

NIGEL JURISDICTION ONLY

Administrator's Notice No. 421.

14 July 1937

MUNICIPALITY OF NIGEL BUS BY-LAWS

The Administrator in executive committee has been pleased under the provisions of section one hundred of the Local Government Ordinance, 1926, to approve the By-laws set forth in the Schedule hereto.

TA 26/11971

SCHEDULE

MUNICIPALITY OF NIGEL – BUS BY-LAWS

Definitions

1. For the purpose of these By-laws –
 - (a) “Council” shall mean the town Council of Nigel;
 - (b) “car” shall mean any vehicle used for the conveyance of passengers upon the council’s bus system or any part thereof;
 - (c) “coloured person” shall include any Asiatic, native or other coloured person;
 - (d) “driver” shall mean any person placed by the Council in charge, of any car or bus;
 - (e) “manager” shall mean the person for the time being holding the position of acting in the capacity of manager of the Council’s Bus Service, or any person authorized to carry out the functions or to exercise the duties imposed upon the manager under these By-laws;
 - (f) “central terminus” shall mean the area in the vicinity of the government Post Office, within which area is fixed the points where all cars commence and terminate their journeys on the various sections of the council's bus system.

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- (g) “coupon” shall mean a paper bearing a certain face value and issued by the Council to the passenger, which may be purchased at the price mentioned in the tariff for the time being in force under these by-laws at such places as the council may from time to time appoint, and shall be valid only upon the section and over the distance and for the class of passenger for which the coupon has been issued;
- (h) “fare” shall mean a coupon or coupons bearing a face value of the amount which according to the bus tariff of the Council for the time being in force is demandable for the distance which as been and is being traveled by the passenger, or the amount legally demandable as aforesaid in money, provided always that in the event of the council at any time deciding to abandon the system of payment by coupons, fare shall mean the amount legally demandable as aforesaid in money, and shall cease to mean the said coupon or coupons;
- (i) “passenger” shall mean any person traveling or offering himself for conveyance upon any car, provided always that no person in the employ of or engaged upon work for and on behalf of the council’s Bus Service while actually carrying on his duties upon any car shall be deemed to be included in this definition;
- (j) “ticket” shall mean a ticket which upon the face of it authorizes the passenger to travel upon a car for the distance which at the time being is being or has been traveled by him, and which as been duly received by him from an authorized official of the Council in return for the fare legally demandable therefore;
- (k) “vehicle” shall mean any locomotive, motorcar, motorcycle, cycle, coach, carriage, omnibus, car, cab, wagon, trolley, timber-carriage, dray, drag, cart, jinrikisha, truck handcart, wheelbarrow or handbarrow;
- (l) “stage” shall mean a section or part of a section of any bus route fixed from time to time in the discretion of the council as a basis for the bus traffic.

Application of By-laws.

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2. These By-laws and regulations shall extend and apply to all cars of the council and to all places with respect to which the Council has power to make By-laws and regulations.

Time-tables.

3. The official public time-tables are published by the council from time to time are only intended to fix the time before which the cars will not start, and the council does not undertake that the cars will start or arrive at the times specified in the tables, nor does it guarantee the connection of cars at the various junction points, termini or central terminus. The council shall not be liable for delay and detention, however occasioned, or any consequences arising therefrom.

Police Signals to be Obeyed.

4. Every driver of a car and every inspector, dispatcher or other person responsible for the starting or working of any car shall obey the instructions or signals of any member of the police and/or municipal traffic officers in regard to the general regulations of traffic under the council's Traffic by-laws, and any failure to do so shall constitute a breach of the Traffic by-laws.

Access and Departure.

5. Every passenger shall enter or depart from a car by the access provided and not otherwise.

Smoking.

6. No person shall smoke inside any closed car except when occupying a seat specially set aside for this purpose.

Chewing.

7. No person shall chew tobacco, opium, betel, bhang, or other like substance in or on any part of a car.

Spitting.

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No person shall spit in or on any car.

Annoying Passengers.

9. No passenger or other person shall, while traveling in or on any car, play or perform upon any musical instrument and no person shall sign, shout, harangue, or make a noise to the annoyance of any passenger.

Intoxication

10. No person in a state of intoxication shall enter or mount upon any car, and if found in or upon any car, may immediately be removed by or under the direction of the driver, and any such person shall commit a breach of these By-laws should he offer any resistance when being so removed by the driver.

Swearing, etc.

11. No person shall swear or use obscene or offensive language whilst in or upon any car or commit any nuisance in or upon or against any car or willfully interfere with the comfort of any passenger.

