

## CHAPTER 331

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## CHAPTER 331

### THE UGANDA RAILWAYS CORPORATION ACT.

*Commencement:* 1 November, 1992.

**An Act to provide for the establishment of the Uganda Railways Corporation; to provide for its objects and functions; to provide for its board of directors and the composition and functions of the board; to provide for the finances of the corporation and its legal rights and obligations in relation to other persons; to provide for the employees of the corporation; to provide for various offences in relation to the functions and property of the corporation; to dissolve the existing Uganda Railways Corporation and to transfer to the corporation its property, assets, rights, obligations and liabilities, and for other purposes connected with or incidental to the foregoing.**

#### PART I—INTERPRETATION.

##### **1. Interpretation.**

In this Act, unless the context otherwise requires—

- (a) “accepted by the corporation” means accepted by an employee or agent of the corporation so authorised to accept the goods for carriage or warehousing by the corporation;
- (b) “agent of the corporation” means the person, firm or body authorised to act in the matter under reference for and on behalf of the corporation;
- (c) “authorised employee” means an employee of the corporation empowered to perform any functions in relation to which the expression is used;
- (d) “board” means the board of directors of the corporation;
- (e) “chairperson” means the chairperson of the board;
- (f) “charges” means the total sums of monies receivable for or in respect of the carriage or warehousing of goods, or for services or facilities offered or fines levied for the carriage, services or facilities offered by the corporation;
- (g) “consignee” means a person, firm or body to whom or to which goods accepted for carriage have been addressed;
- (h) “consignment” means one or more pieces of goods accepted for carriage by the corporation, and entered on an official

consignment note and properly addressed to a consignee by a consignor; (i) “consignor” means a person, firm or body who or which has tendered goods which have been accepted for carriage by the corporation; (j) “corporation” means the Uganda Railways Corporation established by section 2; (k) “customs laws” means any laws in force imposing or relating to the collection of customs or excise duties or Government taxes relating to those goods; (l) “deposit” means payment made under conditions that the payment may be refunded; (m) “employee” means any person in the service of the corporation; (n) “engineer” means an employee or agent duly appointed by the corporation for the purpose of executing an engineering undertaking of the corporation; (o) “fare” means the total sum of money chargeable for the carriage of a passenger by the corporation as relating to the distance and class of travel; (p) “ferry” means any vessel plying from one side of a waterway to the other for the purpose of carriage of passengers or goods or both; (q) “fire break” means a strip of land less than nine metres wide, or as may be agreed between the landowner or occupier and the corporation, which has been cleared of any inflammable matter to prevent the spread of fire from the railway to the adjacent land;

(r) “former corporation” means the Uganda Railways Corporation established by the Uganda Railways Corporation Decree; (s) “freight charges” means the total sum of monies chargeable for the carriage of goods by the corporation; (t) “goods” means luggage, animals (alive and dead) and any movable property of any description; (u) “inland waterway port” means an inland waterway port declared under section 71; (v) “interest” means compound interest;

(w) “luggage” means goods of personal apparel together with their containers as are usually carried by a passenger for personal use;

(x) “managing director” means an officer who for the time being is authorised to perform the functions of the office of the managing director or for or on that behalf; (y) “master” means any person having charge of a vessel;

(z) “Minister” means the Minister responsible for railway transport; (aa) “operated by the corporation” means operated by the corporation in accordance with this Act; (bb) “permanent way” means the whole or part of the railway line; (cc) “premises occupied by the corporation” means premises vested in or placed at the disposal of the corporation for the purposes of the corporation; (dd) “property of the corporation” means property vested in the corporation for the purposes of the corporation; (ee) “public land” has the meaning assigned to “former public land” in the Land Act; (ff) “purpose of the corporation” means any purpose necessary or desirable for the performance of functions which the corporation is authorised to perform or render under this Act; (gg) “railway” means the whole or any portion of the line of permanent way operated by the corporation, and all other movable and immovable property used or placed at the disposal of the corporation for use in connection with the permanent way; (hh) “railway station” means a station which is established for the purpose of the corporation and is published in a tariff notice; (ii) “rates” means all sums of monies which may be levied for or in respect of the carriage or warehousing of goods by the corporation, or in respect of any vessel, inland waterway port, service or facility or any other services performed or facilities provided by the corporation under this Act; (jj) “road” means any street, thoroughfare, path, or lane as is necessary for access; (kk) “rolling stock” means wagons, carriages and locomotive engines; (ll) “season ticket” means a ticket entitling the due holder to be carried by the corporation as a passenger between the places specified on it and on the number of occasions specified on it; (mm) “secretary” means the secretary of the corporation and includes a person appointed to perform the functions of the secretary under section 22; (nn) “service provided by the corporation” means a service or facilities provided by the corporation as authorised under this Act; (oo) “tariff notice” means a notice containing declarations of new tariffs and other conditions, or changes of them for the services and facilities provided by the corporation and published by the managing director from time to time;

(pp) “ticket” means a single or return ticket or season ticket but not a free pass, duly issued for the collection of fares paid for the carriage of a passenger by the corporation; (qq) “transit” means before arriving at a destination and includes the period—

(i) between accepting the goods until the expiration of twenty-four hours after the goods have arrived at the place to which they have been consigned; (ii) between accepting the goods until they have been delivered where the corporation is liable to deliver them to the consignee’s premises; (iii) between accepting the goods until they have arrived at a place where the corporation does not have staff to receive the goods; (iv) between accepting the goods until the expiration of twenty-four hours after the goods have arrived at a place at which the corporation operates a delivery service, but due to conditions beyond the control of the corporation that service is not operating; (rr) “vehicle” means any vehicle other than a train or vessel; (ss) “vehicle or vessel of the corporation” means a vessel or vehicle

operated on behalf of the corporation; (tt) “vessel” means any ship, tug, lighter, boat, ferry, of any kind whatever, self-propelled or towed; (uu) “warehouse” means any building, place, wagon, vessel, or vehicle when used by the corporation for the purpose of warehousing of goods; (vv) “watercourse” means any river, stream, drain, gully, canal, or any channel, constructed or natural, in which water flows whether constantly or intermittently; (ww) “water works” means boreholes, wells, reservoirs, dams, tanks, engines and all other structures, plants or appliances used in connection with obtaining, storing, pumping, purifying, conveying, distributing, measuring or regulating and delivering water.

PART II—ESTABLISHMENT, OBJECTS AND FUNCTIONS OF THE  
CORPORATION.

**2. Establishment of the corporation.**

(1) There is established the Uganda Railways Corporation.



(2) The corporation shall be a body corporate, shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The corporation may, for and in connection with its objects and functions under this Act, purchase, hold, manage and dispose of any property whether movable or immovable, and may enter into any contract and other transactions as may be expedient, and do any other act or thing as in law may be done by a body corporate, subject to this Act.

### **3. Objects of the corporation.**

The objects of the corporation are—

- (a) the construction, operation and maintenance of railway, marine and road services both in and outside Uganda for the carriage of passengers and goods;
- (b) to carry on subject to this Act, such activities as are conducive or incidental to the attainment of the object set out in paragraph (a) of this section.

### **4. Functions of the corporation.**

(1) Without prejudice to the general effect of section 3, the corporation shall, for the attainment of the objects set out in that section have the following functions—

- (a) to carry passengers, and goods by rail, road and waterways;
- (b) to provide transit and terminal stations and port facilities for the purpose of paragraph (a) of this section;
- (c) to provide and use upon railways, roads and inland waterways for the carriage of passengers and goods and for the stowage protection or salvage of life and property the following— (i) self-propelled and push service equipment; (ii) road motor vehicles and trailers; and (iii) lake vessels and other associated crafts;
- (d) to store goods whether or not the goods have been or are to be carried by the corporation;
- (e) to consign goods on behalf of persons other than the corporation from any place within or outside Uganda to any other place whether within or outside Uganda;
- (f) to provide clearing and forwarding services;

- (g) to provide both for passengers carried by the corporation and other persons, hotels and other living accommodation and places of refreshment;
- (h) to provide such other amenities or facilities for passengers carried by the corporation and for other persons making use of the services performed or facilities provided by the corporation as may appear to the corporation to be expedient;
- (i) to operate and maintain signalling and telecommunication equipment for the purpose of the discharge of its functions;
- (j) to construct or improve any railway, inland waterway, port, ferry, road, bridge, building or any other necessary or desirable works required for the purpose of the discharge of its functions;
- (k) to operate trains and to acquire, construct and manufacture trains for the purpose of the discharge of its functions;
- (l) to carry on any business necessary or desirable to be carried on for the purpose of the corporation and to act as agent for any services of the Government;
- (m) to acquire, construct, manufacture, maintain or repair water works, electric generating plants or any other works, plant or apparatus necessary or desirable for the supply or transmission of water or of electric energy for the purposes of the corporation and to supply any such water or electric energy to any person;
- (n) to plan and work upon rail works or foundries or other works;
- (o) with the approval of the Minister, to alter the course of, or raise or lower the level of any watercourse or road or such alteration where the raising or lowering is necessary for the purposes of the corporation; and
- (p) with the approval of the Minister, to determine, impose and levy rates, fares, charges, dues or fees for any service performed by the corporation or for the use by any person of any facility provided by the corporation or for the grant by the corporation to any person of any licence, permit or certificate.

(2) Where any increase has occurred in the cost of anything done or afforded by the corporation to which subsection (1)(o) relates, the corporation may, pending the approval by the Minister of any determination or imposition proposed by the corporation under that paragraph, make a provisional determination or imposition to meet the increase in costs; and any such determination or imposition shall have effect until the coming into effect of the rates, fares, charges, dues or fees approved by the Minister or, as the case may be, until the Minister indicates to the corporation his or her

disapproval of the proposed determination or imposition; and where the Minister disapproves of the proposed determination or imposition, then from the date of that disapproval the original rates, fares, charges, dues or fees, as the case may be, shall be deemed to have been restored.

## **5. Additional powers of the corporation.**

In addition to the functions stated in section 4, the corporation may, for the attainment of its objects—

- (a) sell, let or otherwise dispose of any property, movable or immovable, which in the opinion of the board is not necessary for the purposes of the corporation; however, the corporation shall not sell or let or otherwise dispose of any building or land placed at its disposal except with the approval in writing by the Minister;
- (b) provide houses and other accommodation for its employees and their families;
- (c) act as agent for any person engaged in the performance of services or the provision of facilities of a kind similar or complimentary to those performed or provided by the corporation;
- (d) enter into an agreement with any person for—
  - (i) the supply, construction, manufacture, maintenance or repair by that person of any property, movable or immovable, necessary or desirable for the purposes of the corporation;
  - (ii) the performance or provision by that person of any of the services or the facilities which may be performed or provided by the corporation;
  - (iii) the payment, collection or apportionment of any fares, rates, charges or other receipts arising out of the performance or the provision by that person of any such service or facility and for that purpose finance or assist in financing the activities of that person whether by way of loan, the holding of stock, shares or securities, the guaranteeing of interest or the retention of any stocks, shares or securities or otherwise;
- (e) enter into agreement with any person carrying on business as a carrier of passengers or goods whether within or outside Uganda providing for the carriage of passengers or goods by or on behalf of the corporation, and of that person, under one contract or at a through fare or rate;

- (f) hold shares in any other corporation and establish or acquire any subsidiary corporation whose objects are not contrary to the objects of the corporation, or not contrary to this Act;
- (g) enter into any agreement with the Government of any country or with any organisation which in the opinion of the board will promote or secure the provision or improved provision of any service or facility which they may separately provide in their country.

