



**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**RAILWAYS ACT**

**(CHAPTER 263)**

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# Railways Act

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An Act relating to railways.

[1st March 1906]

PART I  
PRELIMINARY

**Short title and application**

1. This Act may be cited as the Railways Act and shall apply to all railways in Singapore.

**Interpretation**

2.—(1) In this Act and in any rules made thereunder, unless there is something repugnant in the subject or context —

“assistant manager” means an assistant to the general manager or manager of a railway;

“manager” means the person appointed by the Government or by the government of Malaysia, or by a railway company, as the case may be, to act as general manager or manager of a railway;

“passengers’ luggage” means all such articles as a passenger takes with him for his personal use or convenience, according to the habits or wants of the class to which he belongs, with reference to either the immediate necessities or the ultimate purpose of the journey, but does not, except in the case of commercial travellers, include any articles carried for purposes of business, trade or profit;

“railway” means a railway or any portion of a railway for the public carriage of passengers, animals or goods and includes —

- (a) all land within the fences or other boundary marks indicating the limits of the land appurtenant to a railway;
- (b) all lines of rails, sidings or branches worked over for the purposes of or in connection with a railway;

- (c) all stations, offices, warehouses, wharves, workshops, manufactories, fixed plant and machinery, and other works constructed for the purposes of or in connection with a railway;
- (d) all ferries, ships, boats and craft which are used for the traffic of a railway and belong to or are hired or worked by the authority administering the railway;
- (e) all engines, passenger coaches, and goods and livestock vehicles, or other rolling-stock used for the purpose of carrying on the traffic of the railway;
- (f) all road vehicles used by or on behalf of or under contract with a railway administration for the conveyance of passengers, parcels, goods, livestock and vehicles; and
- (g) all aircraft used by or on behalf of or under contract with a railway administration for the conveyance of passengers, parcels, goods and livestock;

“railway administration”, in the case of a railway administered by the Government or the government of Malaysia, means the manager and includes the Government and also, so long as the railway is in the course of construction, the resident engineer, and, in the case of a railway administered by a railway company, means the railway company;

“railway company” includes any person or persons, whether incorporated or not, who are owners or lessees of a railway or parties to an agreement for working a railway, but shall not include the government of Malaysia;

“railway employee” includes the manager, the assistant managers, and all such officers, employees, agents and other persons as are employed to do any act upon a railway;

“railway official” includes all persons employed by or on behalf of the railway administration to perform any function in connection with a railway.

**Powers of assistant managers**

(2) All duties and powers hereinafter required to be performed and exercised by the manager shall and may be performed and exercised by an assistant manager.

**Sanction by President of railway construction**

3.—(1) If the Government, or the government of Malaysia, or any company is desirous of constructing a railway within Singapore, it shall deposit with the Secretary to the Cabinet a scheme for such railway stating the general direction and terminal points of the proposed railway, accompanied by a map, and thereupon the President, after making such inquiries as he thinks fit, may reject or provisionally approve the scheme.

(2) In case the President provisionally approves the scheme, sections 3 and 4 of the Land Acquisition Act [Cap. 152] shall be applicable to the lands likely to be needed for the purposes of such railway.

**Deposit and approval of plans, sections, etc.**

4.—(1) After any railway has been provisionally approved under section 3, the Government or the railway company, as the case may be, shall deposit for public inspection in the office of the Chief Surveyor at Singapore —

- (a) plans and sections upon a scale of at least 1:3168, showing the lines and levels of such part of the proposed railway and the limits of deviation —
  - (i) if any alteration is intended in the water-level of any canal, or in the level or rate of inclination of any public carriage road or railway which will be crossed by the railway, then the same shall be stated on the section, and each alteration shall be numbered, and cross-sections in reference to the numbers on a horizontal scale of not less than 1:2400, and on a vertical scale of not less than 1:240, shall be added, which shall show the present surface of such road, canal or railway and the intended surface thereof,

when altered; and the greatest of the present and intended rates of inclination of the portion of such road or railway intended to be altered shall also be marked in figures thereon, and where any public carriage road is crossed on the level a cross-section of that road shall also be added, and all such cross-sections shall extend for 183 metres on each side of the centre line of the railway;

- (ii) wherever the line of the railway is intended to cross any public carriage road, navigable river, canal or railway, the height of the railway over or depth under the surface thereof and the height and span of every arch of all bridges and viaducts by which the railway will be carried over the same shall be marked in figures at every crossing thereof, and where the railway will be carried across any such public carriage road or railway on the level thereof, such crossing shall be so described on the section, and it shall also be stated if such level will be unaltered;
  - (iii) if it is intended to divert, widen or narrow any public carriage road, navigable river, canal or railway, the course of the diversion and the extent of the widening or narrowing shall be marked on the plan;
  - (iv) if it is intended to lay any part of the railway along a road or street, the plan shall show at what distance from an imaginary line drawn along the centre of that road or street it is proposed to lay the rails, and the widths of that road or street shall at all material points be clearly marked in figures on the plan;
- (b) a book of reference containing the names of the owners and lessees or reputed owners and lessees of the lands required on which may be taken for the purposes of this Act in respect of such part.

[S 323/85]

(2) Notice shall be given of the deposit of such plans and books of reference by advertisement in the *Gazette* and in not less than two

local newspapers, calling on all persons having any objection to the plans and books of reference to send in a statement of their objection in writing to a Collector of Land Revenue within 3 months from the date of the notice.

(3) Such notice shall be published in at least 3 successive issues of the *Gazette* and of the local newspapers.

(4) At the expiration of the period of 3 months the plans and sections referred to in subsection (1) shall be presented to Parliament, together with the objections thereto, and shall be considered and approved or amended by Parliament in Committee.

(5) The plans and sections, if approved or amended by Parliament, shall be deemed to be the deposited plans referred to in this Act.

### **Railway to be made according to plans**

**5.**—(1) Any railway constructed under this Act shall be made and maintained in the lines and according to the levels shown on the deposited plans and sections, with all proper bridges, viaducts, stations, sidings, approaches, junctions, roads, buildings, yards, works and conveniences connected therewith and incidental thereto.

### **Deviation**

(2) The railway administration may deviate from the line of railway shown on the deposited plans, provided that no such deviation shall extend beyond the limits of deviation shown on the plans.

### **Private land may be acquired for railway**

**6.**—(1) Such of the lands shown on such plans and book of reference as are required for the purposes of such railway shall be deemed to be land required for a public purpose within the meaning of the Land Acquisition Act [Cap. 152].

(2) Proceedings under the Land Acquisition Act shall be taken separately in respect of each holding mentioned in the book of reference.

## PART II

## CONSTRUCTION AND WORKS

**Authority of railway administration to execute all necessary work**

7.—(1) Subject to this Act, and subject also as regards the parties thereto to the provisions of any contract entered into between a railway administration and the owners or occupiers of, or other parties interested in, any lands taken or used for the purposes of a railway, and subject also in the case of a company to the provisions of any contract between the Minister and the company, the railway administration may, for the purpose of constructing the railway or the accommodation or other works connected therewith and notwithstanding anything in any other Act for the time being in force —

- (a) make or construct in, upon, across, under or over any lands or any streets, hills, valleys, roads, railways or tramways, or any rivers, canals, brooks, streams or other waters, or any drains, water-pipes, gas-pipes, electric wires or posts, such temporary or permanent inclined planes, arches, tunnels, culverts, embankments, aqueducts, bridges, roads, lines of railway, ways, passages, conduits, drains, piers, abutments, cuttings and fences as the railway administration thinks proper;
- (b) alter the course of any rivers, brooks, streams or watercourses for the purpose of constructing and maintaining tunnels, bridges, passages or other works over or under them; and divert or alter, temporarily as well as 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 railway administration thinks proper;
- (c) make drains or conduits into, through or under any lands adjoining the railway for the purpose of conveying water from or to the railway;

- (d) erect and construct such houses, warehouses, offices and other buildings and such yards, stations, wharves, engines, machinery, apparatus and other works and conveniences as the railway administration 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.

(2) The exercise of the powers conferred on the railway administration by this section shall be subject to the control of the Minister.

### **Creeks, bays, arms of the sea and navigable rivers**

**8.—**(1) A railway administration shall not construct on the shore of the sea or of any creek, bay, arm of the sea or navigable river communicating therewith, where and so far up the same as the tide flows and reflows, any work or construct any railway or bridge across any creek, bay, arm of the sea or navigable river where and so far up the same as the tide flows and reflows, without the previous consent in writing of the Minister, and then only according to such plan as the Minister approves.

(2) When such work, railway or bridge has been constructed the railway administration shall not alter or extend the same without obtaining, before making any such alteration or extension, the like consent and approval.

(3) If any such work, railway or bridge is commenced or completed contrary to this section, the Land Transport Authority, with the approval of the Minister, may abate and remove the same and may restore the site thereof to its former condition at the costs and charges of the railway administration.