Damaging Fittings.

12. No person shall willfully or negligently cut, tear, soil or damage the cushion, linings, or fittings of any car, or remove or deface any number plate, advertisement, printed or other notice, in or on any car, or break or scratch any window or otherwise willfully or negligently damage any car. Any person acting in contravention of this by-law shall be liable to the penalty prescribed by these by-laws, and regulations, in addition to the liability to pay the amount of any damage done.

Interference.

13. No passenger or other unauthorized person shall take charge of, use or interfere in any way with the controllers, brakes, motive power, machinery, electric switches, or other mechanism of any car.

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Dirty and/or Offensive Persons.

14. Any person whose dress or clothing might soil or injure the linings or cushions of any car or the dress or clothing of any passenger, and any person who might for any other reason be offensive to passengers, shall not be entitled to enter or remain in or on any car, and may be prevented from entering or mounting upon any car, and shall not enter or mount upon any car after having been requested not to do so by the driver, and if found in or any car shall, on the request of the driver, leave the car, upon the fare, if previously paid, being returned.

Persons Affected with Infections or Contagious diseases.

15. No person affected with any infectious or contagious disease shall enter or mount upon any car, and any such person found in or upon any such car shall, in addition to incurring the penalty hereinafter provided, forfeit his or her fare, and be immediately removed by, or under the direction of the driver.

Production of Tickets.

16. Each passenger shall show his ticket (if any) when required to do so to the driver or ticket inspector or any duly authorized servant of the Council, and shall also, when required to do so, either deliver up his ticket or pay the fare demandable under these by-laws for the distance traveled over by such passengers; and no person shall use or attempt to use a non-transferable ticket or coupon issued to any other person.

Special Tickets.

17. No person shall use or attempt to sue any ticket or coupon intended only for the use of a class of passenger to which he himself does not belong.

Increased Fares.

18. The Council reserves to itself the right at any time to charge increased fares on all cars leaving the central terminus after 10 pm.

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Luggage.

19. Subject to the following conditions, no luggage or goods shall be brought on or into any car by any passenger. Personal or other luggage of passengers which is capable of being carried by hand including the tools of artisans, mechanics and daily paid labourers) may, with the permission of the driver, be placed upon the platform or such other part of the car as the driver shall direct; provided always that the driver may, in his discretion, refuse to receive any luggage or articles if the same appear to him, by reason of their nature, bulk or weight, to be likely to cause annoyance, inconvenience or obstruction, or if these does not appear to be room for such luggage or articles, and in no case shall the Council be liable for any damage occurring, from any cause whatsoever, to such luggage or articles, which shall be at the entire risk of the person for whom they are carried.

Lost Property.

20. (a) If any passenger shall find any article or thing in a car which does not belong to such passenger and which may have been left on such car by some other passenger, such article or thing shall immediately be delivered up to the driver of the car.
- (b) any article or thing left in a car by a passenger shall be taken in charge by the driver of the car and handed over by him at the first opportunity to the manager, to be detained by him until claimed by the owner and the person presenting himself at the office of the manager, and claiming any article or thing left upon the cars and delivered to the office shall be bound to satisfy the official in charge of lost property that he is the bona fide owner of same, and shall pay a charge of threepence for the care and custody of each such article or thing before being entitled to deliver thereof.
- (c) the council shall not be bound to retain custody of any article or thing left on any car for a longer period than six months, and at the expiration of that time, if the article or thing is still unclaimed, the council shall be entitled to sell the article or thing or articles by public auction and retain the proceeds of such sale.

Traveling upon Platforms

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21. No passenger or other person, not being a servant of the council, shall travel upon the steps upon the steps or platforms of any car, or stand on the roof, or sit on the outside rail or the roof of any car, and shall cease to do so immediately on request of the conductor.

Trespassing upon Cars.

22. No person, except a passenger or intending passenger, shall enter or mount any car, and no person shall hold or hang on by or to any part of any car, or travel therein other than in the place provided for passengers, and no person riding a cycle or other vehicle shall hold on to or attempt to hold on to any car.

Full Cars.

23. When any car contains the full number of passengers, which it is constructed or intended to contain, no additional person shall enter, amount or remain in or on any such car when warned by the driver not to do so.

No car need be stopped by the Council to take up or set down passengers on any gradient or at any spot other than the authorized stopping places. When the car contains the full number of passengers, a notice to that effect shall be placed in a conspicuous position on the car.

Dismounting and Mounting.

