway and includes any vehicle which is in the process of being attached to or detached from a train;

"vehicle" includes, in addition to any other vehicle defined in this bye-law, any railway carriage, railway locomotive, railway wagon, cart, bicycle, hand-cart, perambulator, rickshaw, tricycle, van or wagon and any vehicle used or intended to be used for the conveyance of persons or goods or for hauling or propelling a vehicle used or intended to be used for such conveyance.

(2) Words importing the masculine gender shall include females; and words in the singular shall include the plural, and words in the plural shall include the singular.

4. Fines and excess charges

(1) A person who commits a breach of a bye-law shall be guilty of an offence punishable by a fine in the discretion of a court but not exceeding the maximum penalty stipulated at the foot of the bye-law.

(2) A person who travels in a train or railway road-motor vehicle without holding a ticket entitling him so to travel, or who fails, on request by an authorised railway servant, immediately to produce a ticket entitling him so to travel, shall, irrespective of any penalty which may be inflicted upon him by a court, be liable to pay to the Corporation double the fare for the journey he has made and, if he is unable to prove the point at which he joined the train or vehicle, double the fare for the journey made by the train or vehicle from its starting point:

Provided that the payment to be made by him shall not be less than N2 for a first-class passenger, N1 for a second-class passenger, and 40 kobo for a third-class passenger; and if such person has not completed his journey he shall, in addition, pay the ordinary fare for the remainder of his journey.

(3) A person who travels in a train or railway road motor vehicle in a vehicle or compartment of a higher class than that for which he holds a ticket entitling him so to travel or who travels beyond the destination to which a ticket which he holds entitles him to travel shall, irrespective of any penalty which may be inflicted upon him by a court, be liable to pay to the Corporation double the difference between the fare paid by him for the journey he has made and the fare properly payable:

Provided that the payment to be made by him shall not be less than N2 for a first-class passenger, N1 for a second-class passenger, and 40 kobo for a third-class passenger; and if such person has not completed his journey he shall, in addition, pay the ordinary fare for the remainder of his journey.

5. Proof

The onus of proving any prescribed consent, licence, authority or exemption which will excuse a person charged with a breach of a bye-law from being adjudged guilty thereof shall lie upon the person charged.

6. Tickets

All tickets, free passes or other symbols indicating a right to travel in a train or railway road-motor vehicle shall remain the property of the Corporation.

7. Railway servants

A railway servant who acts in conformity with his duty shall not be deemed to act in breach of a bye-law.

8. Disputed ownership of goods

Where ownership or a right to take delivery of any goods in the custody of the Corporation is disputed, a person who claims such ownership or right shall not be entitled to commence legal proceedings against the Corporation or its servants in respect thereof unless he has first served upon the general manager a written notice indemnifying the Corporation and its servants against claims by any other claimant.

9. Trespassing animals or birds

Neither the Corporation nor its servants shall be liable to pay compensation for any injury to or loss of an animal or bird, howsoever caused, when such injury or loss occurs when the animal or bird is trespassing in or upon a railway vehicle or railway premises.

10. Damage to railway property

A person who causes damage to or loss of any movable or immovable property of the Corporation shall, irrespective of any penalty which may be inflicted upon him by a court, be liable to pay to the Corporation the amount involved in repairing or replacing such property.

11. Removal of buildings erected on railway premises without consent

(1) A building (including the contents thereof) which is not the property of the Corporation and which, without the written consent of the general manager, is being erected or installed on railway premises, may be removed from railway premises by an authorised railway servant without notice.

(2) A building (including the contents thereof) which is not the property of the Corporation and which, without the written consent of the general manager, has been erected or installed on railway premises, may be removed from railway premises by an authorised railway servant, provided that written notice of intention so to remove has been given by posting such notice on the building and the building has not been removed from railway premises within fourteen days thereafter.

(3) The contents of a building which is the property of the Corporation and which is occupied by a person without the written consent of the general manager, may be removed from the building and from railway premises by an authorised railway servant without notice.