## **6. Limitation on functions of the corporation.**

(1) No railway undertaking shall be embarked upon by the corporation unless—

- (a) a feasibility report indicating the advantages and disadvantages of the undertaking has been previously submitted by the board to the Minister; and
- (b) the Minister has approved the undertaking in writing.

(2) For the avoidance of doubt, it is declared that sections 4 and 5 relate only to the capacity of the corporation as a statutory corporation and that nothing in those provisions shall be construed as authorising the disregard by the corporation of any law.

(3) The powers conferred on the corporation under sections 4 and 5 to construct or execute any works shall empower the corporation to construct or execute the works on land vested in the corporation or on land placed at its disposal by the Government for the purposes of the corporation.

(4) Where land is not vested in or placed at the disposal of the corporation as described in subsection (3), the construction or execution of the works on that land shall only be with the agreement of the owners of the land.

(5) Where any land is required by the corporation for the purposes of the corporation, the corporation shall proceed in accordance with section 32.

(6) For the purpose of subsection (1), “railway undertaking” means a new railway line constructed for the conveyance of passengers and goods for hire and reward and does not include lines or sidings constructed only as additional facilities to industrial or commercial premises or lines or sidings constructed for operating the existing railway undertaking of the corporation.

**7. Minister's powers relating to functions of the corporation.**

The Minister shall be responsible for the general direction of the corporation, and for that purpose the Minister—

- (a) may give general directions to the corporation on matters concerning Government policy and the corporation shall give effect to such directions;
- (b) shall ensure that any financial loss resulting from any directions given under paragraph (a) of this section is underwritten by the Government;
- (c) shall be responsible for approving capital works for the purposes of the corporation which are financed or guaranteed by the Government.

PART III—THE BOARD.

**8. The board.**

(1) The governing body of the corporation shall be a board of directors comprising the following—

- (a) the chairperson;
- (b) the managing director appointed under section 21; and
- (c) seven other directors.

(2) The members of the board other than the managing director shall be appointed by the Minister from among persons having knowledge and experience in commerce, transport, finance, industry, administration or engineering.

**9. Tenure of office.**

(1) A member of the board other than the managing director shall hold office for a period of three years and subject to this Act, on such terms and conditions as the Minister may determine.

(2) A member of the board other than the managing director may resign his or her office by writing addressed to the Minister.

(3) Where a member of the board other than the managing director is incapacitated by absence or illness or other cause from performing the

functions of his or her office or where the office of that member has become vacant, the Minister may appoint another person qualified in terms of section 8 to perform the functions of that member.

- (4) The appointment of a member of the board other than the managing director may be revoked by the Minister by writing—
  - (a) if the member has been absent from three consecutive meetings of the board without reasonable excuse;
  - (b) if the member is incapacitated by illness or any other cause from the performance of his or her duties and the incapacity appears to the Minister to be likely to continue; or
  - (c) if the member is otherwise unable or unfit to perform the duties of his or her office.
- (5) A person ceasing to hold office as a member of the board shall be eligible for reappointment to the board.

#### **10. Remuneration of members of the board.**

A member of the board and also a person co-opted to any meeting of the board under section 11 shall be paid by the corporation such remuneration and allowances and at such rates as may be determined in relation to him or her by the Minister.

#### **PART IV—MEETINGS OF THE BOARD.**

#### **11. Meetings of the board.**

- (1) The board shall meet ordinarily for the dispatch of business once in every month at a place and time appointed by the chairperson.
- (2) The chairperson or at least three other members of the board may also request the secretary by notice in writing signed by them to convene an extraordinary meeting of the board for discussion of any matters specified in the notice; and the secretary shall, upon receipt of the notice, convene an extraordinary meeting of the board for discussion of these matters at the earliest convenient date and in any case within ten days after receiving the notice.
- (3) The quorum at any meeting of the board shall be five members.

(4) The chairperson shall preside at any meeting of the board and in his or her absence a member elected by the members present shall preside.

(5) A question proposed at any meeting of the board shall be determined by a simple majority of the members present and voting; and where there is an equality of votes, the person presiding at the meeting shall have a second or casting vote.

(6) The board may co-opt any person who is not a member to attend any meeting of the board as an adviser, but a person so co-opted is not entitled to vote on any matter coming for decision before the board at that meeting.

## **12. Disclosure of interest.**

(1) A member of the board who is interested in any way directly or indirectly in a contract made by the board on behalf of the corporation or proposed to be made by the board on behalf of the corporation or in any other matter which falls to be considered by the board shall disclose the nature of his or her interest at a meeting of the board.

(2) The disclosure made under subsection (1) shall be recorded in the minutes of the meeting.

(3) A member shall not—

(a) where a contract in which he or she is interested is under consideration, take part in the deliberations concerning or the decision on the contract; and

(b) where any other matter in which the member is interested is under consideration, take part in the deliberations concerning or the decisions on the matter,

if the board decides that the member's interest might prejudicially affect his or her consideration of the matter.

(4) A member who contravenes this section is liable to be removed from the board.

(5) For the purposes of this section, a notice given by a member at a meeting of the board to the effect that he or she is a member of a specified body corporate or firm and is to be regarded as interested in any contract which is made with the body corporate or firm after the date of the notice,

and in any matter concerning the body corporate or firm which falls to be considered after that date, shall be a sufficient disclosure of his or her interest.

(6) A member need not attend in person at a meeting of the board in order to make a disclosure which he or she is required to make under this section if he or she takes reasonable steps to secure that the disclosure is made of a notice which is taken into consideration and read at such a meeting.

### **13. Board to prescribe its own procedure.**

Except as otherwise expressly provided in this Act, the board may prescribe its own procedure by standing orders subject to the Minister's approval.

### **14. Validity of proceedings not affected by vacancy, etc.**

The validity of any proceedings of the board shall not be affected by any vacancy among its members or by any defect in the appointment of any of them or by reason of the fact that a person not entitled to do so took part in the proceedings.

### **15. Minutes of board meetings.**

(1) The secretary shall cause to be recorded and kept minutes of all meetings of the board in a book or file to be maintained by the secretary.

(2) The minutes recorded under this section shall be submitted to the board for confirmation at its next meeting following that to which the minutes relate and when so confirmed shall be signed by the chairperson and the secretary in the presence of the other members present at the latter meeting.

(3) The minutes shall otherwise be subject to standing orders made under section 13.

### **16. Decision by circulation of papers.**

(1) Subject to subsection (2), decisions of the board may be made by the circulation of the relevant papers among the members and the expression of their views in writing, so, however, that any member shall be entitled to



require that any such decision shall be deferred until the subject matter has been considered at a meeting of the board.

(2) A decision made by circulation of papers under this section is not valid unless it is supported by not less than five members.

#### PART V—COMMITTEES OF THE BOARD.

### **17. Committees.**

(1) The board may appoint one or more committees for the efficient performance of its functions under this Act.

(2) A committee appointed under this section may comprise members of the board or persons who are not members of the board or both.

(3) Any such committee shall have such functions as the board may assign to it and be subject to such conditions and restrictions as the board may impose.

(4) A decision of a committee appointed under this section shall have no effect unless confirmed by the board.

### **18. Disclosure of interest in respect of committees.**

Section 12 shall, with the necessary modifications, apply to the disclosure by a member of a committee having an interest in any contract or matter to be considered by the committee as it applies to a member of the board.

### **19. Procedure of committees.**

Except where otherwise expressly stated in this Part, the procedure of a committee appointed under section 17 shall be as prescribed by the board by standing orders made under section 13.

#### PART VI—MANAGEMENT AND STAFF OF CORPORATION.

### **20. Functions of the board.**

(1) The board shall, subject to this Act, be charged with the general responsibility of formulating policies for the management of the property,

business, income, funds and other affairs of the corporation and with the control of the corporation on matters of policy.

(2) Without prejudice to the general effect of subsection (1), the functions referred to in that subsection include the general responsibility of ensuring that the undertaking of the corporation—

- (a) is developed in a manner consistent with the economic policy of the Government;
- (b) is operated efficiently and economically and administered financially in accordance with sound commercial principles;
- (c) provides adequate facilities for the carriage of passengers and goods; and
- (d) is such that no particular person or body is given undue preference or is subject to undue disadvantage.

(3) In the performance of its functions under this section, the board may—

- (a) establish and review tariffs, rates, fares and other charges;
- (b) approve major capital works which are fully financed by the corporation or guaranteed with the resources of the corporation;
- (c) consider legislative proposals likely to promote the objects and functions of the corporation and recommend their enactment to the Minister;
- (d) subject to this Act, provide services and facilities requested by the Government;
- (e) approve alterations in the organisational structure of the corporation.

(4) In this section, “sound commercial principles” has the meaning assigned to it in section 29.

## **21. Managing director.**

(1) The corporation shall have a managing director who shall be appointed by the Minister on the recommendation of the board.

(2) The managing director shall be a person who has considerable knowledge and experience in commerce, transport, finance, industry, administration or engineering.

(3) The managing director shall hold office for a period of four years

but may be reappointed.

(4) The managing director shall otherwise hold office upon such terms and conditions as may be stipulated under the terms and conditions of service approved by the board.

(5) The managing director shall, subject to this Act and subject, in particular, to the directions of the board on matters of policy, be responsible for the day-to-day management of the corporation and the control of the staff of the corporation.

(6) If the managing director is incapacitated by absence or illness or other cause from performing the functions of his or her office or if the post of managing director is vacant, the Minister may appoint an officer of the corporation qualified in terms of subsection (2) to perform the functions of the office of managing director for the duration of the incapacity or, as the case may be, until the vacancy in the office of managing director is filled.

(7) The Minister may, on the recommendation of the board, remove the managing director from office for inability to perform the functions of his or her office arising out of infirmity of body or mind or from any other cause or for misbehaviour.

## **22. Secretary.**

(1) The corporation shall have an officer to be designated secretary.

(2) The secretary shall be appointed by the board upon such terms and conditions as the board may determine and as shall be specified in his or her instrument of appointment.

(3) The secretary shall be a person who is an advocate of the High Court of Uganda and who has been entitled to practise as such for not less than five years.