*[4/99 wef 01/04/1999]*

### **Alteration of pipes, wires and drains**

**9.** A railway administration may, for the purpose of exercising the powers conferred upon it by this Act, alter the position of any pipe for

the supply of gas, water or compressed air, or the position of any electric wire or of any drain not being a main drain:

Provided that —

- (a) when the railway administration desires to alter the position of any such pipe, wire or drain it shall give reasonable notice of its intention to do so and of the time at which it will begin to do so to the public authority or company having control over the pipe, wire or drain; or when the pipe, wire or drain is not under the control of a public authority or company to the person under whose control the pipe, wire or drain is;
- (b) a public authority, company or person receiving notice under paragraph (a) may send a person to superintend the work, and the railway administration shall execute the work to the reasonable satisfaction of the person so sent and shall make arrangements for continuing during the execution of the work the supply of gas, water, compressed air or electricity or the maintenance of the drainage, as the case may be.

### **Temporary entry upon land for repairing or preventing accident**

**10.—**(1) The Minister may authorise a railway administration, in case of any slip or other accident happening or being apprehended to any cutting, embankment or other work under the control of the railway administration, to enter upon any lands adjoining its railway for the purpose of repairing or preventing the accident and to do all such works as are necessary for the purpose.

### **Report to Minister**

(2) In case of necessity a railway administration may enter upon the lands and do the works aforesaid without having the previous sanction of the Minister, but in such a case shall, within 72 hours after such entry, make a report to the Minister, specifying the nature of the accident or apprehended accident and of the works necessary to be done.

(3) The power conferred on the railway administration by subsection (2) shall cease and determine if the Minister, after considering the report, considers that the exercise of the power is not necessary for the public safety.

### **Compensation to be made for lands taken or injuriously affected**

**11.**—(1) A railway administration shall do as little damage as possible in the exercise of the powers conferred by sections 7, 9 and 10, and compensation shall be paid for any damage caused by the exercise thereof.

(2) An action shall not lie to recover such compensation, but in case of dispute the amount thereof shall, on application to a Collector of Land Revenue, be determined and paid in accordance as far as may be with the procedure prescribed by sections 10 to 15 and 19 to 40 of the Land Acquisition Act [Cap. 152] and sections 52 and 53 of that Act shall apply to the award of compensation.

### **Purchase of land and compensation by agreement**

**12.** Nothing in this Act shall prevent the acquisition of lands for the purposes of a railway by agreement between the Government or the company, as the case may be, and the owners of such lands, or the settling by agreement of the amount of compensation to be paid in respect of lands injuriously affected by the exercise of the powers conferred by this Act.

### **Accommodation works**

**13.**—(1) Every railway administration shall make and maintain the following works for the accommodation of the owners and occupiers of lands adjoining the railway:

- (a) such and so many convenient crossings, bridges, arches, culverts and passages over, under or by the sides of or leading to or from the railway, as are in the opinion of the Minister necessary for the purpose of making good any interruptions caused by the railway to the use of the lands through which the railway is made;

- (b) all necessary arches, tunnels, culverts, drains, water-courses or other passages over or under or by the sides of the railway of such dimensions as will, in the opinion of the Minister, be sufficient at all times to convey water as freely from or to the lands lying near or by the railway as before the making of the railway or as nearly so as may be.

(2) Subject to the provisions of this Act, the works specified in subsection (1)(a) and (b) shall be made during or immediately after the laying out or formation of the railway over the lands traversed thereby, and in such manner as to cause as little damage or inconvenience as possible to persons interested in the lands or affected by the works.

### **Provisos**

(3) Subsections (1) and (2) shall be subject to the following provisos:

- (a) a railway administration 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 owners and occupiers of the land have agreed to receive and have been paid compensation in consideration of their not requiring the works to be made;
- (b) subject to the provisions of this Act, a railway administration shall not be compelled to defray the cost of executing any further or additional accommodation works for the use of the owners or occupiers of the lands after the expiration of 10 years from the date on which the railway passing through the lands was first opened for public traffic;
- (c) where a railway administration 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 railway administration shall not be compelled to provide

other accommodation for the crossing of the road or stream.

(4) The Minister may appoint a time for the commencement of any work to be executed under subsection (1), and if for 14 days next after that time the railway administration fails to commence the work, or having commenced it fails to proceed diligently to execute it in a sufficient manner, the Minister may execute it and recover from the railway administration the cost incurred by him in the execution thereof.

### **Power for owner, occupier or local authority to cause additional accommodation works to be made**

**14.** If an owner or occupier of any land affected by any railway considers the works made under section 13 to be insufficient for the commodious use of the land, or if the Land Transport Authority desires to construct a public road or other work across, under or over the railway, he may at any time require the railway administration to make at his expense such further accommodation works as he thinks necessary and are agreed to by the railway administration or as, in case of difference of opinion, are authorised by the Minister.

*[4/99 wef 01/04/1999]*

### **Fences, screens, gates and bars**

**15.—(1)** The Minister may require that within a time to be specified in the requisition or within such further time as he appoints in this behalf —

- (a) boundary marks or fences shall be provided or renewed by the railway administration for the railway or any part thereof and for roads constructed in connection therewith;
- (b) any works in the nature of a screen near to or adjoining the side of any public road constructed before the making of the railway shall be provided or renewed by the railway administration for the purpose of preventing danger to passengers on the road by reason of horses or other animals being frightened by the sight or noise of the rolling-stock moving on the railway;

- (c) suitable gates, chains, bars, stiles or handrails shall be erected or renewed by the railway administration at places where the railway crosses a public road on the level;
- (d) persons shall be employed by the railway administration to open and shut such gates, chains or bars.

### **Penalty**

(2) Any railway company which fails to comply with any requisition made under this section shall forfeit to the Government a sum of \$100 for every day after the first during which such default continues.

### **Over and under bridges**

**16.—**(1) Where the railway administration has constructed the railway across a public road on the level, the Minister may at any time, if it appears to him necessary for the public safety, require the railway administration within such time as he thinks fit to carry the road either under or over the railway by means of a bridge or arch with convenient ascents and descents and other convenient approaches instead of crossing the road on the level, or to execute such other works as in the circumstances of the case appear to the Minister to be best adapted for removing or diminishing the danger arising from the level crossing.

(2) The Minister may require as a condition of making a requisition under subsection (1) that the Land Transport Authority shall undertake to pay the whole of the cost to the railway administration of complying with the requisition or such portion of the cost as the Minister thinks just.

*[4/99 wef 01/04/1999]*

### **Level crossings over public carriageways**

**17.—**(1) Where a railway crosses any public carriage road on a level, the railway administration shall erect and at all times maintain good and sufficient gates across the railway on each side of such road where the road communicates with the railway, and shall employ proper persons to open and shut such gates.

(2) Such gates shall be kept constantly closed across such railway except when engines or carriages passing along the railway have occasion to cross such road, and the person entrusted with the care of the gates shall cause the gates to be closed, as soon as the engines or carriages have passed through the gates, under penalty of a sum not exceeding \$50 for every default therein.

(3) The Minister may in any case order that any of such gates may be kept closed against the road instead of against the railway.

(4) The Minister may impose any conditions with regard to such order.

### **Penalty**

(5) Any railway company which fails to erect or maintain sufficient gates in accordance with this section at any level crossing, or fails to employ a proper person to open and shut such gates shall forfeit to the Government a sum of \$100 for every day during which such default continues.

(6) (a) The Minister may, subject to such conditions as he thinks fit to impose, declare that subsections (1) and (2) shall not apply to such crossings as are specified in the declaration and thereupon the railway administration shall be relieved of the obligations under those subsections in respect of the crossings. Such declaration shall be published in the *Gazette*.

(b) Where any such declaration has been made the railway administration shall erect warning boards alongside of the public carriage road and whistle-signals upon the railway at suitable distances from such level crossings, and the driver of every locomotive engine shall sound the whistle of his engine in accordance with the signals before the engine crosses the road.

(c) The railway administration shall not be liable for death or injury caused to any person or for damage to any property by the passage of any locomotive engine or any other rolling-stock attached thereto across the public carriage road at such level crossings unless it is proved that the driver of the locomotive engine did not sound the whistle of his engine in accordance with the signals.

(d) For the purposes of this subsection, “locomotive engine” includes any vehicle used upon the railway which is drawn or propelled by any motive power.

### **Level crossings over public roads other than carriageways**

**18.**—(1) If a railway crosses any highway other than a public carriageway on the level, the railway administration shall make where necessary, and at all times maintain, convenient ascents and descents and other convenient approaches with handrails or other fences, and, if the highway is a footway, good and sufficient gates or stiles on each side of the railway where the highway communicates therewith.

(2) The manager shall be judge of the necessity in the case of a railway administered by the Government, and the Land Transport Authority in the case of a railway administered by a company.

*[4/99 wef 01/04/1999]*

### **Penalty**

(3) Any railway company which fails to comply with this section shall forfeit to the Government a sum of \$100 for every day during which the default continues.

### **Removal of trees dangerous to or obstructing the working of a railway**

**19.**—(1) In either of the following cases:

(a) where there is danger that a tree standing near a railway may fall on the railway so as to obstruct traffic;

(b) when a tree obstructs the view of any fixed signal,

the railway administration may, with the permission of any Magistrate’s Court, fell the tree or deal with it in such other manner as will, in the opinion of the railway administration, avert the danger or remove the obstruction, as the case may be.