(4) Neither the Corporation nor its servant shall be liable for any loss or damage suffered or sustained by the owner of the building or the occupier of the building or any other person, as the case may be, as a result of any action taken in accordance with the foregoing provisions of this bye-law.

12. Removal of offenders

A person who persists with a contravention of any of the provisions of a bye-law, after being warned by a railway servant to desist, may be requested to leave the railway vehicle or railway premises in or upon which he then is and if he fails immediately to comply with such request, may, without prejudice to any penalty and liability for excess charges he may have incurred under the bye-law, be forthwith removed from such vehicle or premises by or under the direction of such servant.

13. Lost property

The Corporation shall be entitled to any money or any property lost upon railway premises as against all persons save the rightful owner thereof.

14. Police officers assigned to Corporation

A police officer of the Nigeria Police Force assigned to the Corporation for Railway Police duties shall be empowered to act under the bye-laws in the same manner as a railway servant.

[L.N. 155 of 1955.]

15. Divisions and marginal references

The division of these Bye-laws into parts and the insertion of marginal references shall not be construed so as to restrict the application of a bye-law.

16. Repeal of previous bye-laws

All railway bye-laws subsisting immediately before the 1st October 1955, are hereby repealed except that they shall endure and have effect in respect of any prosecution or any other matter arising out of any act or thing done prior to the said 1st October 1955.

PART II

Provisions relating to tickets

17. Use of non-transferable tickets

A person shall not-

- (a) use or attempt to use a ticket marked "non-transferable" unless the ticket has been issued to him or in his favour; or
- (b) transfer to any other person a ticket marked "non-transferable" issued to him or in his favour.

Penalty: ~~N~~40.

18. Entry into train

A person shall not enter a train unless he holds a ticket entitling him to travel therein.

Penalty: ~~N~~20.

19. Entry upon station platform

A person shall not enter a platform at a station at which platform tickets are issued unless he holds a platform ticket entitling him so to enter or a ticket entitling him to travel from the station.

Penalty: ₦10.

20. Tickets to be produced

A passenger, immediately upon being requested so to do by an authorised railway servant, shall, unless prevented from so doing by a cause which does not involve an attempt to defraud or prejudice the Corporation-

- (a) produce to the railway servant a ticket showing as the circumstances of the case may be-
 - (i) that he is entitled to be upon railway premises; or
 - (ii) that he is entitled to travel by a railway vehicle for the journey he is about to make or is in fact making or has made;
- (b) permit the railway servant to inspect the ticket and mark the same;
- (c) if the ticket is the forward portion of a return ticket produce to the railway servant the return portion of such ticket and allow him to inspect and mark it;
- (d) if the ticket will not be available for further use deliver it to the railway servant.

Penalty: ₦40.

21. Person in possession of a ticket

A person who is in possession of a ticket the time for using which has expired shall, immediately upon being requested so to do by an authorised railway servant, deliver the ticket to the railway servant.

Penalty: ₦ 40.

22. Use of tickets

A person shall not, with intent to defraud or prejudice the Corporation, use or attempt to use a ticket-

- (a) which has been obtained by him or by another person on his behalf otherwise than from the Corporation or from a person authorised by the Corporation to sell or issue the ticket; or
- (b) which has been in any respect materially altered or defaced; or
- (c) the time for using which has expired; or
- (d) the time for using which has not arrived.

Penalty: ₦ 40.

23. Travel in higher class

A person shall not take a seat or travel in a railway vehicle or a compartment of a railway vehicle of a class superior to that for which he holds a ticket.

Penalty: ₦40.

24. Trains not picking up passengers

A person shall not at any station unless permitted so to do by an authorised railway servant, enter a vehicle attached to a train which has not been stopped for the purpose of picking up, passengers.

Penalty: ~~N~~ 40.

25. Vehicles, etc., to specified stations

A person shall not, unless he holds a ticket entitling him to travel therein, enter a vehicle or compartment of a vehicle appointed solely for the conveyance of passengers to certain specified stations.