(4) The secretary shall act as secretary to the board and shall, subject to the directions of the board, arrange the business for and cause to be kept minutes of all meetings of the board in accordance with section 15.

(5) In addition to the functions conferred on him or her by subsection (4), the secretary shall—

- (a) have the custody of the seal of the corporation;
- (b) keep the records of all the transactions of the corporation;
- (c) be the chief legal officer and adviser of the corporation; and
- (d) perform such other functions as the managing director may assign to him or her from time to time.

(6) In the performance of the functions of the secretary, he or she shall be assisted by such other employees of the corporation as the board may, on the recommendation of the managing director, determine.

(7) The secretary shall, unless the board in any case otherwise directs on grounds stated by it in writing, or unless the secretary is prevented from doing so on any reasonable ground, attend all meetings of the board but shall not have the right to vote on any matter falling to be decided by the board at that meeting.

(8) If the secretary is incapacitated by absence, illness or other cause from performing his or her functions under this Act or where a vacancy occurs in the office of secretary, the board shall appoint an employee of the corporation qualified in terms of subsection (3) to perform the functions of secretary for the duration of the incapacity or until the vacancy in the office of secretary is filled.

### **23. Other employees of the corporation.**

(1) The board may also engage on behalf of the corporation such other employees as may be necessary for the proper and efficient discharge of the objects and functions of the corporation under this Act.

(2) The employees of the corporation engaged under this section shall hold office upon such terms and conditions as the board may determine.

(3) Without prejudice to the general effect of subsection (2), the board may, under that subsection, provide for the payment to its employees of salaries, allowances, pensions, gratuities or other retiring benefits and may require them to contribute to any pension, provident fund or superannuation scheme.

(4) Public officers may be seconded to the service of the corporation or may otherwise give assistance to the corporation.

(5) The board may, subject to such conditions and restrictions as it may impose, delegate any of its powers under subsection (1) to a committee of the board, the managing director or any employee of the corporation.

#### **24. Experts and consultants.**

(1) The board may, on the advice of the managing director, engage on behalf of the corporation, the services of experts and consultants in respect of any of the functions of the corporation in connection with which they are considered to have special competence.

(2) Experts and consultants engaged under this section may be paid such fees and allowances and may be afforded such facilities as the board may determine.

### PART VII—FINANCE.

#### **25. Funds of the corporation.**

- (1) The funds of the corporation shall consist of—
- (a) grants from the Government;
  - (b) loans from the Government or from any person or organisation within or outside Uganda;
  - (c) interest on savings made by the corporation;
  - (d) proceeds from its operations; and
  - (e) monies from any other source approved by the Minister.

(2) All monies of the corporation shall be deposited in a bank approved by the board.

(3) Any funds of the corporation not immediately required for any purpose under this Act may be placed in such investments as the board may, with the approval of the Minister from time to time, determine.

#### **26. Estimates.**

(1) The board shall, within three months before the commencement of each financial year, cause to be prepared and submitted to the Minister for his or her approval, estimates of income and expenditure in respect of the operations and development of the corporation as approved by the board for that financial year.

(2) The Minister shall consider the estimates of income and expenditure submitted to him or her under subsection (1) within one month after the date on which the estimates were submitted to him or her, and shall notify the board immediately of its decision on the estimates.

(3) No expenditure shall be made from the funds of the corporation unless that expenditure has been approved by the Minister under the estimates for the year in which the expenditure is to be incurred or in any other supplementary estimates.

## **27. Borrowing powers.**

(1) The board may, on behalf of the corporation obtain loans and other credit facilities for meeting the obligations of the corporation and for carrying out the objects and functions of the corporation under this Act.

(2) The board may also borrow temporarily by way of overdraft or otherwise, such sums as may be required for the current obligations of the corporation or for discharging its objects and functions.

(3) The board may, on behalf of the corporation, borrow money by the issue of stock or otherwise for the purposes of the corporation.

(4) Any stock issued under subsection (3) and the interest payable on it shall be charged upon all the property, undertakings and revenue of the corporation.

(5) The board may for the purposes of a loan under this section charge the assets, undertakings and revenue of the corporation with the repayment of any money borrowed together with interest on it and the issue, debentures, bonds or other securities to secure the repayment of any monies so borrowed and interest on it and may, on behalf of the corporation, do any other thing necessary in connection with or incidental to such borrowing.

(6) A loan or credit facility obtained under this section may, with the prior approval of the Minister responsible for finance, be guaranteed by the Government; and when so guaranteed, the principal sum and interest on that loan shall be a charge on the Consolidated Fund.

(7) Any borrowing by the board on behalf of the corporation under

this section shall be subject to guidelines prescribed from time to time by the Minister responsible for finance.

(8) The Minister responsible for finance may, from time to time, prescribe the maximum sums which may be borrowed under this section.

## **28. Financial year.**

The financial year of the corporation shall be the period of twelve months ending on the 31st day of December in each year.

## **29. Corporation to operate on sound commercial principles.**

(1) The corporation shall operate and conduct its undertaking in accordance with sound commercial principles and shall perform its functions in such a manner as to ensure that taking one year with another—

- (a) its revenue is not less than sufficient to meet its outgoings which are properly chargeable to revenue account and provision in relation to depreciation of capital assets, pension liabilities and interest on loans; and
- (b) its net operating income is not less than sufficient to secure an annual return on the value of the net fixed assets in operation by the corporation of such a percentage as the Minister may, from time to time, direct.

(2) So far as is consistent with this section, cheap transport shall be provided by the corporation to assist agricultural, mining and industrial development of Uganda.

- (3) (a) For the purposes of subsection (1)—  
“net operating income” shall be determined by subtracting from gross operating revenue, all operating and administrative expenses, including taxes, if any, and adequate provisions for maintenance and depreciation; and
- (b) “valuation of the net fixed assets in operation” shall be the value of those assets less the amount of the accumulated depreciation shown in the statement of account of the corporation; but if the accounts shown in any such statement of account do not reflect a true measure of value of the assets concerned because of any currency revaluation, change in prices or a similar factor, the value of the fixed assets shall be adjusted adequately to reflect

the currency revaluation, change in price or similar factor.

### **30. Accounts.**

(1) The board shall cause to be kept proper books of account of all income and expenditure of the corporation and proper records in relation to them.

(2) Subject to any directions that may be given by the Minister responsible for finance, the board shall cause to be prepared in respect of each financial year, and not later than four months after the end of the financial year, a statement of accounts which shall include—

- (a) a balance sheet and a statement of income and expenditure of the corporation in respect of that financial year; and
- (b) any other information in respect of the financial affairs of the corporation as the Minister or the Minister responsible for finance may by writing require.

### **31. Audit.**

(1) The accounts of the corporation shall, in respect of each financial year be audited by the Auditor General or by an auditor appointed by the Auditor General.

(2) The board shall ensure that within six months after the end of each financial year, the statement of accounts described in section 30 is submitted to the Auditor General for auditing.

(3) The Auditor General and any auditor appointed by him or her shall have access to all books of account, vouchers and other financial records of the corporation and be entitled to have any information and explanation required by him or her in relation to them as he or she may think fit.

(4) The Auditor General shall within two months after receipt of the statement of accounts under subsection (2) audit the accounts and deliver to the board a copy of the audited accounts together with his or her report on them stating any matter which in his or her opinion should be brought to the attention of the Minister.

(5) The Auditor General shall deliver to the Minister a copy of the



audited accounts together with his or her report on them.

PART VIII—ADMINISTRATION.

**32. Acquisition of land.**

(1) Where land is required by the corporation for its purposes, the corporation may—

- (a) if the land is not public land, acquire the land in accordance with the law for the time being in force by agreement with the owner of the land;
- (b) if the land is public land, or if the corporation is unable to acquire it by agreement in accordance with paragraph (a) of this subsection, notify the Minister responsible for lands that the land specified in the notice is required for the purposes of the corporation.

(2) Where notice has been given under subsection (1)(b)—

- (a) if the land is public land, the Minister responsible for lands may upon such terms as he or she may think fit place the land at the disposal of the corporation; or
- (b) if the land is not public land, the land may be acquired for the corporation by the Minister responsible for lands under the Land Acquisition Act; and that Act shall apply to the acquisition with such modifications as may be necessary to provide for the vesting of the land in the corporation and for adequate compensation and other costs of acquisition to be defrayed by the corporation.

**33. Power to survey.**

Any authorised employee may, for the purposes of the corporation, enter upon any land and survey the land or any portion of it.

**34. Power to enter land to prevent accidents.**

(1) The corporation, or any authorised employee may, for the purpose of preventing the occurrence of any accident, preserving the safe operation of any transport services provided by the corporation or repairing any damage caused by the accident enter upon any land—

- (a) to cut down or remove any tree or other obstruction, not being a building, which obscures the view of any fixed signal or which

is likely to cause any obstruction or any danger to any such transport services; and (b) execute any other works necessary to prevent the occurrence of any accident or to repair any damage caused by any accident.

(2) If any tree or other obstruction cut down or removed under subsection (1)(a) came into existence subsequent to the transport services being provided by the corporation at that place, no compensation is payable in respect of any entry or cutting down or removal of a tree or other obstruction under that paragraph.

(3) Where any person erects any building which obscures the view of a fixed signal or is likely to cause an obstruction or a danger to any rail or transport service provided by the corporation, the corporation may, unless that person has previously obtained the approval of the managing director for the erection of the building or has modified it to the satisfaction of the managing director, apply to a judge of the High Court for an order of the High Court—

- (a) for the demolition or modification of the building; or
- (b) for the payment to the corporation of the cost incurred by it in re-siting or placing any signalling equipment or taking any other step necessary to prevent the obstruction or danger.

(4) The court to which an application is made under subsection (3) may grant the order applied for and may make such order as to the payment of compensation and costs as it thinks fit.

(5) Compensation is not payable under this section where the demolished or modified building or structure of any kind was introduced onto existing premises of the corporation.

(6) The rules of court referred to in section 48(2) shall apply to an application under this section as they apply to the determination of compensation under that section.

### **35. Power to enter land to alter position of pipes.**

(1) The corporation or any authorised employee may, for the purpose of the corporation, enter upon any land belonging to any authority or person and alter the position of any pipe for the supply of gas, oil, water or compressed air or the position of any electric, telephone or telegraphic pole

and wire or the position of any drain.

- (2) Where the corporation exercises any power under subsection (1)—
- (a) the authority or person referred to in that subsection may authorise a representative to be present at the works and may require the corporation to execute the works to the satisfaction of the representative; and
  - (b) where any damage is caused by reason of the exercise of the powers conferred by this section, the authority or person suffering the damage shall be entitled to compensation for the damage in accordance with this Act.