(2) In case of emergency the power mentioned in subsection (1) may be exercised by the railway administration without the permission of a Magistrate’s Court.

(3) Where a tree felled or otherwise dealt with under subsection (1) or (2) was in existence before the railway was constructed or the signal was fixed, any Magistrate's Court may, upon the application of the persons interested in the tree, award to those persons such compensation as it thinks reasonable.

(4) Such an award, subject to an appeal to the High Court, shall be final.

(5) Except as provided in subsection (3), a civil court shall not entertain a suit to recover compensation for any tree felled or otherwise dealt with under this section.

**Notice to be given by owner or occupier of land felling or clearing any trees or jungle adjacent to railway**

**20.**—(1) In the event of the owner or the occupier of any land felling or clearing any trees or jungle adjacent to the railway or to any telegraphs or telephones erected thereon, the owner or occupier shall give to the railway administration 7 days' previous notice in writing of his intention to do so and shall take all such reasonable precautions as the railway administration requires for the protection of the railway or of any telegraphs or telephones erected thereon.

(2) In the event of any such owner or occupier causing damage to the railway or to any telegraphs or telephones erected thereon, the amount of any such damage shall, in default of agreement, be recoverable in a summary manner before a Magistrate's Court.

(3) If any such claim exceeds \$500 proceedings shall be taken before the High Court.

**PART III**

**OPENING OF THE RAILWAY**

**Right to use locomotives**

**21.**—(1) A railway administration may, with the previous sanction of the Minister, use upon a railway locomotive engines or other motive power and rolling-stock to be drawn or propelled thereby.

(2) Rolling-stock shall not be moved upon a railway by steam or other motive power until such general rules for the railway as are considered necessary have been made, sanctioned and published under this Act.

### **Notice of intended opening of a railway**

**22.**—(1) Subject to subsection (2), a railway administration shall one month at least before it intends to open any railway for the public carriage of passengers give to the Minister notice in writing of its intention.

(2) The Minister may in any case, if he thinks fit, reduce the period of or dispense with the notice mentioned in subsection (1).

### **Sanction of Minister to opening of railway**

**23.**—(1) No railway shall be opened for the public carriage of passengers until the Minister has by order sanctioned the opening thereof for that purpose.

(2) The sanction of the Minister shall not be given until an engineer, to be appointed by the Minister, has, after inspection of the railway, reported in writing to the Minister that —

- (a) he has made a careful inspection of the railway and rolling-stock;
- (b) the weight of rails, strength of bridges, general structural character of the works, and the size of and maximum gross load upon the axles of any rolling-stock are such as have been prescribed by the Minister;
- (c) the railway is sufficiently supplied with rolling-stock;
- (d) in his opinion the railway can be opened for the public carriage of passengers without danger to the public using it.

(3) This section shall extend to the opening of any additional works forming part of or directly connected with the railway which have been constructed after the inspection which preceded the first opening of the railway, and also to any alteration or reconstruction

materially affecting the structural character of any work to which this section applies.

(4) The Minister may make rules defining the cases in which, and in those cases the extent to which, the procedure prescribed in this section may be dispensed with in regard to the classes of works specified in subsection (3).

### **Reopening line after temporary suspension of traffic**

**24.** When an accident has occurred, resulting in a temporary suspension of traffic, and either the original line and works have been rapidly restored to their original standard or a temporary diversion has been laid for the purpose of restoring communication, the original line and works so restored or the temporary diversion, as the case may be, may be opened for the public carriage of passengers subject to the following conditions:

- (a) that the railway employee in charge of the works undertaken by reason of the accident has certified in writing that the opening of the restored line and works or of the temporary diversion will not, in his opinion, be attended with danger to the public using the line and works or the diversion;
- (b) that notice by any form of telecommunication of the opening of the line and works or the diversion shall be sent as soon as possible to the Minister.

### **Inspection**

**25.** After any railway has been opened the railway and the rolling-stock used thereon shall be inspected by an engineer to be appointed by the Minister at such intervals as the Minister directs.

### **Power to close railway when opened**

**26.—(1)** If at any time after inspecting a railway or any rolling-stock used thereon the engineer is of opinion that the use of the railway or of any specified rolling-stock will be attended with danger to the public using it, he shall state that opinion, together with the grounds hereof, to the Minister.

(2) The Minister may thereupon order that the railway shall be closed for the public carriage of passengers, or that the use of the rolling-stock so specified shall be discontinued, or that the railway or the rolling-stock so specified shall be used for the public carriage of passengers on such conditions only as the Minister considers necessary for the safety of the public.

(3) An order under subsection (2) must set forth the grounds on which it is founded.

### **Reopening railway when closed**

**27.**—(1) When at any time a railway has been closed under section 26 it shall not be reopened for the public carriage of passengers until it has been inspected and its reopening sanctioned in accordance with this Act.

(2) When the Minister has ordered under section 26 that the use of any specified rolling-stock shall be discontinued, that rolling-stock shall not be used until the engineer has reported that it is fit for use and the Minister has sanctioned its use.

### **Penalty for contravention of this Part**

**28.** Any railway company which acts in contravention of any of the provisions of this Part shall forfeit to the Government a sum of \$200 for every day during which such contravention continues.

## PART IV

### RETURNS

#### **Returns**

**29.**—(1) Every railway company shall, in forms to be approved by the Minister, prepare half-yearly, or at such intervals as the Minister prescribes, such returns of its capital and revenue transactions and its traffic as the Minister requires, and shall forward a copy of those returns to the Minister at such times as he directs.

**Penalty**

(2) Any railway company which fails to comply with this section shall forfeit to the Government a sum of \$50 for every day during which the default continues after the 14th day from the date prescribed for the submission of the return.

**Provision for letters**

**30.** A railway administration may carry letters on railway service or letters containing invoices or railway receipts for traders.

**PART V****PROPERTY TAX****Taxation of railway**

**31.** Notwithstanding anything to the contrary in any Act or in any agreement or award based on any Act, the following rules shall regulate the imposition of property tax in respect of the railway and from the railway administration:

- (a) the property tax payable by the railway administration of Malaysia shall not exceed such amount as is fixed by order of the Minister on the application of the Comptroller of Property Tax or of the railway administration;
- (b) nothing in this section is to be construed as debarring the railway administration from entering into a contract with any authority for the supply of water or light or for the scavenging of railway premises, or for any other service which the authority may be rendering or be prepared to render within any part of the local area under its control.

**PART VI****LEGAL PROCEEDINGS****Actions against railway administration, how brought**

**32.—**(1) In the case of a railway administered by the Government or the government of Malaysia all actions and suits which, if the

railway were the property of a company under the Companies Act [Cap. 50] having its registered office in Singapore might be brought by and against such company, may be brought by and against the manager.

(2) For the purpose of all such actions and suits the lands, buildings, rolling-stock and other property appertaining to that railway shall be deemed to be the property of the manager.

### **Restriction on execution against railway property**

**33.**—(1) None of the rolling-stock, machinery, plant, tools, fittings, materials or effects used or provided by a railway administration for the purpose of the traffic on its railway, or of its stations or workshops, shall be liable to be taken in execution of any decree or order of any court or of any local authority or person having by law power to attach or distrain property, or otherwise to cause property to be taken in execution.

(2) Nothing in subsection (1) shall be construed as affecting the authority of any court to attach the earnings of a railway in execution of a judgment or order.

### **Service of summons, notices, etc.**

**34.**—(1) Any summons, notice, order or other document required to be served upon the manager or upon the company, as the case may be, may be served by leaving the same or sending it through the post by a registered letter addressed to the manager or to the company, as the case may be, at the principal office of the railway administration.

(2) Where a summons, notice, order or other document is served by post it shall be deemed to have been served at the time when the letter containing it would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the letter containing the summons, notice, order or other document was properly addressed and registered.

### **Provisions as to railway employees**

**35.**—(1) Every railway employee shall be deemed to be a public servant for the purpose of Chapter IX of the Penal Code [Cap. 224].

(2) In section 161 of the Penal Code [Cap. 224], “Government” shall for the purpose of subsection (1) be deemed to include a railway administration.

(3) Notwithstanding anything in section 21 of the Penal Code, a railway employee shall not be deemed to be a public servant for any of the purposes of that Code except those mentioned in subsection (1).

(4) In this section, “railway employee” includes any person who, having been appointed to serve in the railway police force of Malaysia, is actually serving in that capacity in Singapore.

## PART VII

### RESPONSIBILITY OF A RAILWAY ADMINISTRATION AS CARRIERS

#### **Liability for loss or injury in respect of goods**

**36.** The railway administration shall in no case be liable for loss or injury to any articles or goods to be carried by the railway unless the loss or injury has been caused by negligence or misconduct on the part of its agents or employees, and unless the articles or goods in respect of which compensation is claimed have been booked and paid for in conformity with this Act or the rules made thereunder.