Penalty: ~~N~~ 20.

26. Reserved seats

A person shall not occupy a reserved seat in a train unless he holds a ticket entitling him to occupy such reserved seat.

Penalty: N40.

27. Sleeping compartments

A person shall not travel or attempt to travel in a sleeping compartment or occupy or attempt to occupy a berth in a sleeping compartment unless he holds a ticket entitling him so to do.

Penalty: ~~N~~40.

28. Fraudulent travel by children

A person shall not, with intent to evade payment of the fare of a child or to defraud or prejudice the Corporation in connection with the journey of a child do or omit anything which if done or omitted by a person with intent to evade payment of his own fare or to defraud or prejudice the Corporation in connection with a journey to be made or which is being made or has been made by him, would be a breach of a bye-law or of the Act.

Penalty: As prescribed in the related bye-law or section of the Act.

PART III

*Provisions regulating the conduct of persons in or upon a railway vehicle
or railway premises*

29. Gratuities

A person shall not give or offer a bribe or gratuity to a railway servant.

Penalty: N40.

30. Trains in motion, etc.

A person shall not without reasonable excuse-

- (a) join or attempt to join or leave or attempt to leave' a train at any place other than a railway station; or

- (b) join or attempt to join or leave or attempt to leave a railway vehicle while it is in motion; or
- (c) enter or attempt to enter or leave or attempt to leave a vehicle of a train otherwise than through a doorway which adjoins a platform; or
- (d) open on any railway vehicle a door which is locked; or
- (e) lock on any railway vehicle a door which is unlocked; or
- (f) mount or attempt to mount or travel or attempt to travel on a locomotive or on the roof, step, foot-board or guard's van on or in any part of a train other than a part appointed for the conveyance of passengers.

Penalty: N40.

31. Leaning out

A person shall not without reasonable excuse protrude any portion of his person from an open door or window of a railway vehicle which is in motion.

Penalty: ~~N~~10.

32. Applying brakes

A person shall not without reasonable excuse apply any brake fitted to a railway vehicle.

Penalty: ~~N~~40.

33. Crossing lines

A person shall not-

- (a) cross or attempt to cross any line of railway elsewhere than at a place appointed as a crossing place; or
- (b) when warned by a railway servant to refrain from so doing cross or attempt to cross a line of railway at a place appointed as a crossing place.

Penalty: ~~N~~20.

34. Throwing articles from train

A person shall not throw or drop upon or from any railway premises or from any railway vehicle any bottle, glass, stone or other article or thing of whatsoever nature which is, by reason of its being thrown or dropped, capable of causing injury or damage to or of endangering any person or property.

Penalty: ~~N~~ 40.

35. Intoxicated persons

A person who is in a state of intoxication shall not enter or be brought in or upon a railway vehicle or railway premises.

Penalty: ~~N~~ 10.

36. Infectious diseases

A person who is suffering from an infectious or contagious disease or disorder shall not, without the consent of the general manager, be brought in or upon or be in or upon a railway vehicle or railway premises.

Penalty: ~~₹~~ 20.

37. Entering vehicles

A person shall not enter or attempt to enter a railway vehicle after having been requested by an authorised railway servant to refrain from so doing.

Penalty: N40.

38. Remaining on a railway vehicle

A person shall not remain on a railway vehicle after having been requested by an authorised railway servant to leave such vehicle at a stopping place.

Penalty: ~~₹~~ 40.

39. Resisting entry of persons

A person shall not resist the entry of another person into a railway vehicle or the compartment of a railway vehicle unless the vehicle or compartment already contains the maximum number of passengers which it is designed to carry.

Penalty: ~~₹~~40.

40. Remaining on railway premises

A person shall not, unless he holds a ticket or licence entitling him so to do, remain upon railway premises after being requested by a railway servant to leave such premises.

Penalty: ~~₹~~40.