### **36. Power to take water.**

The corporation may, for the purposes of the corporation, take any water from any natural watercourse subject to any law regulating the taking of any such water and where there is no such law, to the approval of the Minister responsible for lands.

### **37. Provision of transport services, etc. other than by the corporation.**

Subject to the right of the Government to provide and operate transport services, other than the carriage of passengers or goods for hire or reward for its own purposes—

- (a) no rail transport services shall be provided; and
- (b) no rail shall be constructed for the carriage on it of passengers or goods for reward, within Uganda,

by any person other than the corporation, except on industrial estates for industrial purposes only.

### **38. Corporation not to provide services at a loss.**

The corporation shall not be required by the Government to provide to the Government or any other authority or person transport services or any other facilities either free or at a rate of charge which is insufficient to meet the cost involved in the provision of those services or facilities by the corporation unless the Government undertakes in writing to make good the amount of the loss incurred by reason of the amount of the provision of those services or facilities.

### **39. Accommodation works.**

(1) Where, in the exercise of functions under this Act, the corporation constructs a railway, then, during the construction of the railway or as soon as practicable after the completion of the construction, it shall construct and maintain the following accommodation works for the benefit of the owners and occupiers of lands adjoining those on which the railway is constructed—

- (a) level crossings, bridges or other works such as, in the opinion of the board, are necessary for the purpose of making good any interruptions caused by the construction of the new railway to the use of the lands through which the railway is constructed;
- (b) culverts, drains or other works such as, in the opinion of the board, are necessary to convey water as freely or as nearly thereto as practicable from or to those adjoining lands as before the construction of the new railway.

(2) Nothing in this section shall require the construction or maintenance of any accommodation works—

- (a) in such a manner as to prevent or obstruct the proper operation of the railway;
- (b) where the owners or occupiers or their predecessors in title of the lands have received and agreed on the amount of compensation in consideration of those works not being constructed or maintained; or
- (c) at any time after five years from the date on which the railway passing through the lands was first opened for the public carriage of passengers or goods.

(3) Where suitable accommodation works, the crossing of roads or watercourses have been constructed under this section and any such road or watercourse is afterwards diverted by some person other than the corporation, the corporation shall not be required to construct other accommodation works for the crossing of that road or watercourse.

### **40. Additional accommodation works.**

If at any time—

- (a) the owner or occupier of any land on which a railway is constructed desires any accommodation works in addition to those, if any, constructed by the corporation under section 39; or
- (b) any authority proposes to construct a public road or any other

works across a railway, the owner, occupier or authority, as the case may be, may require the corporation to construct the accommodation works—

- (c) as may be agreed between the corporation and the owner, occupier or authority;
- (d) if no such agreement is reached, and the owner, occupier or authority still wishes to have the additional works constructed, the cost of constructing the accommodation works shall be borne by the owner, occupier or authority requiring them.

#### **41. Construction of railway crossing public road.**

(1) Where, in the exercise of functions under this Act, the corporation proposes to construct a railway across a public road, the Minister may, subject to subsection (3), require the corporation to construct the railway in such a manner that it does not cross the road on the level and to execute such other works as may be necessary for the safety of the public; and the corporation shall comply with those requirements.

(2) Where any railway has been constructed so as to cross a public road on the level, the Minister may, subject to subsection (3), require the corporation—

- (a) to erect such gates or barriers as may be necessary for the safety of the public;
- (b) to raise or lower the level of the public road so that it crosses the railway above or below and not on the level; and
- (c) to execute such other works as may be necessary for the safety of the public,

and the corporation shall comply with those requirements.

(3) The Minister shall, before making any requirement under this section, communicate with the corporation and the authority responsible for maintenance of the public roads in question and shall take into consideration any representations made by the corporation or that authority.

(4) Where, as a result of a requirement made by the Minister under this section, any works are to be constructed by the corporation, the manner and the cost of the construction shall be determined by the corporation and the cost of construction and future maintenance of the works shall be borne by the Ministry or institution requiring the construction of those works.

(5) Notwithstanding the provisions of this Act in regard to safety works provided at road crossings, the corporation retains the right of way at these crossings and shall not be held liable for damages or losses arising out of failure of the public to keep off any such crossing or works to allow free passage of the trains at all times.

#### **42. Certification of new railway.**

(1) Before any section of a new railway is declared open for the public carriage of passengers or goods, an engineer of the corporation or such other qualified person as the managing director may appoint for that purpose, shall furnish a certificate that that section complies with the standards laid down by the corporation and may, in the opinion of the engineer or other person, be opened for the public carriage of passengers or goods without danger to the public.

(2) Upon that certificate being furnished, the corporation shall, by notice in the Gazette, declare the section to which the certificate refers to be open for the purposes referred to in subsection (1).

(3) Nothing in this section shall prohibit the corporation from carrying passengers or goods on a railway in the course of construction or before it has been declared open under this section; but in such a case, the corporation shall not be liable for the death of, or injury to, any passenger or for loss of, or damage to, any goods occurring in the course of the carriage.

(4) For the purposes of this section, “new railway” does not include any diversion or realignment of track made to an existing railway.

#### **43. Common seal and execution of contracts, etc.**

(1) The common seal of the corporation shall be such device as the board may determine and shall be kept in the custody of the secretary.

(2) Pending the making of a common seal for the corporation, the board may cause to be used a wafer or rubber stamp in place of a seal.

(3) The common seal of the corporation shall, when affixed onto any document be authenticated by the signatures of any two members of the board together with the signatures of the managing director and the secretary.

(4) The signatures prescribed by subsection (3) for authentication shall be independent of the signing by any other person as witness.

(5) A contract or instrument which if entered into or executed by a person who is not a body corporate would not be required to be under seal may be entered into or executed without seal on behalf of the corporation by the managing director or any other person authorised to do so by the board.

(6) Every document purporting to be—

(a) an instrument issued by the corporation and sealed with its common seal, authenticated in the manner prescribed in this section; or

(b) a contract or instrument entered into or executed under subsection (5),

shall be received in evidence without further proof as such an instrument duly issued or a contract duly entered into or executed, as the case may be, unless the contrary is proved.

#### **44. Delegation.**

(1) Subject to subsection (3), the Minister, the board or the managing director may delegate to any person any of his or her functions under this Act and may grant to any person powers of attorney.

(2) Any act or decision or notification of it, of the Minister, the board or the managing director may be signified under the hand of a public officer or an employee of the corporation authorised for that purpose as the case may require.

(3) Without prejudice to the provisions of any other written law, subsection (1) does not extend to any power to make rules or regulations under this Act.

#### **45. Power of managing director to authorise employee to maintain order.**

The managing director may, by writing, authorise any employee of the corporation to maintain order upon any premises, inland waterway port, train, vessel or vehicle of the corporation.

#### **46. Staff rules.**

(1) Subject to this Act, the board may make rules relating to the terms and conditions of service of its employees and, in particular, but without prejudice to the general effect of the foregoing, may make rules relating to—

- (a) the grant of pensions, gratuities and other retiring benefits to employees and the dependents of deceased employees;
- (b) the maintenance of sick funds, superannuation and provident funds and the contributions payable to those funds and the benefits receivable from them;
- (c) the liability to assignment, attachment, sequestration or other levy of sums payable to an employee or other person under rules made under this section.

(2) Rules made under this section may be given retrospective effect to a date not earlier than the commencement of this Act for the purpose of conferring a benefit on or removing a disability attached to any person.

#### **47. Regulations.**

(1) The board may, with the prior approval of the Minister, make regulations with respect to the services provided and the functions performed by the corporation and the use, safety, working and maintenance of the railway and for the good government of the railway.

(2) Without prejudice to the general effect of subsection (1), regulations may be made under it with respect to—

- (a) the maintenance of order on any premises occupied by the corporation or any waterway port or any train, vessel or vehicle of the corporation;
- (b) the proper control, management and protection of such premises, train, vessel or vehicle and any property of the corporation;
- (c) the proper control and management of inland waterway ports and their entrances, the prevention and removal of obstructions in them and the regulation of any work, service or facility performed or provided there;
- (d) the control of all persons in any place referred to in paragraph (c) of this subsection, the maintenance of order there and the admission or exclusion of persons from there;
- (e) subject to the provisions of any written law— (i) the taking of measures for the prevention of vessels from



- leaving any inland waterway port if overloaded, improperly loaded, improperly found, insufficiently manned or without qualified officers or engineers or with the number of passengers in excess of the number that can be carried with reasonable safety or if otherwise unseaworthy;
- (ii) the examination and certification of masters mates and engineers of vessels engaged in trade upon inland waterways, tugs, dredgers, fishing boats and light craft and the charges and licence fees payable in respect of them;
  - (iii) the registration, licensing, inspection and control of ferries, tugs, launches, hulks, fishing or ferry boats or other craft upon inland waterways, the charges to be paid for them and the number of passengers to be carried in them; and
- (f) the protection of vessels and cargoes and the removal, destruction, sale or abandonment of stranded vessels and their cargoes and the appurtenances which obstruct or are likely to obstruct the fairway of any inland waterways port, the payment of expenses in connection with them and the levy recovery of a rent for the right of a hulk or wreck or wreckage to lie in any inland waterways port.

(3) The power of the board to make regulations under this section in relation to any matter shall not be construed as derogating from any other power conferred on the corporation or the board under this Act to make provision in relation to any such matter in any different manner.

#### PART IX—LEGAL PROVISIONS.

#### **48. Compensation.**

(1) In the performance of its functions under sections 3, 4, 5, 32, 33, 34 and 35, the corporation shall do as little damage as possible, and where any damage is so caused to any person, that person shall be entitled to compensation for the damage and, in the case of dispute, the liability to and the amount of compensation shall be determined in accordance with this section; but nothing in this section shall be construed as entitling any person to compensation—

- (a) for any damage suffered unless he or she would have been entitled to compensation otherwise than under this section;
- (b) for any damage suffered as a result of the user of any works authorised under this Act unless the damage results from

negligence of that user.

(2) Where any person is entitled to compensation under subsection (1), the compensation shall be determined by a judge of the High Court in accordance with the laws in force and with rules of court of the High Court made for that purpose; and the rules of the court of the High Court may provide for assessors sitting with the judge.

**49. Liability for damage caused by fire.**

(1) The corporation shall not be liable for any loss or damage caused by fire from any engine of the corporation to any building or any property in that building, if any part of that building is within two hundred feet of the rails of any railway.

(2) Subject to subsection (1), the corporation shall be liable for any loss or damage caused by fire from any engine of the corporation where there is negligence in the working or the construction of that engine.