#### **Provision as to liability in respect of carriage of certain animals**

**37.—(1)** The responsibility of a railway administration for the loss, destruction or deterioration of animals delivered to the administration to be carried on the railway shall not in any case exceed, in the case of horses, \$350 a head, or in the case of mules, donkeys or horned cattle, \$100 a head, or in the case of sheep, goats, dogs or other animals, \$20 a head unless the person sending or delivering them to the administration caused them to be declared or declared them at the time of their delivery for carriage by railway to be respectively of higher value.

(2) Where such higher value has been declared the railway administration may charge in respect of the increased risk a

percentage upon the excess of the value so declared over the respective sums aforesaid.

(3) The railway administration shall not under any circumstances be liable for the loss, destruction or deterioration of any animal if such loss, destruction or deterioration is due to fright or restiveness not caused by negligence or misconduct on the part of any railway official, nor for any loss or damage arising from delay in the conveyance of any animal not caused by such negligence or misconduct as aforesaid.

### **Liability in respect of vehicles**

**38.—**(1) The railway administration shall not be liable for the loss, destruction or deterioration of any traction engine, motor car or other vehicle delivered to it to be carried on the railway unless that vehicle has been delivered into the custody of a railway clerk or station master and a written acknowledgment of the receipt by the railway administration of the vehicle has been obtained.

(2) The responsibility of the railway administration for the loss, destruction or deterioration of traction engines, motor cars and other vehicles delivered into the custody of a railway clerk or station master to be carried on the railway and in respect of which such written acknowledgment as is referred to in subsection (1) has been obtained shall not extend to the payment, in respect of any one vehicle, of any sum in excess of the following limits:

	§
in the case of a traction engine or motor car of a kind not herein otherwise specifically referred to ... ..	200
in the case of a coach, carriage, ghari or omnibus ... ..	100
..	
in the case of a motor-bicycle or motor-tricycle ...	50
in the case of any other vehicle ... ..	10

except where the person delivering or causing delivery of a vehicle into the custody of a railway clerk or station master declared it in writing or caused it to be declared in writing at the time of such

delivery to be of a value exceeding the limit hereinbefore prescribed in respect of that vehicle and paid by way of compensation for increased risk a sum, in addition to the prescribed charge for carriage by railway, equal to 1% upon the excess of the value so declared over the limit hereinbefore prescribed.

(3) In this section —

“motor car” includes every description of vehicle propelled by mechanical power other than a traction engine;

“traction engine” means every description of vehicle propelled by mechanical power and constructed for the purpose of drawing a carriage or the carriage of goods and merchandise, and includes rollers, road sprinklers, and every other vehicle propelled by mechanical power not constructed for the conveyance of passengers, but shall not include a fire engine or vehicle used in connection therewith;

“vehicle” includes, in addition to the vehicles mentioned in subsection (2), carts, wagons, vans, lorries, trishaws, bicycles, tricycles, hand-carts and other vehicles used or intended to be used for the conveyance of persons or goods.

### **Liability as to passengers’ luggage**

**39.—**(1) The railway administration shall not be responsible for the loss, destruction or deterioration of any article of passengers’ luggage unless it has been delivered into the custody of a railway official and retained in the sole custody of the railway administration. For the purposes of this section luggage placed at the request of a passenger in the compartment in which he intends to travel shall be deemed not to be retained in the sole custody of the railway administration.

(2) The responsibility of the railway administration for the loss, destruction or deterioration of any article of passengers’ luggage delivered into the custody of a railway official shall not, whether that article was registered or not, extend to the payment in respect of any one article and its contents of any sum in excess of the limits hereby prescribed —

§

in the case of a passenger duly furnished with a ticket 100  
for a carriage of the 1st class ...

in the case of a passenger duly furnished with a ticket 50  
for a carriage of the 2nd class ...

in the case of a passenger duly furnished with a ticket 25  
for a carriage of the 3rd class ...

unless the value of such article has been declared and a percentage on the amount by which the value of such article exceeds the limits prescribed above has been paid by way of compensation for the increased risk.

### **Liability as to articles of special value**

**40.**—(1) When any articles mentioned in the Schedule are contained in any parcel or package delivered to a railway administration for carriage by railway, whether as passengers' luggage or not, and the value of such articles in the parcel or package exceeds \$100, the railway administration shall not be responsible beyond that sum for the loss, destruction or deterioration of the parcel or package unless the person sending or delivering the parcel or package to the railway administration caused its value and contents to be declared or declared them at the time of the delivery of the parcel or package for carriage by railway, and if so required by the railway administration paid or engaged to pay a percentage on the value so declared by way of compensation for increased risk.

(2) When any parcel or package of which the value has been declared under subsection (1) has been lost or destroyed or has deteriorated, the compensation recoverable in respect of such loss, destruction or deterioration shall not exceed the value so declared, and the burden of proving the value so declared to have been the true value shall, notwithstanding anything in the declaration, lie on the person claiming the compensation.

(3) A railway administration may make it a condition of carrying a parcel declared to contain any article mentioned in the Schedule that the railway employee authorised in this behalf has been satisfied by

examination or otherwise that the parcel actually contains the article declared to be therein.

(4) This section shall not apply to any parcel carried by the railway for any postal authority.

### **Liability in case of through booking by rail and boat**

**41.**—(1) When a railway administration contracts to carry passengers, animals, luggage or goods partly by railway and partly by sea, a condition exempting the railway administration from responsibility for any loss of life, personal injury, or loss of or damage to animals, luggage or goods which happens during the carriage by sea from the act of God, the State's enemies, fire, accidents from machinery, boilers and steam, and all and every other dangers and accidents of the seas, rivers and navigation of whatsoever nature and kind shall, without being expressed, be deemed to be part of the contract.

(2) Subject to the condition contained in subsection (1), the railway administration shall, irrespective of the nationality or ownership of the ship used for the carriage by sea, be responsible for any loss of life, personal injury, or loss of or damage to animals, luggage or goods which, without its actual fault or privity, happens during the carriage by sea, whether from improper navigation or management of the ship or otherwise, to the following extent only:

- (a) in respect of loss of life or personal injury to any passenger, either alone or together with loss of or damage to animals, luggage or goods, the railway administration shall not be liable to damages beyond an aggregate amount not exceeding \$125 for each ton of the vessel used for the carriage by sea;
- (b) in respect of loss of or damage to any animals, luggage or goods, whether there is in addition loss of life or personal injury or not, the railway administration shall not be liable to damages beyond an aggregate amount not exceeding \$60 for each ton of the vessel for the carriage by sea.

(3) For the purposes of this section, the tonnage of a steam vessel shall be her gross tonnage, and the tonnage of a sailing vessel shall be her registered tonnage.

(4) The limitation of liability under this section shall relate to the whole of any losses or damages which arise upon any one distinct occasion, although such losses or damages are sustained by more than one person.

(5) The burden of proving that any such loss, injury or damage as is mentioned in subsection (1) happened during the carriage by sea shall be upon the railway administration.

### **Liability in respect of contracts to carry by river or sea and not by railway**

**42.** When the railway administration contracts to carry by river or sea but not by railway any merchandise, machinery, bales, boxes, casks, crates or any other article or thing whatsoever for transshipment from a ship or boat to another ship or boat or to the shore or from the shore to any ship or boat, the railway administration shall not be liable for loss of or damage to any article or thing which in pursuance of such contract is in or upon any ship, boat, lighter or other vessel of or employed by the railway administration, whether the same is in motion or not, unless the loss or damage arises from or is caused by the wilful default of the railway administration or its employees.

### **Burden of proof in respect of loss of animals or goods**

**43.—(1)** Subject to any agreement in writing to the contrary, in any suit against a railway administration for compensation for loss, destruction or deterioration of animals or goods or passengers' luggage delivered to the railway administration for carriage by railway, it shall not be necessary for the plaintiff to prove how the loss, destruction or deterioration was caused.

(2) In every such proceedings the burden of proving the value of the animals or goods or passengers' luggage, and, where the same have been injured, the extent of the injury, shall lie upon the person claiming the compensation.

**Notification of claims to refund of overcharges and compensation for losses**

**44.** No person shall be entitled to a refund of an overcharge in respect of animals or goods carried by a railway or to compensation for the loss, destruction or deterioration of animals or goods delivered to be so carried unless his claim to the refund or compensation has been preferred in writing by him, or on his behalf, to the railway administration within 6 months from the date of the delivery of the animals or goods for carriage by railway.

**Exoneration from responsibility in case of goods falsely described**

**45.—(1)** Notwithstanding anything in this Part, a railway administration shall not be responsible for the loss, destruction or deterioration of any goods with respect to the description of which a materially false account has been given to the railway administration by the owner or person having charge thereof if the loss, destruction or deterioration is in any way brought about by the false account.

(2) The railway administration shall not be responsible in any case for an amount exceeding the value of the goods if such value were calculated in accordance with the description contained in the false account.

**PART VIII****ACCIDENTS****Notice of accident to be given**

**46.—(1)** Whenever an accident occurs upon a railway —

- (a) the station master nearest to the place at which the accident occurs shall without unnecessary delay give notice of the accident in writing or by any form of telecommunication to the officer in charge of the nearest police station; and
- (b) the railway administration shall without unnecessary delay send written notice of the accident to the Minister.