41. Remaining in part of vehicle

A person shall not, after being requested by an authorised railway servant to refrain from so doing, be or remain on a platform or in a doorway, vestibule, corridor or gangway of a railway vehicle.

Penalty: ~~₹~~40.

42. Dangerous or offensive goods

A person shall not contravene any regulation or condition related to or connected with the carriage upon a railway of dangerous or offensive goods as prescribed in the Schedule to the Railway Bye-laws.

[L.N. 154 of 1958.]

Penalty: ~~₹~~ 100

43. Loaded fire-arms

A person shall not, without the consent of the general manager, carry or attempt to carry or bring or attempt to bring or discharge or attempt to discharge any loaded fire-arm in or upon or from any railway vehicle or railway premises.

Penalty: ₦100.

44. Conveyance of packages in passenger vehicles

(1) A person shall not-

[L.N.155 of 1958.]

- (a) convey or attempt to convey in a railway vehicle used for the carriage of passengers any article or package which by reason of its bulk, shape or the nature of its contents is likely to annoy, injure or damage any other person or property; or
- (b) if requested by an authorised railway servant or a coach attendant to refrain from so doing, convey or attempt to convey in a railway vehicle used for the carriage of passengers any article or package.

Penalty: ₦20.

(2) In this bye-law "**coach attendant**" shall mean a railway servant or other person authorised to travel in a railway vehicle used for the carriage of passengers for the purpose of attending to the needs of passengers.

45. Seats temporarily vacated

A person shall not appropriate for his own use a seat temporarily vacated by another person and refuse, on being requested so to do, to yield it up again to the person who has temporarily vacated it.

Penalty: ₦40.

46. Unoccupied seats

A person who has a seat and who does not desire to appropriate for his own use another seat which is unoccupied, shall not, by means of any act, device or representation, deceive or attempt to deceive any person into the belief that the unoccupied seat has been appropriated by him or by any other person.

Penalty: ₦40.

47. Appropriation of seats

A person who vacates a seat and appropriates another seat for his own use shall not, while he remains in occupation of that seat, by means of any act, device or representation, deceive or attempt to deceive any person into the belief that the vacant seat is not vacant.

Penalty: ₦40.

48. Article on seats

A person shall not, without reasonable excuse, place any article of any kind upon a seat which has not been appropriated by him for his own use.

Penalty: ~~₦~~40.

49. Reserved seats

A person shall not, after being warned by an authorised railway servant to refrain from so doing, occupy or attempt to occupy in any railway vehicle a seat the right to occupy which has been reserved for another person.

Penalty: ~~₦~~40.

50. Gambling, offensive conduct, etc.

A person shall not while he is in or upon a railway vehicle or railway premises-

- (a) gamble; or
- (b) make use of any abusive, blasphemous, indecent, insulting, obscene, offensive, profane or threatening language or gesture likely to annoy any other person; or
- (c) behave in a disorderly, indecent, offensive or riotous manner; or
- (d) unless authorised in writing so to do by the general manager, distribute hand-bills to or solicit money from any other person.

Penalty: ~~₦~~40.

51. Persons proceeding upon railway premises

A person on foot or in charge of a vehicle shall not, while he is upon railway premises, proceed or permit the vehicle to travel at a pace or in a manner which is likely to cause injury, damage, discomfort or inconvenience to or to endanger any person or property.

Penalty: ~~₦~~40.

52. Station entrances and exits

A person shall not, without reasonable excuse, enter or leave any station platform or enclosed railway premises otherwise than by means of an entrance or exit provided thereat and appointed for the use of persons who desire to enter or leave such station platform or premises.

Penalty: ~~₦~~40.

53. Closed doors and gates

A person shall not, without reasonable excuse, upon any station platform or other railway premises open or otherwise interfere with any gate or door which has been locked or closed or otherwise interfere with a door which has been left open.

Penalty: ~~₦~~40.

54. Lighting or extinguishing lamps

A person shall not, without reasonable excuse, light or extinguish or otherwise interfere with a lamp which is fitted to or situated in or upon a railway vehicle or railway premises.