(3) Subject to subsection (1), the corporation shall be liable for any loss or damage caused by fire from any engine of the corporation without proof of any such negligence as is mentioned in subsection (2) if—

- (a) the loss or damage is caused to the owner or occupier of any land which is contiguous with land occupied by the corporation;
- (b) at the time of the loss or damage that owner or occupier maintained upon that land a firebreak in good condition;
- (c) where no firebreak in good condition was maintained at that time by the corporation, that owner or occupier had given notice in writing of that fact to the managing director at least one month prior to the occurrence of the loss or damage; and
- (d) the owner or occupier suffering the loss or damage gives to the managing director— (i) within fourteen days after the occurrence of the loss or damage, notice in writing of the loss; and (ii) within twenty-one days after the occurrence of the loss or damage, particulars in writing of his or her claim and of the loss or damage suffered by him or her.

**50. Burden of proof.**

In any proceedings against the corporation for compensation under sections

57, 58 and 67 it shall be necessary for the person claiming compensation to prove how loss, misdelivery, damage, detention, delay or deviation was caused by lack of reasonable foresight or care on the part of the corporation.

#### **51. Notice of claim.**

(1) No person shall be entitled to compensation for nondelivery of the whole of a consignment of goods, or of any separate package forming part of that consignment accepted by the corporation for carriage or warehousing unless a claim in writing, giving such particulars as may reasonably be necessary, is given to the managing director within three months after the date upon which goods were accepted by the corporation.

(2) No person shall be entitled to compensation for any goods missing from a packed or unpacked consignment or for misdelivery of, damage or delay to, detention of or deviation in the carriage of, any goods accepted by the corporation for carriage or warehousing unless—

- (a) the managing director is notified of that fact in writing within seven days after the date on which the goods were delivered or offered by the corporation for delivery to the consignee or person entitled to take delivery of them; and
- (b) a claim in writing, giving such particulars as may reasonably be necessary, is given to the managing director within one month after that date.

(3) Where the person claiming compensation proves that it was impracticable for him or her to notify the managing director or give the managing director his or her claim, as set out in subsections (1) and (2), within the time specified in those subsections and that the notification or claim was made or given in reasonable time, nothing in those subsections shall prejudice the right of that person to obtain compensation.

#### **52. Limitation.**

Where any action or other legal proceeding is commenced against the corporation for any act done in pursuance or execution, or intended execution of this Act or of any public duty or authority or in respect of any alleged neglect or default in the execution of this Act or of any such duty or authority, the following provisions shall have effect—

- (a) the action or legal proceedings shall not be commenced against the corporation until at least one month after written notice

containing the particulars of the claim, and of intention to commence the action or legal proceedings, has been served upon the managing director by the plaintiff or his or her agent; and (b) the action or legal proceeding shall not lie or be instituted unless it is commenced within twelve months after the act, neglect or default complained of or in the case of a continuing injury or damage, within six months after its cessation.

**53. Restriction on execution against property of corporation.**

Notwithstanding anything to the contrary, where any judgment or order has been obtained against the corporation, no execution or attachment or similar process shall be issued against the corporation or against any property of the corporation; but the managing director shall, without delay, cause to be paid out of the revenue of the corporation such amounts as may, by the judgment or order, be awarded against the corporation to the person entitled to it.

**54. Overcharge and undercharge.**

(1) Where the amount paid for the carriage of any passenger or goods by the corporation, or for inland waterways port charges, is found to be incorrect, if the amount is—

- (a) an overcharge, the passenger or the person who paid the charge shall be entitled to a refund of the amount of the overcharge;
- (b) an undercharge, the corporation shall be entitled to collect the amount of the undercharge from the passenger or the person who paid the charge.

(2) An overcharge or undercharge shall not be refunded or collected under subsection (1) unless a notice in writing containing such particulars as may reasonably be necessary is given—

- (a) by the person claiming the overcharge to the managing director;  
or
- (b) by the managing director, to the person against whom the amount of the undercharge is claimed;

within three months after the commencement of the passenger's journey or the acceptance of the goods by the corporation, as the case may be, so however, that where the undercharge is caused by any information or description subsequently found to be incorrect, the period of three months shall commence from the discovery by the corporation of the correct information or description.

(3) Where a ticket issued under this Act has not been used, a refund of the amount paid for the ticket shall be given if within three months after the date of the expiry of the validity of the ticket a notice in writing containing such particulars as may reasonably be necessary is given to the managing director by the person claiming the refund.

(4) Where the person claiming a refund under this section proves, to the satisfaction of the managing director, that it was impracticable for him or her to notify the managing director of his or her claim within the times specified in relation to it and that the notification was made or given in reasonable time, nothing in this section shall prejudice the right of that person to obtain the refund.

#### **55. Medical examination of person claiming compensation.**

Whenever any person claims compensation against the corporation in respect of any injury alleged to be suffered by him or her as a result of the operations of the corporation, 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 a medical practitioner named in the order and may also make such order with respect to the costs of the examination as may be thought fit.

#### **56. Service of notice, etc.**

(1) Any notice or other document required or authorised under this Act to be served on the corporation or the managing director shall be served by delivery of the notice or other document to the secretary at the registered head office of the corporation.

(2) Any notice or other document required or authorised under this Act to be served on any person by the corporation or the managing director or any authorised employee may be served—

- (a) by delivering it to that person;
- (b) by leaving it at the usual or last known place of abode of that person; or
- (c) by sending it by prepaid registered post addressed to that person at his or her usual or last known address.

(3) Unless the contrary is proved, any notice or document sent by prepaid registered post under this section shall be taken to have been served

at the time at which it would have been delivered in the ordinary course of post.

PART X—RESPONSIBILITY OF THE CORPORATION AS A CARRIER AND  
WAREHOUSEPERSON.

**57. Liability for loss of life, etc. of passengers.**

(1) The corporation is not liable for the loss of life of, or personal injury to, any passenger except where the loss of life or personal injury is due to proven negligence of responsibility on the part of the corporation or of an employee.

(2) Nothing in this section shall impose upon the corporation any liability from which it is exempted under any other provision of this Act.

(3) The corporation is not liable for the loss of life of, or personal injury to, any passenger—

- (a) who is travelling, whether with or without permission, in any part of a train, vessel or vehicle other than a part normally provided for the use of passengers during travelling;
- (b) who is travelling without a pass or valid ticket;
- (c) who is travelling over a railway which is under construction, whether with or without permission;
- (d) who, at the time the loss of life or injury occurred, was being carried by any transport service other than one provided by the corporation or under the control of the corporation,

and this subsection shall not require a notice to be given to that passenger of the conditions on which he or she travels, and it is immaterial whether or not that passenger is an infant, invalid or illiterate.

(4) The corporation is not liable for the loss of life of or injury to any passenger who is carried by the corporation solely by vessel, or partly by train and vehicle and partly by vessel, when the loss of life or injury occurs during the carriage by vessel and arose from—

- (a) act of God;
- (b) act of war; or
- (c) civil commotion.

(5) Subject to subsection (4) and to any conditions expressed in the contract of carriage, the corporation shall be liable for loss of life or personal

injury referred to in that subsection which occurs during the carriage by vessel to the extent to which as owner of the vessel it would be liable under any law for the time being in force relating to merchant shipping (or to the limitation of liability for loss of life or personal injury upon a vessel in inland waterways) as if the vessel were subject to the provisions of that law and not to any greater extent; and where the corporation seeks to avoid liability under this subsection, negligence of responsibility on the part of the corporation must be proved.

(6) Nothing in this section shall impose upon the corporation any liability from which it is exempted under any other provision of this Act.

(7) In this section, "passenger" includes every person, other than an employee on duty, lawfully travelling on any train, vessel or vehicle of the corporation.

#### **58. Liability for loss of goods.**

(1) Subject to the other provisions of this Act, the corporation is not liable for any loss or misdelivery of, or damage to, goods occurring while the goods are in transit from any cause, including any of the following causes, unless it is proved that the loss, misdelivery or damage arose out of negligence or responsibility on the part of the corporation or its agent—

- (a) act of God;
- (b) act of war;
- (c) civil commotion;
- (d) seizure under legal process;
- (e) act or order of the Government;
- (f) deficiency in contents of unbroken packages;
- (g) that the contents were not fully declared on acceptance;
- (h) act or omission of the consigner, his or her servant or agent;
- (i) inherent liability to wastage in bulk or weight;
- (j) latent or inherent defect, vice or natural deterioration of goods;
- or (k) casualty, including fire or explosion, and in each case

negligence of responsibility on the part of the corporation or its agent must be proved.

(2) The corporation shall not be liable for loss, misdelivery or damage in respect of goods which have not been declared or to which false account in any material particular or value has been given under section

62(1) or any incorrect or insufficient address for delivery has been given.

(3) Notwithstanding subsections (1) and (2), the corporation is not liable for loss, misdelivery or damage in respect of goods—

- (a) where there has been fraud on the part of the consigner;
- (b) unless a corporation document of receipt of the goods for carriage by the corporation has been given on acceptance;
- (c) which at the time the loss, misdelivery or damage occurred were being carried by any transport service other than one provided by the corporation or under the control of the corporation;
- (d) where the loss, misdelivery or damage arises from a riot, civil commotion, strike, lockout, stoppage or restraint of labour from any cause whether partial or general.

(4) Nothing in this section shall exempt the corporation from any liability imposed on it by any other provision of this Act.

(5) The corporation is not liable for loss of, or damage to, goods carried by the corporation solely by vessel, or partly by train and vehicles and partly by vessel, when the loss of or damage to the goods carried by the corporation occurs during the carriage by vessel and arises from—

- (a) act of God; or
- (b) act of war.

(6) Subject to subsection (5) and to any conditions expressed in the contract of carriage, the corporation is liable for any loss or damage which occurs during the carriage by vessel to the extent to which, as owner of the vessel, it would be liable under any law for the time being in force relating to merchant shipping (or the limitation of liability for loss of, or damage to, goods upon a vessel in inland waterways) and not to any greater extent, and where the corporation seeks to avoid liability under this subsection, the burden of proving that any such loss or damage occurred during the carriage by vessel shall be upon the corporation; but nothing in this subsection shall impose upon the corporation any liability from which it is exempted under any other provision of this Act.

#### **59. No liability for delay in arrival of goods.**

(1) Subject to subsection (2), the corporation is not liable for any loss arising from delay to, detention of or deviation in the carriage of goods unless the delay, detention or deviation is caused by the want of reasonable



care on the part of the corporation or an employee.

(2) The corporation is not liable for any loss arising from the delay to, detention of or deviation in the carriage of goods—

- (a) where there has been fraud on the part of the consigner;
- (b) unless a corporation document of receipt of the goods for carriage by the corporation has been given on acceptance;
- (c) which at the time the delay, detention or deviation occurred were being carried by any transport service other than one provided by the corporation or under the control of the corporation;
- (d) where there is a loss of a particular market whether held daily or at intervals; or
- (e) where the delay, detention or deviation arises from insufficient packing or address, a riot, civil commotion, strike, lockout, stoppage or restraint of labour from any cause whether partial or general.