(2) The notice shall contain a brief statement of the nature of the accident and of the injuries or damage caused.

### **Joint inquiry**

**47.**—(1) As soon as possible after the occurrence of an accident the railway administration shall cause an inquiry (hereinafter referred to as a joint inquiry) to be made by a committee of railway officials for the investigation of the causes which led to the accident:

Provided that in cases where —

(a) there is no reasonable doubt as to the cause of the accident;  
or

(b) one sub-department of the railway accepts all responsibility,

it shall not be necessary to hold such joint inquiry.

### **Departmental inquiry**

(2) Where a joint inquiry is not held the head of the sub-department of the railway responsible for the accident shall cause a departmental inquiry to be held.

### **Report of inquiry**

(3) The railway administration shall report the result of the joint or departmental inquiry to the Minister, and shall state what action it is proposed to take in regard to the officials responsible for the accident or for the revision of the rules or system of working.

### **Minister may order inquiry by Magistrate**

**48.**—(1) The Minister may, in any case in which he considers it advisable, order that an inquiry into the cause of any accident be made by any Magistrate or other person designated in such order.

(2) A Magistrate appointed to hold an inquiry under this section shall have all the powers which he would have in holding an inquiry into an offence.

(3) Any other person so appointed shall have and may exercise for the purposes of such inquiry all the statutory and other powers which

shall be for the time being vested in and exercisable by a Magistrate for summoning and enforcing the attendance of witnesses, for administering oaths or affirmations to such witnesses and for compelling such witnesses to answer all reasonable and proper questions relative to the matters which are the subject of such inquiry.

### **Report of inquiry**

(4) The Magistrate or other person holding such inquiry shall submit to the Minister a copy of the proceedings and a report in writing as to the cause or origin of the accident, and shall state whether in his opinion it was caused by design or was the result of accident or of negligence, stating the full particulars of the case and the conclusions at which he has arrived.

### **Meaning of “accident”**

**49.** For the purpose of sections 46, 47 and 48, “accident” means an accident attended by loss of human life or grievous hurt, within the meaning of the Penal Code [Cap. 224], to any passenger upon any train or to any person engaged in the working of the railway or by serious damage to property, or an accident of such a description as is usually attended by such loss, hurt or damage.

### **Power to make rules regarding notices, etc.**

**50.** The Minister may make rules for —

- (a) prescribing the forms of the notices mentioned in section 46, and the particulars of the accident which those notices are to contain;
- (b) prescribing the class of accidents of which notice is to be sent by any form of telecommunication immediately after the accident has occurred;
- (c) prescribing the duties of railway employees or police officers on the occurrence of an accident;
- (d) holding inquiries into accidents.

**Submission of return of accidents**

**51.** Every railway administration shall send to the Minister a return of accidents occurring upon its railway, whether attended with personal injury or not, in such form and manner and at such intervals of time as the Minister directs.

**Penalties for failure to comply with sections 46 and 50**

**52.—(1)** Any railway company which fails to give such notice of an accident as is required by section 46 and the rules for the time being in force under section 50 shall forfeit to the Government a sum of \$100 for every day during which the omission continues.

(2) Any station master or railway employee who omits to give such notice of an accident as is required by section 46 and the rules made under section 50 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50.

**Penalty for failure to comply with section 51**

**53.** Any railway company which fails to comply with section 51 with respect to the submission of any return shall forfeit to the Government a sum of \$50 for every day during which the default continues after the 14th day from the date prescribed for the submission of the returns.

**Provision for compulsory medical examination of person injured in railway accident**

**54.** 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 that the person injured be examined by some duly qualified medical practitioner named in the order and not being a witness on either side, and may make such order with respect to the costs of the examination as it or he thinks fit.

PART IX  
MANAGEMENT

**General rules**

**55.**—(1) The railway administration, subject to the approval of the Minister, shall make general rules for —

- (a) regulating the mode in which and the speed at which the rolling-stock used on any railway is to be moved or propelled;
- (b) providing for the accommodation and convenience of passengers and regulating the carriage of their luggage;
- (c) declaring what shall be deemed to be for the purposes of this Act dangerous or offensive goods, and for regulating the carriage of those goods;
- (d) regulating the classification of goods and specifying the goods that are to be charged for at special rates;
- (e) regulating the conduct of the railway employees;
- (f) fixing the charges to be made for the conveyance of passengers, passengers' luggage, parcels, goods, animals and vehicles by the railway;
- (g) regulating the conditions on which the railway administration will carry persons suffering from infectious or contagious diseases, and providing for the disinfection of carriages which have been used by such passengers;
- (h) regulating the terms and conditions on which the railway administration will warehouse or store or retain passengers' luggage, parcels and goods at any station for or on behalf of the consignee or owner;
- (i) regulating the travelling upon and the use, working and management of the railway.

(2) The rules may provide that any person committing a breach of any of them shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50.

(3) The railway administration shall keep at each station on its railway a copy of the tariff book for the time being in force under this section, and shall allow any person to inspect it at all reasonable times.

### **Penalty**

(4) Any railway company which omits to make general rules in accordance with this section shall forfeit to the Government a sum of \$20 for every day during which such omission continues.

### **Special rates for goods traffic**

**56.** Notwithstanding anything in section 55, it shall be lawful for the railway administration to prescribe special rates for rail or road services, not exceeding in any case the rate prescribed by rules made under that section.

### **Disposal of differences between railways regarding conduct of joint traffic**

**57.** Where two or more railway administrations whose railways have a common terminus or a portion of the same line of railway communication are not able to agree upon arrangements for conducting at such common terminus or at the point of junction between them their joint traffic with safety to the public, the Minister, upon the application of either or any of such administrations, may decide the matters in dispute between them, so far as those matters relate to the safety of the public, and may determine whether the whole or what proportion of the expenses attending on such arrangements shall be borne by either or any of the administrations respectively.

### **Maximum load for wagons**

**58.—(1)** The railway administration shall determine the maximum load for every wagon or truck in its possession, and shall exhibit the load so determined in a conspicuous manner on the outside of every such wagon or truck.

(2) Every person owning a wagon or truck which passes over the railway shall similarly determine and exhibit the maximum load for the wagon or truck.

(3) The gross weight of any such wagon or truck bearing upon the axles when the wagon or truck is loaded to such maximum load shall not exceed such limit as is approved by the Land Transport Authority for the class of axle under the wagon or truck.

*[4/99 wef 01/04/1999]*

### **Penalty**

(4) Any railway company which and any person who fails to comply with this section shall forfeit to the Government a sum of \$20 for every day during which this section is contravened.

### **Maximum number of passengers**

**59.**—(1) Every railway administration shall fix, subject to the approval of the Minister, the maximum number of passengers which may be carried in each compartment of every description of carriage, and shall exhibit the number so fixed in a conspicuous manner inside or outside each compartment in English, Malay, Chinese and Tamil.

### **Penalty**

(2) Any railway company which contravenes this section shall forfeit to the Government a sum of \$20 for every day during which this section is contravened.

### **Immunity from arrest**

**60.** No person connected with the direct working of a railway shall be removed under arrest by the police while actually engaged in the performance of his duties, until the head of the department in which he is employed has had an opportunity of providing a substitute for him.

### **Punishment to be imposed by manager**

**61.**—(1) The manager of a railway administered by the Government or by the government of Malaysia may, at his discretion and subject to subsection (2), summarily dismiss on the

ground of misconduct, continued neglect of duty, incompetence or inefficiency any railway official not under written agreement and in receipt of a salary of less than \$400 per month, or may suspend any such official from the performance of his duties or may reduce such official to a lower grade.

### **Appeal**

(2) Any official so dismissed, suspended or reduced shall have the right of appeal to the Minister or the appropriate Minister of Malaysia, as the case may be.

(3) If such suspension, dismissal or reduction is confirmed by the Minister or the appropriate Minister of Malaysia, as the case may be, the official, if suspended, shall thereupon be dismissed from the service of the Government, or, if already dismissed by the manager, shall be deemed to be finally dismissed without further appeal.

### **By-laws**

(4) The manager may make such by-laws as he thinks fit for the purpose of regulating the conduct of the officials employed on the railway, and a copy thereof shall be given to every official affected thereby.

(5) The manager may by such by-laws impose such reasonable penalties upon all persons, being officials employed on the railway, offending against those by-laws as he thinks fit, not exceeding in any one month 7 days' pay of any such official.

### **Appeal against penalties**

(6) Any such official who feels aggrieved by any such penalty may appeal to the Minister or the appropriate Minister of Malaysia, as the case may be, whose decision shall be final.

(7) The imposition of fines under subsection (5) upon any official employed on the railway shall, subject to subsection (6), be wholly within the discretion of the manager; and in the event of his considering that any offence or misconduct in respect of which the fine has been incurred would be better dealt with by a criminal

prosecution, he may institute such prosecution in lieu of the imposition of such fine.

### **Fares to be prepaid and passengers' tickets to be given up on demand**

**62.**—(1) No person shall enter any carriage used on a railway or any steamer or other vessel used for carrying on the traffic of a railway, for the purpose of travelling therein, without first having paid his fare and obtained a ticket.