Penalty: N40.

55. Rubbish, filth, etc.

A person shall not, except in any receptacle or place provided for the purpose, throw or place or leave or deposit, or by any act or omission cause it to happen that there shall be thrown or placed or left or deposited, in or upon any railway vehicle or railway premises any rubbish, refuse, wastepaper or filth or any noisome, offensive or putrid matter.

Penalty: ~~N~~40.

56. Feet on seats, etc.

A person shall not in or upon a railway vehicle or railway premises place his feet on-

- (a) any seat, cushion or arm-rest; or
- (b) any upholstered or polished or plated portion.

Penalty: ~~N~~20.

57. Spitting

A person shall not spit-

- (a) upon the floor or upon any part other than a part set aside for the purpose in any railway vehicle which is used for the conveyance of passengers; or
- (b) upon the platform at any station; or
- (c) upon the floor, side or wall of any hall office, waiting room, refreshment room, public room or public passage forming part of any railway premises.

Penalty: N10.

58. Indecent writing, etc.

A person shall not write, draw, or affix any abusive, blasphemous, indecent, insulting, obscene, offensive, or profane word, representation, or character in or upon any railway vehicle or railway premises.

Penalty: N40.

59. Accommodation for the exclusive use of opposite sex

A person shall not knowingly be or remain in or in the immediate vicinity of any compartment of a vehicle, room, privy or lavatory set apart for the exclusive use of persons of the other sex.

Penalty: ~~N~~40.

60. Lost property

A person who finds in or upon any railway vehicle or railway premises any money or any property shall as soon as is practicable deliver up such money or property to an authorised railway servant.

Penalty: ₦40.

61. Hawking and touting

A person shall not, unless expressly authorised in writing by the general manager so to do, in or upon a railway vehicle or railway premises-

- (a) hawk, sell, hire, or offer or expose for sale or for hire any article or goods; or
- (b) tout, ply for, or solicit custom, hire or employment.

Penalty: ₦40.

62. Smoking

A person shall not smoke tobacco or other substance in or upon any part of a railway vehicle or railway premises where smoking is expressly by notice prohibited, or in any other part of a railway vehicle if requested to refrain from so doing by an authorised railway servant, or in any compartment of a railway vehicle if requested by more than one fellow passenger in such compartment to refrain from so doing.

Penalty: ₦20.

PART IV

Provisions relating to road vehicles

63. Directions to drivers of road vehicles

A person in charge of a road vehicle shall, while he is upon railway premises, obey the directions of an authorised railway servant or a police officer of the Nigeria Police Force assigned to the Corporation for Railway Police duties.

[L.N. 127 of 1963.]

Penalty: ₦20.

64. Plying for hire

A person shall not, with any road vehicle, ply for hire upon railway premises unless he has obtained from the general manager a licence in writing authorising him so to do.

Penalty: ₦40.

65. Road vehicles unattended

The driver of a road vehicle shall not leave or be away from the vehicle while it is upon railway premises unless the vehicle has been securely fastened by a brake or other means to prevent movement.

Penalty: ₦40.

66. Dangerous driving

A person shall not while he is upon railway premises ride or drive any horse or other animal or drive, propel or haul any vehicle-

- (a) in a manner which is calculated to cause injury or damage to or to endanger any person or property; or
- (b) over or along any road, path or way which is appointed for the exclusive use of pedestrians.

Penalty: ~~₹~~40.

67. Vehicles crossing railway level crossings

A person in control of a road vehicle, when proceeding towards a railway level crossing, shall not-

- (a) drive or allow the road vehicle to approach the crossing at such a speed that he will be unable, in case of emergency, to stop the vehicle before reaching the crossing; or
- (b) fail to give the right of way to a train or vehicle running upon the railway which is approaching the crossing at or about the same time; or
- (c) drive, propel or haul the road vehicle in a manner which will interfere with or is likely to interfere with the passage of a train or vehicle running upon the railway over the roadway at the crossing; or
- (d) fail to stop before reaching the crossing if a railway gate is across the roadway thereat, or a red light is showing thereat, or a red flag is being exhibited thereat, or any other warning, notice, instruction or indication is given to him to stop before reaching the crossing; or
- (e) pass a red light which is showing towards him or a red flag which is being exhibited on or near the road approach to the crossing in close proximity to the crossing.