#### **60. Limitation of liability for animals.**

(1) The liability of the corporation in respect of any animal shall not in any case exceed a fixed amount determined from time to time by the corporation and published in a tariff notice, unless at the time of acceptance of the animal by the corporation for carriage the consigner or his or her agent declared with proof the actual value of the animal and paid such additional charge as may be determined and published in a tariff notice by the corporation, and thereupon the liability of the corporation shall not in any case exceed the value so declared.

(2) In any proceedings against the corporation for the recovery of any sum in respect of any animal subject to the maximum value set by the corporation or as declared, the burden of proving the liability of the corporation or that the animal has been injured, or the extent of the injury, shall be upon the claimant.

#### **61. Limitation of liability for loss, damage or misdelivery.**

(1) The liability of the corporation in respect of any goods shall not exceed the value which has been declared with proof, upon offering the goods for carriage or on their acceptance.

(2) The value so declared shall be related in all respects to the

descriptions and quantities of the goods entered on the consignment note and supported by packing specifications, receipts, invoices and customs declaration forms.

(3) Articles, parcels and packages carried under the conditions of “loaded by consignor and not checked by the corporation” shall not place any liability on the corporation.

(4) It shall be a condition of carriage of any articles, parcels and packages containing goods, the value of which exceeds 50,000 shillings per 1,000 kilogrammes carried, that the articles, parcels or packages shall be declared in writing and may be inspected upon acceptance, by an authorised employee.

(5) In any proceedings against the corporation for the recovery of any sum in respect of any articles, parcels or packages the value of which has been declared in excess of 50,000 shillings per 1,000 kilogrammes carried, the burden of proof of misdelivery shall be upon the claimant; and the value shall not exceed that which was declared in writing.

(6) Notwithstanding this section, the corporation shall specify articles, parcels or packages in respect of which this section may apply.

(7) The articles, parcels or packages specified under this section shall be referred to as items of exceptional value and shall be subject to declaration and shall have additional charges for their conveyance or warehousing, and a list of those items and additional charges shall be published from time to time in a tariff notice.

## **62. Limitation of liability for loss, etc. where false account is given.**

The corporation is not liable for loss, misdelivery or damage in respect of any goods which have not been declared or to which an account in any material particular or value has not been given under the waybill or consignment note, and the corporation’s liability shall not in any case exceed the value of the goods as calculated on the lowest value of that account.

## **63. Limitation of liability by contract.**

(1) The liability of the corporation under this Act shall not be limited in any manner otherwise than by contract made in accordance with this

section; but nothing in this section shall apply to a contract for the carriage of goods by vessel.

(2) A contract purporting to limit the liability of the corporation under this Act or the carriage of goods by the corporation shall, to the extent to which it purports to limit that liability but not otherwise, be void unless it is in writing signed by or on behalf of the person delivering the goods to the corporation.

#### **64. Liability for loss of goods, etc. in warehouse.**

(1) Subject to this Act or any contract, the corporation is not liable for the loss, misdelivery or detention of, or damage to goods—

- (a) delivered to, or in the custody of, the corporation otherwise than for the purpose of continued carriage; or
- (b) accepted by the corporation for carriage where the loss, misdelivery, detention or damage occurs otherwise than while the goods are in transit,

and except where the loss, misdelivery, detention or damage is caused by the want of reasonable care on the part of the corporation, the corporation shall not be liable for loss, misdelivery, detention or damage arising from— (i) act of God;

- (ii) act or order of the Government;
- (iii) seizure under legal process;
- (iv) act of war;
- (v) act or omission of the consigner, consignee, or depositer, or of his or her servant or agent;
- (vi) fire, flood, tempest, riot, civil commotion, strike, lockout, stoppage or restraint of labour from whatever cause whether partial or general;
- (vii) inherent liability to wastage in bulk or weight, latent defect, vice or natural deterioration; (viii) deficiency in the contents of unbroken packages; (ix) broken packing or leakage from defective drums, broken packages whose contents were not fully accounted for on the acceptance form; or (x) insufficient packing or leakage from defective drums, containers or package.

(2) In addition to subsection (1), where loss, misdelivery, detention or damage is—

- (a) in relation to goods accepted by the corporation for carriage otherwise than while the goods are in transit, the limitation of the liability of the corporation contained in sections 59, 60 and 61 shall continue to apply;
- (b) in relation to goods accepted by the corporation for warehousing, the limitation of the liability of the corporation contained in section 61 shall apply.

(3) In any proceedings against the corporation for the recovery of any sum in respect of any claim under this section, want of reasonable care on the part of the corporation must be proved.

**65. Limitation of liability for loss, etc. of goods deposited in cloakroom.**

(1) The liability of the corporation for any loss or misdelivery of, damage to or delay in the delivery of any goods deposited in a cloakroom shall not in any case exceed 1,000 shillings unless at the time of the deposit the person depositing the goods declared their value and paid such additional charge as may be determined by the corporation in respect of excess value surcharge, and thereupon the liability of the corporation shall not in any case exceed such declared value.

(2) In this section, “cloakroom” means any place provided by the corporation in connection with the transport services provided by the corporation as a facility for the temporary deposit of goods by passengers and other persons.

PART XI—CARRIAGE OF PASSENGERS, LUGGAGE AND GOODS.

**66. Conditions for the carriage of passengers and luggage.**

- (1) The corporation may, subject to this Act—
  - (a) determine the conditions upon which passengers and luggage may be carried by the corporation;
  - (b) determine the rates, fares and charges for the carriage of passengers and luggage by the corporation;
  - (c) determine the different classes of accommodation available to passengers in trains, vessels or vehicles of the corporation.
- (2) Different conditions may be determined under subsection (1)(a) in respect of different cases.

(3) Conditions, rates, fares and charges determined under subsection (1) shall be published in a tariff notice and shall come into force on the date specified in the notice.

(4) Provision shall be made under subsection (1)(c) for the carriage of a specified amount of luggage by a passenger free of charge, and different amounts may be determined under that paragraph for passengers travelling by different classes.

(5) Notwithstanding anything in this section, the corporation may, in relation to the special circumstances of any particular case, determine conditions, rates, fares and charges applicable to that case for the carriage of passengers and luggage by the corporation; and those conditions, rates, fares and charges shall have effect in relation to that case.

(6) Any conditions, rates, fares and charges determined under subsection (5) shall be published in a tariff notice.

**67. General conditions for carriage of goods, etc.**

(1) The corporation may, subject to this Act—

- (a) determine the conditions upon which goods may be carried or warehoused by the corporation;
- (b) determine the rates and charges for the carriage or warehousing of goods and for any other service or facility by the corporation.

(2) Different conditions may be determined under subsection (1)(a) in respect of different cases.

(3) Conditions, rates and charges determined under subsection (1) shall be published in a tariff notice and shall come into force on the date specified in the notice.

(4) Notwithstanding anything in this section, the corporation may, in relation to the special circumstances of any particular case, determine conditions, rates and charges applicable to that case for the carriage or warehousing of goods by the corporation or for any other service or facility and those conditions, rates and charges shall have effect in relation to that case.

(5) Any conditions, rates and charges under subsection (4) shall, if they are of a continuing nature, be available to the public for inspection upon request.

(6) For the exemption of the corporation from any liability in accordance with the provisions of this Act, it shall not be the responsibility of the corporation for notice to be given individually of the conditions on which goods are accepted, carried and warehoused by the corporation.

**68. Sale of goods to pay fares, rates, charges, etc.**

(1) Where any person fails to pay on demand made by an authorised employee any fare, rate or charge due from him or her as a passenger or in respect of any goods, the corporation may detain the whole or any part of the goods, including the luggage of the passenger; or where the value of the goods is in the opinion of the authorised employee insufficient to pay for the fare, rate or charge due or where the goods have been removed from the possession of the corporation, detain any other goods of that person which may be in, or may thereafter come into the possession of, the corporation.

(2) Where any goods have been detained under subsection (1), the corporation may, if the fare, rate or charge due is not paid immediately, sell by public auction so much of those goods as would produce the fare, rate or charge owing and all the expenses of the detention and sale; and in the case of—

- (a) perishable goods, the auction may take place at once;
- (b) any other goods, the auction may take place on the expiration of at least fifteen days' notice published in at least one of the newspapers, circulating in the area where the auction is to take place;

except that no imported goods shall be sold under this section until they have been entered for home consumption in accordance with the customs laws.

(3) The corporation may, out of the proceeds of any sale effected under subsection (2), retain a sum equal to the fare, rate or charge due and the expenses of the detention and sale, and shall deliver the balance, if any, of those proceeds together with such of the goods, if any, as remain unsold to the person appearing to the managing director to be entitled to them; but if that person fails, after notice to do so, to remove within a reasonable time the goods, if any, remaining unsold, the corporation may sell those goods and dispose of the proceeds of the sale in accordance with this section.

(4) Nothing in this section shall prejudice the right of the corporation to recover any such fare, rate or charge, or any part of it, by any other lawful means.

**69. Unclaimed goods in possession of the corporation.**

(1) Where any goods in the possession of the corporation are not claimed by the owner or any other person appearing to the corporation to be entitled to them, the corporation shall, if that owner or person is known, take all reasonable steps to cause a notice to be served upon him or her requiring him or her to remove the goods.

(2) Subject to any customs laws, the corporation will reserve the right to cause a wagon to be offloaded within seven days after arrival at its destination; and the risks and costs in respect of the off-loading and further storage as shall be assessed by the corporation shall be borne by the owner.

(3) Where—

- (a) the owner of any goods in the possession of the corporation is not known and no person appears to be entitled to them;
- (b) the notice referred to in subsection (1) cannot for any reason be served; or
- (c) there has been a noncompliance with the provisions of any notice served under subsection (1),

the corporation may, within a reasonable time not being less (except in the case of perishable goods) than three months, sell the goods and retain the proceeds of the sale; except that no imported goods shall be sold under this section until they have been entered for home consumption in accordance with the customs laws.

**70. Indemnity where goods claimed by two persons, etc.**

Where—

- (a) any goods, or the proceeds of the sale of any goods, are in the possession of the corporation and those goods or proceeds are claimed by two or more persons; or
- (b) any person claiming any goods in the possession of the corporation does not produce valid documents showing that he or she is entitled to take delivery of them,

the corporation may withhold delivery of those goods or proceeds until the

person appearing to the managing director to be entitled to them has given an indemnity to his or her satisfaction against the claim of any other person with respect to those goods or proceeds.

## PART XII—INLAND WATERWAYS.

### **71. Inland waterway ports.**

(1) The corporation shall, from time to time, declare and cause to be published in a tariff notice, places to be inland waterway ports for the purpose of this Act.

(2) The Minister shall, by statutory order, define the limits of inland waterway ports declared under this section.

(3) The Minister may, by statutory order, alter the list of the inland waterway ports declared under this section.