(2) Every person desirous of travelling on the railway shall, upon payment of his fare, be furnished with a ticket specifying the class of carriage or accommodation for, and the station or place from, and the station or place to, which the fare has been paid, and shall when required show his ticket to any railway official duly authorised to examine the ticket, and shall deliver up the ticket upon demand to any railway official duly authorised to collect tickets.

(3) Any person travelling without a ticket or not producing or delivering up his ticket as aforesaid shall be liable to pay —

- (a) the fare for the distance travelled or, where there is any doubt as to the station or place from which he started, the fare from the station or place which the train, steamer or vessel originally started; and in addition
- (b) a special charge of 50 cents, 25 cents or 10 cents according as he travelled in a carriage or enjoyed accommodation of the 1st, 2nd or 3rd class.

(4) Such fare and special charge shall be paid on demand to any railway official duly authorised to collect tickets and, if not so paid, payment thereof may be enforced in the same manner as any fine imposed under this Act.

### **Fare and freight to be accepted conditionally**

**63.**—(1) The fare and freight paid for the conveyance of passengers or goods by any particular train, steamer or other vessel shall be deemed to be accepted only upon condition that there is room in such train, steamer or other vessel for the passengers or goods to be conveyed.

(2) In case there is not room for all the passengers or goods, those passengers who have obtained tickets for the longest distance shall have the preference, and those who have obtained tickets for the same distance shall have the preference according to the order in which they have received their tickets, and the like order shall be observed as to goods.

(3) All officers and troops on duty, and all other persons travelling on the business of the Government shall be entitled to be conveyed on the railway in preference to or in priority over the public without reference to the distance for which, or the order in which, they have received their tickets.

### **Penalty for fraud**

**64.** Any person who —

- (a) defrauds or attempts to defraud a railway administration —
  - (i) by travelling or attempting to travel upon the railway without having previously paid his fare;
  - (ii) by riding in or upon a carriage of a higher class than that for which he has paid his fare; or
  - (iii) by continuing his journey in or upon any of the carriages beyond the station for which he has paid his fare without having previously either paid the fare for the additional distance or obtained the sanction of the station master or guard of the train;
- (b) knowingly and wilfully refuses or neglects on arriving at the station to which he has paid his fare to quit such carriage and railway premises;
- (c) transfers or profits by the transfer of the return half of any ticket obtained by him; or
- (d) in any other manner whatever attempts to evade the payment of his fare,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100 for each offence.

**Fines for entering carriages in motion or riding on the steps**

**65.** Any passenger who gets into or upon or attempts to get into or upon or quits or attempts to quit any carriage upon a railway while that carriage is in motion, or who rides or attempts to ride upon the railway on the steps or any other part of a carriage, except on those parts which are intended for the accommodation of passengers, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20 for each offence.

**Fine for riding on engine, tender or luggage van**

**66.** Any person other than the engineman and fireman and assistant fireman, if any, who without the special licence of the manager or locomotive superintendent rides or attempts to ride upon any locomotive engine or tender upon a railway, and any person other than the guard or brakesman who without special permission of the manager or traffic manager rides or attempts to ride upon the railway in or upon any luggage van or goods wagon or other vehicle not appropriated to the carriage of passengers shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$40 for each offence.

**Penalty for smoking etc., in prohibited places**

**67.—(1)** No person shall smoke, expectorate or chew betel, bhang, tobacco, opium or other like substance in or upon any platform, waiting room, booking hall, office, carriage, passage, subway or footbridge or in any other place belonging to the railway where such smoking, expectoration or chewing is prohibited.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20 for each offence.

(3) Any person who persists in infringing this section, after being warned to desist by any railway official or passenger, may, in addition to incurring the liability abovementioned, be removed by any official from any such carriage and from the premises appertaining to the railway and shall, if a passenger, forfeit his fare.

**Penalty for intoxication or nuisance**

**68.**—(1) Any person who —

- (a) is in a state of intoxication or is insufficiently or indecently clad;
- (b) commits any nuisance or act of indecency in any railway carriage or upon any part of the premises appertaining to a railway; or
- (c) wilfully and without lawful excuse interferes with the comfort of any passenger on the railway,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$40 or to imprisonment for a term not exceeding 3 months or to both.

(2) In addition to such liability the offender may be removed by any railway official from any such carriage and also from the premises appertaining to the railway and shall, if a passenger, forfeit his fare.

**Penalty for improper use of emergency signal apparatus**

**69.** Any person who makes improper use of the emergency signal apparatus provided in any carriage or on any train by the railway administration for the use of passengers to stop a train in the case of emergency shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100.

**Passengers may be directed as to the carriage in which they shall travel**

**70.**—(1) Any passenger may be directed by a station master, guard or other railway official to enter and travel in any carriage or compartment which such railway official indicates, not being of a lower class than that for which he has paid his fare.

(2) Any passenger who refuses or neglects to conform to such direction may be removed by any railway official from the premises appertaining to the railway and shall forfeit his fare.

**Penalty for entering private room or carriage**

**71.** If any special carriage or portion of a carriage or any private room or apartment is provided for the exclusive use of females, any male person who without lawful excuse enters such carriage or portion of a carriage or any such room or apartment knowing the same to be so appropriated, or remains therein after having been informed of its exclusive appropriation, or if any special carriage or compartment has been reserved for the private use of any person or persons and anyone without lawful excuse enters that carriage or compartment knowing the carriage to be so reserved, or remains therein after being requested to leave, or if any person who has obtained a ticket of one class knowingly and wilfully refuses or neglects to leave any room or place set apart for passengers of a higher class, that person may be forthwith removed therefrom and also from the premises appertaining to the railway by any railway official and shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100 and shall, if a passenger, forfeit his fare.

**Remedy for non-payment of sum due for the carriage of goods**

**72.—(1)** If any person fails to pay on demand any sum due to or recoverable by a railway administration in respect of any goods, whether the sum is due for conveyance, handling, storage, demurrage, wharfage and other port charges, or in repayment of any sum disbursed by a railway administration, or otherwise, the manager may detain all or any part of such goods, or if the goods have been removed from the premises appertaining to the railway, any other goods of that person which are then on the railway or thereafter come into the possession of the railway administration, and also after reasonable notice to that person may sell by public auction a sufficient quantity of the goods to realise the sum payable as aforesaid and all charges and expenses of such detention and sale; and out of the proceeds of the sale may retain the sum so payable together with the charges and expenses aforesaid rendering the surplus, if any, of the money arising by the sale and such of the goods as remain unsold to the person entitled thereto; or the manager may recover any such sum by action at law.

(2) The goods of passengers may also be detained and sold and the proceeds disposed of as above provided for non-payment of the fare due by them.

### **Written account of goods to be given on demand**

73.—(1) The owner or person having the care of any goods which have been carried upon a railway, or are brought to the premises appertaining to a railway for the purpose of being carried on the railway, shall on demand by any railway official deliver to that official an exact account in writing signed by him of the number or quantity and description of the goods.

### **Penalty for giving no account or false account**

(2) Any such owner or person who on demand by any railway official fails to give such account to such railway official, or wilfully gives a false account, shall for every such offence be liable on conviction to a fine not exceeding \$40 for every ton of goods and to a fine not exceeding \$20 for any quantity of goods less than a ton.

(3) This section shall not apply to passengers' luggage.

### **Carriage of goods of a dangerous nature**

74.—(1) No person shall carry upon a railway any dangerous article, or be entitled to require any railway official to carry upon the railway any article which in the judgment of any railway official is of a dangerous nature or so bulky that it would be unsafe for the railway to convey that article.

### **Penalty**

(2) Any person who carries upon the railway any dangerous article, or delivers for carriage any such article without distinctly declaring the nature of the article, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200 for every such offence.

(3) Any railway official may refuse to carry any luggage or parcel that is suspected to contain articles of a dangerous nature, and may require the luggage or parcel to be opened.

(4) In case any such luggage or parcel has been received by any railway official for the purpose of being carried on the railway, any railway official may stop the transit thereof until he is satisfied as to the nature of the contents of the luggage or parcel.

### **Persons suffering from leprosy, etc., not allowed to travel**

**75.**—(1) Any person who, knowing himself to be suffering from leprosy, smallpox, or other contagious or infectious disease, travels by a railway, except in accordance with any rules made in that behalf under this Act, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500.

(2) If any person while travelling is discovered to be so suffering, any railway official may remove him from the carriage and from the railway premises at the first opportunity, and that person may, in addition to any fine, be ordered to pay the amount of any expenses incurred in the disinfection of any carriage or portion of a carriage occupied by him while so travelling.

(3) Any such carriage or portion of a carriage shall be properly disinfected as soon as practicable, and shall not be used for the conveyance of passengers till it has been so disinfected.

### **Penalty**

(4) Any railway company which fails to cause any such carriage to be disinfected in accordance with this section shall forfeit to the Government the sum of \$20 for every day during which such default continues.