24. No person shall enter, mount, leave or attempt to enter mount, or leave any car while it is in motion.

Mounting and Dismounting from Stationary cars.

25. All persons desiring to alight from any car shall do so before any person boards such car for the purpose of travelling thereon, and all persons desiring to board a car shall first permit such persons to alight as aforesaid.

Dogs.

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26. No dog or any other animal shall be brought or allowed in or on any car.

Fire-arms.

27. No person with a loaded fire-arm or fire-arms shall travel in or on any car of the Council.

Obstruction of Officials.

28. No person shall willfully obstruct or impede any officer or servant of the Council in the execution of his duty upon or in connection with any car of the council, or in any way interfere with such official or servant by threats or otherwise in the performance of his duty.

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Conversation with Officials.

29. No passenger shall converse with the driver of any car of the Council so as to distract his attention from the performance of his duty.

Obstruction by Vehicles, etc.

30. Cars shall be driven and treated in accordance with the rule of the road, and no person shall leave, ride, drive or lead any vehicle or animal upon the routes in such manner as to obstruct, hinder, or cause danger of collision to any car or refuse to remove such obstruction when required to do so. It shall be lawful for any officer of the Council or any person whom he may call to his assistance to remove such obstruction, and no person riding, driving, or leading any such vehicle or animal shall endeavor to cross any bus route in front of any car which is approaching and near enough to render a collision possible, but shall in every case wait for such car to pass and shall give way to same, and no person shall ride, drive or lead any such vehicle or animal into any car. Any person failing to comply with the provisions of this By-law shall be liable for all damage caused by such failure, as well as to pay the penalty for such breach.

Express and special Cars.

31. The Council may, in its discretion, from time to time –
 - (a) provide and set apart any car or cars to be run with or without intermediate stoppages over any stage or stages, exclude from any such car any person or persons not traveling to the first or any later stopping-place to which such car shall be appointed to run, and fix the minimum fare payable by any passenger traveling or offering himself for conveyance by any such car at the amount payable in terms of the tariff from time to time enforce for conveyance to such first or any later stopping place; provided that every such car so provided and set apart shall have one or more clearly legible notice or notices thereto attached or affixed in some prominent position or positions setting forth the amount of the minimum amount payable for conveyance by such car and the first or only stopping-place of such car;

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- (b) provide and set apart any special car or cars to run over any portion or portions of any bus route or routes, and make special charges in terms of the tariff from time to time in force or at any higher or lower rates for conveyance over the distance to be traveled by any such car, with power to exclude from any such car any person or persons not raveling of offering himself for conveyance over the whole distance to be travelled by such car; provided that every such special car so provided and set apart shall have attached or affixed thereto in manner as under (a) above provided one or more clearly legible notice or notices setting forth the amount payable for conveyance by such car and the destination of such car;
- (c) let and hire cars to any person or persons for private use, and exclude the public therefrom, provided that a notice or notices be attached or affixed in a manner as under (a) above set forth to any such car indicating that it is a private car;
- (d) exclude passengers from any car, either by means of a notice or notices affixed or attached to such car as under (a) above provided, or by means of any intimation from any official that passengers will not be conveyed by such car;
- (e) run cars to any particular stage or stages at the minimum fare applicable to such stage or stages, and exclude from traveling on such cars any person or persons who may desire to travel to any intermediate stage;
- (f) run special cars for any specific purpose and make charges in connection therewith.

Tariff.

- 32 .(a) the council may frame a tariff of charges under the provision of these

By-laws and from time to time make such amendments thereto as the council may decide. The fixing of the charges shall be made by way of a resolution of the Council, which shall be posted up at such place or places as the Council may from time to time decide.

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- (b) in the tariff of charges so framed the Council may –
 - (i) provide for the payment of fares by cash or by coupon or by season ticket;
 - (ii) issue special or season tickets to adults and school children at such rates and under such conditions as shall from time to time be decided by the council;
 - (iii) issue special tickets to workmen, apprentices, associations, clubs or organizations and members of other similar bodies at such rates and on such conditions as shall from time to time be decided by the Council;
- (c) no refund for unused coupons, tickets, season tickets or special tickets shall be payable by or claimable from the council, provided that should the council resolve to abandon the system of payment by coupon or to alter the number and length of stages or in any way to render invalid the coupons in use at the time, the council may do so, but shall refund the cost of the coupons in the hands of the public at the time the change is made, on application for such refund and return of such coupons being made within a reasonable time to be specified by the Council.

Disabled Cars.