### **72. Passengers to embark and disembark, etc. only at inland waterway port.**

No vessel shall, without lawful excuse, embark or disembark any passenger or goods at any place other than an inland waterway port, declared under section 71; except that—

- (a) the managing director may authorise the master of any vessel to embark passengers or goods at any place other than an inland waterway port;
- (b) nothing in this section shall apply to small boats carrying passengers or goods from any place to any other place.

### **73. Master to supply information.**

The master of any vessel arriving at an inland waterway port shall, if required, produce to any authorised employee—

- (a) the register of the vessel and its papers;
- (b) a list of the crew;
- (c) a list of the passengers, if any, showing particulars of their sex and occupation;
- (d) a list showing the deaths, if any, which have occurred during the voyage;
- (e) a list showing stowaways, if any, on the vessel; and



- (f) any other information in relation to the vessel, passengers and their cargo, as the authorised employee may require.

**74. Levy of port rates.**

(1) There shall be levied upon every vessel entering an inland waterway port other than a vessel belonging to the corporation, such port rates and charges as the corporation may determine and publish in a tariff notice.

(2) At every booking office within an inland waterway port there shall be maintained, available for public inspection, a list of rates and charges applicable to that port.

**75. Arrest of vessel for port charges.**

(1) Where any port charges are owing in respect of any vessel, an authorised employee may arrest the vessel together with its tackle, apparel and furniture and may detain it until the amount of the charges is paid.

(2) Where, after the arrest, the port charges remain unpaid for seven days, the authorised employee may cause the vessel together with its tackle, apparel and furniture arrested to be sold; and out of the proceeds of the sale, he or she may retain the amount of any port charges which are owing and the expenses of the detention and sale, and shall deliver the balance, if any, to the person responsible, under this Act, for the payment of the port charges.

(3) Where any vessel in respect of which port charges are owing, and have not been secured to the satisfaction of an authorised employee, leaves any inland waterway port and enters or is in any other inland waterway port, the vessel may be dealt with as if the port charges owing and not secured were port charges owing in respect of that other inland waterway port.

**76. Powers of authorised employee in relation to inland waterway port.**

- (1) An authorised employee may—
  - (a) give directions to the master of any vessel within any inland waterway port with regard to the berthing of that vessel, or the removal of that vessel from one berth to another, and the master shall comply with those directions;
  - (b) remove any wreck in, or other obstruction to, an inland waterway

port or its approaches or any timber, raft or other thing floating in the port or approaches which endangers or obstructs, or is likely to endanger or obstruct, the free navigation of the port or the use of any wharf or dock there;

- (c) in case of urgent necessity, take any action in an inland waterway port which, in his or her opinion, may be necessary to prevent any danger to life or shipping;
- (d) enter upon any vessel or into any building in an inland waterway port if it is necessary for him or her to do so in the performance of any duty under this Act or if he or she has reasonable grounds for believing that an offence against this Act has been or is about to be committed there.

(2) The owner of any wreck or other thing removed by an authorised employee under subsection (1)(b) shall, without prejudice to any other action which may be taken against him or her, be liable to pay the reasonable expenses of the removal; and the wreck or other thing may be detained by the authorised employee until those expenses are paid.

(3) Where any wreck or other thing is removed under subsection (1)(b), and the expenses of removal have not been paid within seven days after the removal, the corporation may sell the wreck or other thing by public auction and may, out of the proceeds of sale, retain the expenses of the removal, detention and sale and shall deliver the balance, if any, to the person appearing to the managing director to be entitled to it.

#### **77. Power of health officer in an inland waterway port.**

- (1) A health officer may board any vessel arriving at a port and—
  - (a) medically examine any person in it;
  - (b) inspect the provisions, medicines and accommodation in it;
  - (c) require the master to produce the logbook and any other documents which the health officer may think necessary for the purpose of ascertaining the state of health of persons in it;
  - (d) question any person in it for the purpose of ascertaining the state of health of that person;
  - (e) prohibit any person in it who appears to be infected with, or who has been exposed to the risk of any infection of, any infectious or contagious disease from leaving the vessel and detain him or her in any hospital or quarantine station.

(2) In this section, “health officer” means a medical practitioner, appointed under any law to discharge the duties of a health officer at an inland waterway port or any other person deputed by the health officer to perform any of his or her duties under this section.

**78. Master responsible for contravention of Act, etc. in respect of vessel.**

(1) The master of a vessel shall be responsible for the compliance in respect of that vessel with this Act; and where this Act is contravened, he or she may be proceeded against and held responsible for the contravention.

(2) The corporation shall, at every inland waterway port, maintain for the inspection of the master of any vessel a copy of this Act and any regulations relating to inland waterways made under it.

**79. Offences by master of a vessel.**

A master of a vessel who contravenes any of the provisions of section 72, 73, 76(1)(a) or 77(1), or produces any document or gives any information which is false in any material particular commits an offence and is liable on conviction to a fine not exceeding ten thousand shillings or in default of payment to imprisonment not exceeding three months.

PART XIII—OFFENCES AND PENALTIES.

**80. Major offences.**

(1) Any person who unlawfully—

- (a) does any act which obstructs or is likely to obstruct the working of a train, vessel or vehicle of the corporation or is likely to endanger life or damage the property of the corporation;
- (b) damages or in any way interferes with any train, vessel, vehicle, signal, paint, rail, sleeper, lighthouse, burry, mark beacon or other property of the corporation in such a manner as to endanger or to be likely to endanger the life of any person,

commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment not exceeding one year or both.

(2) Without prejudice to the general effect of subsection (1), any

person who, being a member of the crew of a vessel operated by the corporation and with prejudice to the safe operation of the vessel, without lawful excuse disobeys any lawful order given to him or her as a member of the crew or, at an inland waterway port or other place, unlawfully deserts his or her employment upon the vessel commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment not exceeding one year or to both.

### **81. Minor offences.**

Any person who—

- (a) not being specifically authorised in that behalf or not being an employee, a passenger or agent of the corporation—
  - (i) is found during the hours of darkness on any premises occupied by the corporation; (ii) is found in any area designated by the corporation by the erection of notice boards as private; or (iii) refuses to leave premises occupied by the corporation, or any train, vessel or vehicle of the corporation after being lawfully required to do so by any employee or police officer on behalf of the corporation;
- (b) being on any premises occupied by the corporation or upon any train, vessel or vehicle of the corporation—
  - (i) refuses when called upon by an employee or police officer to give his or her name and address for the purpose of avoiding identification; (ii) is in a state of intoxication or behaves in a violent or offensive manner to the annoyance of any other person;
  - (iii) discharges any firearm or does anything which may cause injury to any person on those premises or upon the train, vessel or vehicle; (iv) commits any nuisance or act of indecency or uses profane, obscene, indecent or abusive language; (v) without lawful excuse contravenes any direction lawfully given by any employee under this Act; (vi) except with the express permission of the managing director, hawks, sells or exposes for sale any article or touts, applies for or solicits custom of any description;
  - (vii) smokes in any part of the premises, train, vessel or vehicle bearing a notice of “NO SMOKING” in that part;
- (c) writes, draws or affixes any profane, obscene, indecent or abusive

work, matter, representation or character upon any premises occupied by the corporation or upon any train, vessel or vehicle of the corporation;

- (d) defaces the writing on any board or any notice authorised to be maintained upon any premises occupied by the corporation or upon any train, vessel or vehicle of the corporation;
- (e) damages or, without lawful excuse, interferes with any property of the corporation;
- (f) without lawful excuse, does any act which obstructs, or is likely to obstruct, the free navigation of any inland waterway port or the use of any wharf or dock in it;
- (g) without lawful excuse, enters or leaves any train, vessel or vehicle of the corporation while it is in motion or elsewhere than at the place appointed by the corporation for passengers to enter or leave or opens any outer door of any train while it is in motion;
- (h) being a driver or conductor of any vehicle, disobeys while upon premises occupied by the corporation any reasonable directions given to him or her in respect of these vehicles by any police officer or, not being an employee of the corporation, disobeys any such direction given by an authorised employee;
- (i) in the absence of a gatekeeper, omits to shut and fasten, if any form of fastener is provided, any gate on any railway belonging to the corporation as soon as that person and any animal, vehicle or other thing under his or her charge has passed through the gate;
- (j) knowing, or having reason to believe, that a train is approaching, or without having exercised due care to ascertain whether or not a train is approaching, opens any gate, chain or bar set up on either side of a railway or drives any animal, vehicle or any other thing onto or across a railway or onto a level crossing;
- (k) permits or allows any animal to stray on any premises occupied by the corporation and properly fenced;
- (l) fails to deliver at the earliest possible opportunity to any authorised employee any property which there is reason to believe has been lost or forgotten and is found on any premises, train, vessel or vehicle of the corporation;
- (m) wilfully obstructs or impedes an employee of the corporation in the discharge of his or her duties;
- (n) gives or offers to any employee any money or anything of value for the purpose of avoiding payment of any sum due to the corporation;

- (o) unlawfully removes any property of the corporation;
- (p) being an employee, receives from any passenger, or from any other person delivering goods to the corporation for carriage or warehousing or from any other person making use of the facilities provided by the corporation, any amount of money and fails within a reasonable time not exceeding half an hour to issue a ticket or other receipt in respect of such amount of money;
- (q) without the permission of an authorised employee travels in or upon any part of a train, vessel or vehicle of the corporation other than the part ordinarily provided for passengers during travel; or
- (r) contravenes any direction given by a health officer under section 85 or refuses to answer any question put to him or her under that section or gives in reply to such a question any information which is false in a material particular,

commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding three months or to both.

## **82. Offences relating to passengers.**

Any person who, being on any train, vessel or vehicle of the corporation whether as a passenger or not—

- (a) enters any part of it not intended for the carriage of passengers or reserved for the use of another person, or already containing the maximum number of persons authorised for that part, and refuses to leave that part after being required to do so by an authorised employee;
- (b) interferes with the equipment on the train, vessel or vehicle;
- (c) resists or obstructs the lawful entry of any person into any part of it not already containing the maximum number of persons authorised for that part;
- (d) refuses or fails to obey the requirement of an authorised employee made under section 3;
- (e) knowingly enters or refuses to leave any part of it not intended for the use of passengers;
- (f) without reasonable cause uses or interferes with any means of communication provided on it for communication between passengers and any employee in it; or
- (g) knowingly enters, or refuses to leave after being required to do so, any part of it provided for the exclusive use of persons of a different class or sex,

commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment not exceeding five months or to both.