### **Penalty for removing stakes or pegs**

**76.** Any person who removes any stakes or pegs, or other marks placed by any railway official along the line of the railway or contiguous thereto for the purpose of setting out, tracing or showing such line, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$40.

**Penalty for trespass**

77.—(1) Any person who trespasses upon a railway or upon any of the lands, stations or other premises appertaining thereto, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20.

(2) Any such person who refuses to leave the railway or premises on being requested to do so by any railway official shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$40 and may be immediately removed therefrom.

**Penalty for driving an animal upon or across a railway**

78. Any person who wilfully rides, leads or drives upon or across a railway any animal, except in directly crossing the railway at any road or place appointed for that purpose at a time at which he may lawfully do so, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$40 for each offence.

**Penalty for defacing pass or ticket**

79. Any person who wilfully alters or defaces his pass or ticket so as to render the date, number, or any material portion thereof illegible shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100.

**Penalty for obstructing railway employee**

80. Any person who wilfully obstructs or impedes any railway employee in the discharge of his duty shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200.

**Occupation crossings**

81.—(1) The Minister may declare by notification in the *Gazette* any road or path which a railway crosses to be an “occupation crossing”.

(2) The gates of such occupation crossings shall not close across the railway, and shall be kept locked by means of padlocks, the keys of which shall be kept by railway officials.

(3) A duplicate of the key of the padlock of the gates of any occupation crossing may be entrusted by the railway administration to any person having frequent occasion to use such occupation crossing to be retained during the pleasure of the railway administration and used by him at his discretion subject to a penalty of \$1,000 for misuse.

(4) Any other person desiring to use an occupation crossing shall give notice of his intention to do so to the railway official with whom the key of the padlock is deposited.

(5) The railway administration shall define from time to time the hours suitable for such openings, and the gates shall only be opened by such railway official at the times so defined.

(6) Cattle passing over the occupation crossing shall not be driven but led by a suitable and properly secured halter.

### **Penalty**

(7) Any person other than a person entrusted with a key under subsection (3) who uses or attempts to use an occupation crossing without such notice, or at hours other than those defined, and any person who causes cattle to cross without such halter, and the owner of any cattle so crossing shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$40 or to imprisonment for a term not exceeding 3 months.

(8) Occupation crossings may, with the approval of the Minister, be sanctioned and opened upon any existing line at the discretion of, and upon conditions imposed by the manager, the first cost of construction and an annual rent for maintenance being payable by the person for whom such crossing is constructed.

(9) The manager, with the approval of the Minister, may at any time close any occupation crossing; or, in the event of the neglect of the owner or occupier to comply with the conditions imposed, may, with the like approval, appoint and maintain at such crossing an officer of the railway at the expense of the owner or occupier, and such expense shall be payable in addition to any other sums recoverable under this Act.

**Liability of owner of animal found trespassing**

**82.**—(1) The owner of any animal which trespasses or strays upon the railway or upon any land appertaining to the railway, such railway or lands being provided with suitable fences for excluding cattle, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10 for each animal.

(2) Any railway official may take or drive every animal so found trespassing to the nearest police station, there to be detained until the highest amount of fine incurred by such trespass and the expense of feeding and keeping the animal is paid, or until a Magistrate's Court otherwise orders.

(3) If such animal becomes unmanageable or suffers from fatal or serious injury any railway official not below the rank of station master may shoot or otherwise destroy it, and the owner shall be liable to prosecution and fine if the trespass is proved.

(4) A Magistrate's Court may, upon proof of the trespass, cause such animal to be sold by public auction, and the proceeds of the sale, after deducting therefrom such fine as the Court may award and such further sum as the Court may order to be paid for the expense of detaining, feeding and selling such animal, shall be returned to the owner of the animal on demand.

(5) Nothing in this section shall be deemed to render the railway administration liable for any injury to any animal trespassing or straying upon the railway or upon any land appertaining to the railway for which the railway administration would not have been liable if this section had not become law.

**Penalty for damage, wilful or negligent**

**83.**—(1) Any person who —

- (a) wilfully or negligently damages or injures any carriage, engine, wagon, truck, station, warehouse, bridge, tunnel, culvert, building, machine, rail, points, or any other matter or thing belonging to the railway;

- (b) removes sand or stone or earth or any other matter or thing from banks, bridges, culverts, retaining walls or permanent way of the railway; or
- (c) fells timber in a manner likely to endanger the safety of passing trains, or of any person in or upon such trains, or to cause damage to the permanent way,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200 or to imprisonment for a term not exceeding one year.

(2) Any person who ties up the wires of wire fencing, breaks down or destroys any fencing or hedges, or does or causes to be done any act that damages, or is likely to damage, any fence or hedge appertaining to the railway, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100.

(3) Any person who wilfully diverts any stream or drain, or by any means causes water to flow on to the railway, or causes damage to the railway in any way by water, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200.

(4) Any person who having any contract for the supply of bricks, ballast, timber, fuel, or any other material to the railway, or being employed in connection with the supply to the railway of such material, negligently places or stacks the material in an unsafe or careless manner, or at less than the prescribed distance from the rails so that the safety of passing trains, or of any person in or upon such trains is endangered, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100.

### **Penalty for opening or not properly shutting gates or chains**

**84.** Any person for whose use or accommodation any gate or chain has been set up by any railway official on either side of a railway, or any other person, who opens such gate or chain, or passes, or attempts to pass, or drives, or attempts to drive, any cattle, carriage or other animal or thing across the railway at a time when any engine or train approaching along the gate or chain is in sight, or at any time omits to shut and fasten such gate or chain as soon as he and any cattle, carriage, or other animal or thing under his charge have passed

through the gate or chain, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100.

### **Penalty for causing train to stop**

**85.** Any person, not being a railway official, who, without reasonable excuse to be allowed by the court, causes a train travelling upon the railway to be brought to a standstill, by making any gesture or exhibiting any signal or otherwise, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200.

### **Obstructing engine or carriages or endangering safety of passengers**

**86.** Any person who wilfully and maliciously puts, places, casts, or throws upon or across a railway any wood, stone, matter or thing, or takes up, removes or displaces any rail, sleeper, matter or thing belonging to a railway, or turns, moves or diverts any points or other machinery belonging to a railway, or makes, shows, hides or removes any signal or light upon or near a railway, or does or causes to be done, any act with intent in any of the cases aforesaid to upset, obstruct, overthrow, injure or destroy any engine, tender, carriage or truck used upon a railway, or to endanger the safety of any persons travelling or being upon the railway, or casts, throws or causes to fall or strike against, into or upon any engine, tender, carriage or truck used upon a railway any wood, stone or other matter or thing with intent to endanger the safety of any person being in or upon such engine, tender, carriage or truck, shall be guilty of an offence and shall be liable on conviction to caning, or to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 20 years or to any two of these punishments.

### **Penalty for wilful act or omission endangering passenger**

**87.** Any person who wilfully does any act, or wilfully omits to do what he is legally bound to do, intending by such act or omission to cause, or knowing that he is thereby likely to cause, the safety of any person travelling or being upon a railway to be endangered, shall be guilty of an offence and shall be liable on conviction to caning, or to a

fine not exceeding \$200 or to imprisonment for a term not exceeding 7 years or to any two of these punishments.

### **Penalty for drunkenness or breach of duty of railway official**

**88.** Any railway official who —

- (a) is in a state of intoxication whilst actually employed upon a railway, or any of the works connected therewith, in the discharge of any duty;
- (b) refuses or neglects to perform his duty; or
- (c) performs his duty in an improper manner,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100, and if the duty is such that the refusal or neglect to perform the duty or improper performance thereof, as the case may be, is likely to endanger the safety of any person travelling or being upon the railway, shall be liable to a fine not exceeding \$200 or to imprisonment for a term not exceeding one year or to both.

### **Penalty for rash or negligent act**

**89.** Any person who rashly or negligently and without lawful excuse does any act which is likely to endanger his own safety or that of any person travelling or being upon a railway shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100 or to imprisonment for a term not exceeding 6 months or to both.

### **Breach of rules**

**90.** Any person who wilfully does any act which is forbidden, or neglects to do any act which is required, by any rules made under this Act and for which no penalty is specially provided for in such rules, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20.

### **Apprehension of offenders**

**91.** Any person who is guilty of any offence under this Act may be lawfully apprehended without any warrant or written authority by any railway official, or by any other person whom such railway official calls to his aid, or by any police officer, and any person so

apprehended shall with all convenient despatch be taken before a Magistrate's Court.

### **Legal duties of railway officials**

**92.** Every railway official shall be legally bound to do everything necessary for or conducive to the safety of the public, and every such official shall be legally prohibited from doing every act which is likely to cause danger.

### **Liability of offenders to pay costs of conviction**

**93.—(1)** In case of any conviction under this Act the Magistrate's Court may order the offender to pay the costs of his prosecution in addition to any penalty or expenses to which he is liable.

(2) Such costs may be assessed by the Magistrate's Court and may be levied and recovered in the same manner as any penalty under this Act.