[L.N. 5 of 1958.]

Penalty: ~~₹~~40.

68. Heavy road vehicles

A person shall not drive or attempt to drive or allow or attempt to allow the passage across any railway at a level crossing-

- (a) any road vehicle the load on anyone axle of which exceeds four tons; or
- (b) any road vehicle which will cause or is calculated to cause an obstruction to the railway, unless he has been authorised in writing by the general manager so to do.

Penalty: ~~₹~~40.

69. Motor vehicles containing petrol, etc.

A person shall not, unless he has been authorised in writing by the general manager so to do, consign or attempt to consign a motor vehicle for carriage by railway or warehouse or attempt to warehouse a motor vehicle with the Corporation unless and until-

- (a) every cylinder, pipe, carburettor, burner tank, or other receptacle forming part of or fitted to or contained in the motor vehicle has been completely emptied of any inflammable or volatile liquid contained therein;
- (b) the connecting cables and wires of every electric battery fitted to the motor vehicle have been disconnected from the battery terminals;
- (c) the battery terminals have been covered or otherwise protected in a way which will ensure that the said terminals cannot be inadvertently connected while the motor vehicle is in the custody of the Corporation.

Penalty: ~~N~~40.

PART V

Provision for the protection of the property for the Corporation

70. Damage or removal of railway property

A person shall not without reasonable excuse-

- (a) damage, destroy, deface, mutilate or write upon; or
- (b) remove from the place in which for the time it is, any real or personal property of the Corporation.

Penalty: ~~N~~40.

71. Interference with electrical equipment

A person shall not operate or otherwise interfere with or damage or act in a manner likely to interfere with or damage any electric switch or electric apparatus or signalling apparatus of the Corporation.

Penalty: ~~N~~ 40.

72. Advertising on railway vehicles, etc.

A person shall not, without the written authority of the general manager, affix or draw or post or write any advertisement, bill, placard, poster or notice to, in or upon any railway vehicle or railway premises.

Penalty: ~~N~~40.

73. Sewage

A person shall not cause or permit or suffer drainage or sewage to flow or to be emptied on to or upon any railway premises.

Penalty: ~~N~~40.

74. Pollution of reservoirs and tanks

A person shall not-

- (a) pollute the water of any reservoir or tank belonging to the Corporation; or
- (b) without the written consent of the general manager bathe or fish in or shoot over or upon any such reservoir or tank.

Penalty: ~~₹~~20.

75. Poison

A person shall not, without the written consent of the general manager, place any poison or poisoned substance upon any railway premises.

Penalty: ~~₹~~40.

76. Lighting fires on railway premises

A person shall not-

- (a) without the written consent of the general manager, light a fire in or upon a railway vehicle or railway premises;
- (b) leave a fire authorisedly lit by him in or upon a railway vehicle or railway premises, until the said fire is completely extinguished;
- (c) in circumstances calculated to cause injury or damage to any person or property, throw any burning substance in or upon or from a railway vehicle or railway premises or by any act or omission cause it to happen that burning substance is thrown or dropped in or upon or from such vehicle or premises.

Penalty: ~~₹~~40.

77. Unauthorised buildings

A person shall not, without the written consent of the general manager, erect or install a building upon railway premises.

Penalty: ~~₹~~40.

78. Unauthorised occupation of railway buildings

A person who is occupying a railway building, without the written consent of the general manager, shall not fail to vacate such building, immediately he is requested by a railway servant so to do.

Penalty: ~~₹~~40.