33. Should a car at any time and for any reason whatsoever become disabled, or in any way injured or from any cause whatever is unable to proceed, the passengers shall, upon request of the driver, inspector or any duty authorized official of the council leave same, and if such passengers have paid their fares they shall not be entitled to demand back the amount of their fares so paid but on production of their tickets shall be allowed to travel by the next available car for the remainder of the distance in respect of which they have paid their fares. No person shall, except with the permission of the driver, enter a disabled or injured car. The council shall not be bound to complete any journey in any specific period of time.

Damaging Property of Council.

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34. No person shall willfully or negligently injure, destroy, write, draw, scribble upon, scratch or deface, interfere or meddle with or do anything likely to injure, damage or destroy any building, machinery, plant, car standard, wire, road, or other works or property of the Council used for or in connection with the municipal bus serviced. No person shall remove or alter any part of the bus system, car, or works connected with the said system, or any portion of the abovementioned works, neither place, leave or throw any stone, wood, wire earth dirt, refuse or other obstruction on any part of the bus system.

Any person contravening the provisions of this By-law shall be liable to a penalty not exceeding &50 (fifty pounds) and also to pay the amount of any damage caused to the council.

Touting.

35. No person shall distribute or leave advertisements or tracts, or beg, or annoy any passenger by touting or soliciting business in any car or attempt to commit any such offence.

Evading Payment of Fare.

36. Any person travelling or having travelled on any car who shall refuse or fail to pay his fare or avoid or attempt to avoid payment of his fare, or any passenger who, having paid his fare for a certain distance, shall knowingly and willfully proceed in any car beyond such distance without paying the fare for the additional distance, or who attempts to avoid payment thereof, or if any passenger shall knowingly or willfully refuse or neglect on arriving at the point to which he has paid his fare to quit such car, shall be guilty of contravention of these By-laws.

Completed Journeys.

37. Any person leaving a car shall be deemed to have completed his journey.

Dangerous Goods

38. No person shall carry on any car any goods, which may be of a dangerous nature without the written permission of the Council under the hand of the manager.

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Indecent Behaviour.

39. No person shall solicit or importune any other person for an immoral purpose or behave in an indecent manner in or on any car.

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Damage or Obstruction

40. No person shall do or cause to be done anything in such a manner as to obstruct any car or to endanger the lives of any persons therein or thereon. Any person contravening the provisions of this by-law shall be liable to a penalty not exceeding &50 (fifty pounds), and also to pay the amount of any damage caused to the Council.

Cars set Apart for Europeans and Coloured Persons Respectively.

41. The Council may, at its discretion, set apart any car or portion of a car for the use of passengers of European race only, and may further set apart any car or portion of a car for the use of coloured passengers only.

Any person entering, travelling upon, or attempting to enter or travel upon any car or portion of a car so set apart for a class of passenger to which he does not belong, and any driver or conductor admitting such persons upon such car or portion of a car shall be deemed to have committed a breach of these by-laws; provided always that upon payment of the proper fare, notwithstanding the fact that such person may not belong to the class of passenger for which the car upon which he is a passenger is set apart as aforesaid –

- (a) any person holding a special permit, signed by the manager on behalf of the council, duly authorizing him thereto, may travel upon any car or portion of a car whatsoever;
- (b) domestic servants in charge of children may travel and occupy any seat that may be allotted to them by the conductor upon any car or portion of a car set apart for the use of the class of passenger to which such children belong;
- (c) domestic and personal servants in attendance upon their masters or mistresses may travel and occupy any seat that may be allotted to them by the conductor set apart for the class of passenger to which such masters or mistresses belong; and no driver or conductor admitting any such servant shall be deemed to have contravened this By-law.

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Provided always that nothing in this By-law shall be deemed to relieve the Council of any obligation that may attach to it to provide reasonable accommodation for every class of passenger.

Conditions of conveyance.

42. The Council agrees to carry passengers, luggage, and parcels on the Council's cars only at the fares and rates set forth in the tariff and on the condition set forth in these By-laws.

Suspension or Alteration of Bus Service.

43. The Council shall not be responsible for any loss that may be occasioned by any alteration, suspension, or curtailment of its bus or any other service from any cause whatsoever.

Duty of Driver.

44. The driver of a car shall enforce these By-laws and prevent any breach thereof to the best of his ability.

Penalty.

45. Any person offending against or committing a breach of any of these By-laws, or regulations shall, except where otherwise stated, be liable to a penalty not exceeding five pounds, and pay to the Council the amount of any damage caused to it by such breach, or in default of payment to imprisonment with or without hard labor for a period of not exceeding 30 days.

14.