### **Recovery of money due, damages and expenses**

**94.** In every case in which any person is liable under this Act to pay any sum of money, damages or expenses, and the same are not paid on demand, such money, damages or expenses shall, if application by or on behalf of the person entitled thereto is made in that behalf to a Magistrate's Court, be levied and recovered in the same manner as any penalties under this Act and, if necessary, the amount thereof shall be fixed and assessed by the Court to which the application is made.

### **Enforcing payment of fare by passenger not producing ticket**

**95.** The payment of any fare for which any passenger not producing or delivering up his ticket is liable may be enforced in the same manner as any fine imposed by this Act.

### **Copy of time-tables and tariff to be shown at railway stations**

**96.** A copy of the time-tables and tariff of charges in respect of any railway, which are from time to time duly made and published, shall be exhibited in some conspicuous place at each station of the railway

so that they may be easily seen and read, and all such documents shall be so exhibited in English.

### **Penalty for removing, etc., documents or notices**

**97.** Any person who wilfully or maliciously removes, defaces or in any way injures any notice or document exhibited by the railway administration at a station or anywhere upon the railway, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$40 or to imprisonment for a term not exceeding 3 months.

## **PART X**

### **MOTOR OR AIRCRAFT SERVICES**

#### **Provision for motor or aircraft services**

**98.**—(1) The railway administration may, with the approval of the President, establish and work or contract with persons to work on its behalf, any motor service or aircraft service, whether necessary or not, for the accommodation of its traffic, and may, with the like approval, make rules to regulate —

- (a) the routes upon which such services shall be run and the places to be served thereby;
- (b) the times at which cars and lorries are to run;
- (c) the type of traffic to be carried, the classification of articles and the rates to be charged for carriage thereof;
- (d) the manner in which any articles are to be packed;
- (e) the fares to be paid by passengers;
- (f) the services to be performed by the railway administration in connection with the collection and delivery of goods, parcels or passengers' luggage conveyed or to be conveyed by railway; and
- (g) generally the use of such services and their working and management:

Provided that no service established under this subsection shall be permitted to convey passengers between places within Singapore, but

so that passengers may be conveyed on through journeys from or to any place within Singapore to or from any place outside Singapore.

(2) The rules may provide that any person committing a breach of any of them shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100.

(3) Any railway company which establishes and works or contracts with persons to work on its behalf, any motor service or aircraft service without making rules in accordance with this section shall forfeit to the Government a sum of \$40 for every day during which such omission continues.

### **Application of general provisions of this Act to motor or aircraft services**

**99.** The provisions of this Act so far as they may be applicable shall apply to services established under section 98 and the passengers and traffic carried thereby in the same manner as they apply to the railway and to the passengers and traffic thereon.

## THE SCHEDULE

Section 40.

### ARTICLES OF SPECIAL VALUE

- (a) Gold and silver, coined or uncoined, manufactured or unmanufactured;
- (b) plated articles;
- (c) cloths and tissue and lace of which gold or silver forms part, not being the uniform or part of the uniform of an officer, sailor, soldier, airman, police officer or of any public officer entitled to wear uniform;
- (d) pearls, precious stones, jewellery and trinkets;
- (e) watches, clocks and timepieces of any description;
- (f) Government securities;
- (g) Government stamps;
- (h) bills of exchange, hundis, promissory notes, bank notes and orders or other securities for payment of money;
- (i) maps, writings and title deeds;

THE SCHEDULE — *continued*

- (j) paintings, engravings, lithographs, photographs, carvings, sculpture and other works of art;
- (k) art pottery and all articles made of glass, china or marble;
- (l) silks in a manufactured or unmanufactured state, and whether wrought up or not wrought up with other materials;
- (m) shawls;
- (n) lace and furs;
- (o) opium;
- (p) ivory, ebony, coral and sandalwood;
- (q) musk, sandalwood oil and other essential oils used in the preparation of perfume;
- (r) musical and scientific instruments;
- (s) any article of special value which the Minister, by notification in the *Gazette*, adds to this Schedule.

## LEGISLATIVE HISTORY

### RAILWAYS ACT (CHAPTER 263)

This Legislative History is provided for the convenience of users of the Railways Act. It is not part of the Act.

**1. Ordinance 4 of 1905 — Railways Ordinance 1905**

Dates of First, Second and Third Readings : Dates not available

Date of commencement : 1 March 1906

**2. Ordinance 24 of 1905 — Railway Ordinance 1905 Amendment Ordinance 1905**

Dates of First, Second and Third Readings : Dates not available

Date of commencement : 22 December 1905

**3. Ordinance 8 of 1910 — The Railway Ordinance 1905 Amendment Ordinance 1910**

Date of First, Second and Third Readings : Date not available.

Date of commencement : 6 May 1910

**4. Ordinance 11 of 1912 — Public Authorities Protection Ordinance 1912**

Date of First, Second and Third Readings : Date not available.

Date of commencement : 22 November 1912

**5. Ordinance 4 of 1914 — The Railway Ordinance 1905 Amendment Ordinance 1914**

Date of First, Second and Third Readings : Date not available.

Date of commencement : 13 March 1914

**6. Ordinance 2 of 1915 — The Railway (Amendment) Ordinance 1915**

Date of First, Second and Third Readings : Date not available.

Date of commencement : 4 June 1915

**7. Ordinance 11 of 1917 — Railway (Amendment) Ordinance 1917**

Date of First, Second and Third Readings : Date not available.

Date of commencement : 5 April 1917

**8. Ordinance 9 of 1919 — Railway (Amendment) Ordinance 1919**

Date of First, Second and Third Readings : Date not available.

Date of commencement : 28 February 1919

**9. Ordinance 26 of 1919 — Railway (Further Amendment) Ordinance 1919**

Date of First, Second and Third Readings : Date not available.

Date of commencement : 27 June 1919

**10. Ordinance 10 of 1920 — Railway and Police Force (Amendment) Ordinance 1920**

Date of First, Second and Third Readings : Date not available.

Date of commencement : 4 June 1920

**11. Ordinance 26 of 1921 — Statute Laws (Revised Edition) Operation Ordinance 1921**

Date of First, Second and Third Readings : Date not available.

Date of commencement : 28 November 1921

**12. Ordinance 18 of 1925 — Railways (Amendment) Ordinance 1925**

Date of First, Second and Third Readings : Date not available.

Date of commencement : 11 September 1925

**13. Act 17 of 1929 — Railways (Amendment) Ordinance 1929**

Date of First, Second and Third Readings : Date not available.

Date of commencement : 27 September 1929

**14. Ordinance 10 of 1931 — Railways (Amendment) Ordinance 1931**

Date of First, Second and Third Readings : Date not available.

- Date of commencement : 2 October 1931
- 15. Ordinance 2 of 1932 — Railways (Amendment) Ordinance 1932**
- Date of First, Second and Third Readings : Date not available.
- Date of commencement : 22 April 1932
- 16. Ordinance 21 of 1933 — Railways (Amendment) Ordinance 1933**
- Date of First, Second and Third Readings : Date not available.
- Date of commencement : 27 October 1933
- 17. Ordinance 41 of 1935 — The Railways (Amendment) Ordinance 1935**
- Date of First, Second and Third Readings : Date not available.
- Date of commencement : 15 November 1935
- 18. Ordinance 37 of 1952 — Law Revision (Penalties Amendment) Ordinance 1952**
- Date of First, Second and Third Readings : Date not available.
- Date of commencement : 30 November 1955
- 19. G. N. No. S 33/1956 — Singapore Colony Order in Council 1956 (Consequential Provisions) (Miscellaneous) Order 1956**
- Date of commencement : 4 February 1956
- 20. G. N. No. S 223/1959 — Singapore Constitution (Modification of Laws) Order 1959**
- Date of commencement : 29 May 1959
- 21. Ordinance 71 of 1959 — Transfer of Powers Ordinance 1959**
- Date of First, Second and Third Readings : Date not available.
- Date of commencement : 20 November 1959
- 22. Ordinance 72 of 1959 — Transfer of Powers (No. 2) Ordinance 1959**
- Date of First, Second and Third Readings : Date not available.
- Date of commencement : 20 November 1959

**23. S(NS) 178/1959 — Singapore Constitution (Modification of Laws) (No. 4) Order 1959**

Date of commencement : 20 November 1959

**24. Act 45 of 1966 — Railways (Amendment) Act 1966**

Date of First, Second and Third Readings : Date not available.

Date of commencement : 16 December 1966

**25. Act 14 of 1969 — Statute Law Revision Act 1969**

Date of First, Second and Third Readings : Date not available.

Date of commencement : 2 January 1970

**26. 1970 Revised Edition — Railways Act (Cap. 91)**

Date of operation : 1 April 1971

**27. G. N. No. S 323/1985 — Metrication (Railways Act) Order 1985**

Date of commencement : 15 November 1985

**28. 1985 Revised Edition — Railways Act**

Date of operation : 30 March 1987

**29. Act 4 of 1999 — Building and Construction Authority Act 1999**  
(Consequential amendments made to Act by)

Date of First Reading : 23 November 1998  
(Bill No. 51/1998 published on  
24 November 1998)

Date of Second and Third Readings : 20 January 1999

Date of commencement : 1 April 1999