

A BILL

ENTITLED

A LAW to Amend the Jamaica Government Railway Law

[

]

BE it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—This Law may be cited as the Jamaica Government Railway (Amendment) Law, 1944, and shall be read and construed as one with the Jamaica Government Railway Law (hereinafter referred to as the principal Law) and all amendments thereto, and shall come into operation on a date to be appointed by the Governor by Proclamation published in the Gazette.

Short title and construction.

Cap. 111.

2—Sections 20, 21 and 22 of the principal Law and the heading immediately above such sections are hereby repealed and the following sections and heading substituted therefor—

Repeal and replacement of sections 20, 21 and 22 of principal Law.

Administration and Regulations

Power to
make
regulations.

20—(1) The Governor in Privy Council may make regulations generally for implementing or carrying out the provisions of this Law.

(2) Regulations made under sub-section (1) of this section may, without prejudice to the generality of the power conferred in such sub-section, provide—

- (a) for the operation of the Railway;
- (b) for the governance of passengers and freight transported by the Railway and for the conditions under which such passengers and freight may be so transported;
- (c) for the governance of all persons being in or on any premises the property of or used by the Railway;
- (d) for the appointment, conditions of employment, and governance, of all persons employed in the Railway, other than persons holding pensionable offices within the meaning of the Pensions Law, 1944, and for the infliction of penalties, which may be enforced departmentally, on any such person contravening regulations made under this paragraph.

Power to
suspend
persons
employed.

21—(1) The General Manager of the Railway may suspend from his duties any person employed in the Railway, other than a person holding a pensionable office within the meaning of the Pensions Law, 1944, pending such enquiry as he may see fit to order.

(2) The General Manager of the Railway may suspend from his duties any person employed in the Railway and holding a pensionable office within the meaning of the Pensions Law, 1944, pending such enquiry as the Governor may see fit to order.

Power to
dismiss
certain
persons.

22—The General Manager of the Railway may, after such enquiry as he may think fit to order,—

- (a) dismiss any person employed in the Railway, other than a person holding a pensionable office within the meaning of the Pensions Law, 1944, if satisfied that such person has been guilty of dishonesty, disobedience, negligence, insubordination, absence from duty without leave, or other misconduct, or if satisfied that such person is unable to discharge efficiently the duties of his office;
- (b) impose on any person who has contravened any regulations made under paragraph (d) of sub-section (2) of section 20 of this Law such penalty as may be specified in such regulations."

3—Section 26 of the principal Law is hereby amended by the deletion from the fourth and fifth lines of the words "By-Laws or".

Amendment
of section 26
of principal
Law.

4—Section 29 of the principal Law is hereby repealed and the following section substituted therefor—

Repeal and
replacement
of section 29 of
principal Law.

"Punishment
for offences.

29—Every person who—

- (a) being employed in the Railway is found drunk on duty;
- (b) commits any offence against this Law or against any regulations made thereunder;
- (c) wilfully or negligently does any act which injures or endangers or is likely to injure or endanger the health or life of any person in or upon Railway premises, or which obstructs, or is likely to obstruct, in any way whatsoever the passage of any train or other rolling stock,

shall be guilty of an offence against this Law and liable on conviction before two Justices of the Peace to a fine not exceeding ten pounds or to imprisonment with hard labour for any term not exceeding two months."

Amendment
of section 30 of
principal Law.

5—Section 30 of the principal Law is hereby amended by the deletion from the second line of the words "Rules or By-Laws".

MEMORANDUM OF OBJECTS AND REASONS

This Bill amends the Jamaica Government Railway Law (Cap. 111) in the following respects:—

- (a) by consolidating into one section regulation making powers which previously were contained in separate sections of the principal Law;
- (b) by clarifying and placing in a separate Part of the principal Law administrative provisions formerly contained in a Part of the Law which it is proposed to repeal by the Pensions Law, 1944;
- (c) by simplifying section 29 of the principal Law.

HENRY MAYERS,
Attorney General,
8.12.43.