PART VI

Provisions relating to animals in or upon a railway vehicle or railway premises

79. Diseased animals

A person shall not knowingly bring or cause or permit to be brought upon railway premises an animal or bird which is suffering from any disease or disorder.

Penalty: ~~₹~~40.

80. Animals crossing lines

A person shall not ride or drive or attempt to ride or drive an animal over a railway level crossing unless he brings the animal to a halt before reaching the crossing if a train or railway vehicle running on the railway is approaching the crossing and is at such distance from the crossing that, assuming there is no diminution in its speed, there is a like-likelihood that it will collide with the animal.

Penalty: ~~₹~~40.

81. Animals driven on to railway premises

A person shall not drive an animal or bird upon or across railway premises except at a railway crossing.

Penalty: ~~₹~~40.

82. Animals trespassing

A person who has the custody or management of an animal or bird shall not suffer, permit or allow the same to stray on to or upon railway premises.

Penalty: ~~₹~~40.

83. Dogs brought on to railway premises

A person shall not bring or suffer or permit a dog by which he is accompanied to be brought on to or to be upon a railway vehicle or railway premises unless the movements of the dog are directly and effectively controlled by him.

Penalty: ~~₹~~10.

84. Animals or birds in passengers' vehicles

A person shall not convey or attempt to convey in a compartment of a railway vehicle used for the carriage of passengers any animal or bird if any other passenger in such compartment objects thereto.

Penalty: ~~₹~~10.

85. Consignment of animals or birds

A person shall not consign an animal or bird for carnage by the Corporation except in accordance with the conditions prescribed in a tariff.

Penalty: ~~₹~~40.

86. Provision for animals and birds on journey

A person shall not consign an animal or bird for carriage by the Corporation unless he has made adequate arrangements for the supply of food and water to such animal or bird during the course of the journey.

Penalty: ~~₹~~40.

87. Duty of attendant accompanying animals or birds

An attendant accompanying an animal or bird accepted for carriage by the Corporation shall not fail to provide such animal or bird with sufficient food and water during the course of the journey.

Penalty: ~~₹~~40.

PART VII

Miscellaneous provisions

88. Removal of goods

A person shall not, without first giving a receipt therefore to an authorised railway servant and paying the amount of any charges which may be then due to the Corporation in respect of the carriage or warehousing of the same, remove or attempt to remove from railway premises any animals or goods which have been carried in a railway vehicle and/or warehoused by the Corporation.

Penalty: ~~₹~~40.

89. Stopping trains, etc.

A person shall not, without reasonable excuse, cause or attempt to cause the stoppage of a train or railway vehicle which is in motion or cause or attempt to cause a railway servant to stop such vehicle.

Penalty: ~~₹~~40.

90. Persons permitting infringement by children

A person shall not, without reasonable excuse, knowingly suffer or permit a child who is in his custody to do or omit anything which if done or omitted by the person himself would be a breach of a bye-law.

Penalty: As prescribed in the related bye-law.

91. Fraudulent conveyance

A person shall not, with intent to evade payment of the charges lawfully payable for the carriage of the same, convey or attempt to convey in a railway vehicle any animal, bird or goods.

Penalty: ~~₹~~10.

92. Loitering

A person shall not loiter upon or about railway premises so as to create an obstruction or to be an annoyance or hindrance to railway servants or any person.

Penalty: ~~₹~~40.

93. Names and addresses

A person who is detected in a contravention of any of these Bye-laws, or who while in or upon a railway vehicle or railway premises does not at the request of a railway servant produce a ticket or licence entitling him to be therein or thereon shall immediately upon being required so to do furnish the railway servant with his correct name and address.

Penalty: ~~₹~~40.

94. Nuisance by obstruction, etc., of railway

A person shall not obstruct the railway in any manner so as to cause damage thereto or constitute a nuisance in the use of rolling stock thereon, or otherwise interrupt or endanger the smooth running of the railway.

[L.N. 86 of 1968.]

Penalty: ~~₹~~40.