**83. Offences relating to tickets.**

- (1) Any person who—
  - (a) not being an authorised employee or agent of the corporation, sells or parts with any ticket or free pass for any other person to travel with it on a train, vessel or vehicle;
  - (b) purchases or obtains any ticket or free pass, or any portion of it, from any person other than an authorised employee or agent of the corporation;
  - (c) wilfully alters, obliterates or defaces any ticket or free pass with intent to render any material portion of it illegible;
  - (d) obtains by false pretences or other fraudulent means any ticket or free pass issued by the corporation;
  - (e) with intent to defraud, counterfeits, forges or alters any such ticket or free pass; or
  - (f) with intent to defraud utters or in any way publishes any such forged, counterfeited or altered ticket or free pass,

commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment not exceeding one year or to both and, in addition, is liable to a penalty equal to the fare due in respect of any journey travelled by means of any such ticket or free pass together with the excess charge which on demand he or she is liable to pay under section 60.

- (2) Any person who—
  - (a) travels on any train, vessel or vehicle of the corporation without a valid ticket or free pass; or
  - (b) being in or having come from any such train, vessel or vehicle does not present his or her ticket or free pass for examination or does not deliver up his or her ticket or free pass in accordance with the conditions on which the ticket or free pass is issued,

commits an offence.

(3) The following provisions shall apply to a person who has done any of the acts described in subsection (2)—

- (a) without prejudice to any other action which may be taken against him or her under this section, he or she may be required by any employee of the corporation to leave the train, vessel or vehicle and, if he or she does not do so, may be removed from it with

such force as may be reasonable and necessary in the circumstances; and (b) he or she is liable to pay on demand by an authorised employee, the fare and such penalty charges as the corporation may determine and publish in a tariff notice, up to the station he or she proposes to travel calculated from the station, town or waterway port—

- (i) from which the train, vessel or vehicle originally started;
- or (ii) from which the person would have alighted according to the ticket or free pass he or she holds.

(4) Any person who—

- (a) travels in a class of a train, vessel or vehicle higher than that for which he or she is in possession of a valid ticket or free pass; or
- (b) travels in a train, vessel or vehicle beyond the place authorised by his or her ticket or pass,

is liable to pay on demand by an authorised employee a fare equal to the difference between the fare he or she has paid and that which he or she should have paid and, in addition, such penalty charges as the corporation may determine and publish in a tariff notice.

(5) If, on demand by an authorised employee, a person refuses to pay the fare and penalty charges for which he or she is liable under this section, any authorised employee or any police officer may, if there is reasonable ground to believe that there would be difficulty or delay in bringing that person before the court by any other means, arrest and detain that person without a warrant and bring him or her, as soon as practicable, before a court having jurisdiction to deal with him or her in accordance with this Act.

(6) Any person who—

- (a) travels on a train, vessel or vehicle of the corporation without a valid ticket or free pass without valid reasons;
- (b) having a valid ticket or free pass for a certain distance, knowingly travels on a train, vessel or vehicle of the corporation beyond that distance without a valid reason;
- (c) travels on a train, vessel or vehicle of the corporation by a higher class than the valid ticket or free pass which he or she holds entitles him or her to travel without a valid reason;
- (d) wilfully refuses to pay the fare and excess charge which, on demand, he or she is liable to pay under this section; or
- (e) travels on a train, vessel or vehicle of the corporation with a



ticket or free pass, or any portion of it, purchased or obtained by him or her from any other person other than an authorised employee, commits an offence and is liable on conviction to a fine not exceeding ten thousand shillings or to imprisonment not exceeding one month and, in addition, is liable to a penalty equal to double the fare and excess charge for which he or she is liable under this section or, in the case of an offence under paragraph (e) of this subsection, equal to the single fare for the journey and in the class which the offender has travelled, unless the offender has already paid that penalty to an authorised employee.

(7) Where any penalty imposed under this action is recovered, it shall be paid to the corporation.

(8) Nothing in this section shall prejudice the right of the corporation to recover any amounts due from the offender by any other lawful means.

#### **84. Falsification of documents.**

Any person who tenders a false receipt, delivery note or similar document or makes any statement which is false in any material particular in any return, claim or other document which is required for the purpose of the corporation commits an offence and is liable on conviction to a fine not exceeding two hundred thousand shillings or to imprisonment not exceeding three years or to both.

#### **85. Unlawfully transporting dangerous goods.**

(1) Any person who without the prior written consent of the corporation—

- (a) takes with him or her any goods to which that section applies upon any train, vessel or vehicle of the corporation; or
- (b) delivers any such goods to the corporation for carriage or warehousing,

commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment not exceeding one year or to both.

(2) Any person who is convicted of an offence under this section shall also be responsible for any loss, injury or damage which may be caused by reason of those goods having been so taken upon the train, vessel or vehicle or delivered to the corporation for carriage or warehousing; and the

court which convicts the offender may order him or her to pay the amount of any loss, injury or damage to the person suffering it and in default of payment may impose a further term of imprisonment not exceeding six months.

(3) This section applies to goods which are corrosive, highly inflammable or radioactive and any other goods prescribed by the Minister by statutory order.

#### **86. Employee endangering safety of operations.**

Any employee who while on duty endangers the safety of any property and the life of any person—

- (a) by contravening any provision of this Act;
- (b) by contravening a lawful order, direction or rule or regulation given to any employee or made in respect of his or her duties for the safety of life and property and for the good of the corporation;
- (c) by being under the influence of alcohol or drugs; or
- (d) by any rash or negligent act,

commits an offence and is liable on conviction to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding three years or to both.

#### **87. Employee demanding improper amount.**

- (1) Any employee, who with intent to defraud—
  - (a) demands, solicits or receives from any passenger, or from any person delivering goods to the corporation for carriage or warehousing or from any person making use of the facilities provided by the corporation, any greater or lesser amount than he or she should demand or receive or any other thing of value; or
  - (b) fails to deliver to the passenger or person an appropriate receipt or ticket for the fare or charge paid,

commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment not exceeding twelve months or to both.

(2) Nothing in this section shall prejudice the right of the corporation to take any measure open to it to recover any fare or charge fraudulently received by the employee.

## **88. Arrest of employee.**

(1) Where the safe operation of any transport service of the corporation would be endangered by the immediate arrest, whether with or without a warrant of any employee, the police officer whose duty it is to make the arrest shall—

- (a) request the corporation to relieve the employee from his or her duties as soon as practicable; and
- (b) refrain from arresting that employee until he or she is so relieved and shall, until he or she is relieved, take all necessary steps to ensure that the employee does not escape.

(2) Where any request is made to the corporation under this section to relieve the employee of his or her duties, he or she shall be relieved from his or her duties with the least possible delay.

## **89. Power of arrest, removal and place of trial.**

(1) A person who commits any offence mentioned in sections 80, 81, 82, 83 or 87 may be arrested without warrant by any authorised employee or a police officer and shall, upon being arrested, be taken with the least possible delay before a magistrate having jurisdiction to try him or her or to commit him or her for trial.

(2) Any person who commits any offence under this Act, other than an offence mentioned in subsection (1), may be arrested without warrant by any authorised employee or a police officer if—

- (a) there is reason to believe that that person will abscond;
- (b) he or she refuses on demand to give his or her name and address; or
- (c) there is reason to believe that the name or address given by him or her is incorrect,

and shall upon being arrested be taken with the least possible delay before a magistrate having jurisdiction to try him or her or commit him or her for trial; but, except where there is reason to believe that that person will abscond, he or she shall, if his or her true name and address are ascertained, be released on his or her executing a bond without sureties for his or her appearance before a magistrate when required.

(3) A person who commits any of the offences set out in section 80, 81, 82, 83 or 87 may be required by any authorised employee or a police

officer to leave the premises occupied by the corporation or the train, vessel or vehicle, as the case may be, in which that person is at the time of the commission of the offence; and if that person fails to comply with that requirement, he or she may be removed from there with such force as may be reasonably necessary in the circumstances.

(4) Any person who under this section is arrested or required to leave any premises occupied by the corporation or any train, vessel or vehicle of the corporation is not entitled to the return of any fare which he or she may have paid.

(5) Any person charged with any offence under this Act may be proceeded against, tried and punished in any place in which he or she may be in custody for that offence as if the offence had been committed in that place; and the offence shall, for the purposes incidental to or consequential upon the prosecution, trial or punishment of the offence be deemed to have been committed in that place; but nothing in this subsection shall preclude the prosecution, trial and punishment of that person in any place in which, but for this section, that person might have been prosecuted, tried and punished.

#### PART XIV—MISCELLANEOUS.

### **90. Protection of members and staff from civil action.**

(1) A member of the board or a member of a committee of the board shall not be personally liable for any act done by him or her in good faith and without negligence for the purpose of carrying into effect the provisions of this Act.

(2) An employee or other person acting on behalf of the corporation shall not be personally liable for any act done by him or her in good faith and without negligence for the purpose of carrying into effect the provisions of this Act.

### **91. Annual report.**

The board shall, within three months after the end of each financial year, submit to the Minister a report of the activities of the corporation in respect of that financial year, and the report shall include the achievements of the corporation during that financial year, its future plans and such other information as the Minister may, by writing, require.

**92. Minister to report to Parliament.**

The Minister shall submit to Parliament as soon as possible after receiving them—

- (a) the audited accounts of the corporation submitted to him or her by the Auditor General under section 31; and
- (b) the annual report of the corporation submitted to him or her under section 91.

**93. Employees of former Uganda Railways Corporation to become employees of corporation.**

Unless the board, with the prior approval of the Minister otherwise directs in writing, all employees who immediately before the commencement of this Act were in the service of the Uganda Railways Corporation established by the Uganda Railways Corporation Decree, in this Act referred to as the “former corporation” shall be deemed on the commencement of this Act to have become employees of the corporation and shall hold positions equivalent to those held by them and on terms and conditions not less favourable than those applicable to them immediately before the commencement of this Act.

**94. Transfer of property, assets and liabilities, etc.**

(1) All property, assets, rights, obligations and liabilities of the former corporation in existence at the commencement of this Act are, on the commencement of this Act transferred to the corporation; and accordingly, all such property, assets, rights, obligations and liabilities shall, on the commencement of this Act, vest in or as the case may be, subsist against the corporation without any further assurance than this Act.

(2) All contracts, agreements and undertakings made by or on behalf of the former corporation and all securities lawfully given to or on behalf of the former corporation and in force immediately before the commencement of this Act shall have effect as contracts, agreements and undertakings by and with the corporation and may be enforced by and against the corporation accordingly.

(3) Any legal or other proceedings that might but for this section have been continued or commenced by or against the former corporation may

be continued or commenced by or against the corporation.

**95. Dissolution.**

The former corporation is dissolved.

**96. Adaptation of references to former corporation.**

Any reference directly or indirectly to the former corporation in any written law in force immediately before the commencement of this Act shall, on and after the commencement of this Act be read as a reference to the corporation.

**History:** Statute 13/1992; S.I. 22/1992.

**Cross References**

Land Acquisition Act, Cap. 226.

Land Act, Cap. 227.

Uganda Railways Corporation Decree, Decree 14/1977.