

Statutory Instrument No. 13 of 1973

RAILWAY PROCLAMATION
(Chap. 163)

RAILWAY AUTHORITY PROCLAMATION
(Chap. 164)

**RAILWAYS (EXPLOSIVES, DANGEROUS AND HAZARDOUS GOODS)
BYE-LAWS, 1973**

(Published on the 2nd February, 1973)

It is hereby notified for general information that His Excellency the President in terms of Section 2 of the Second Schedule to the Railway Authority Proclamation has approved of the following Bye-Laws made by Rhodesia Railways under the powers conferred by Section 1 of the Second Schedule to the Railway Authority Proclamation read with Section 38 of the Railway Proclamation.

1. These Bye-Laws may be cited as the Railways (Explosives, Dangerous and Hazardous Goods) Bye-Laws, 1973. Citation

2. In these Bye-Laws —

“dangerous goods” means any goods or articles listed as such in terms of section 3;

Inter-
pretation of
terms

“detonator” means a capsule containing explosives which is used or designed to initiate an explosion in other explosives, but does not include a railway fog signal disc-detonator or a percussion cap;

“explosives” bears the same meaning as in the Explosives Law, 1961 (No. 31 of 1961);

“hazardous goods” means any goods or articles, other than explosives or dangerous goods, which, in the opinion of the Railways, constitute a potential danger to health or property or may be detrimental to or may contaminate other goods or articles by reason of their peculiar inherent properties;

“inspector” bears the same meaning as in the Explosives Regulations 1970 (S.I. 106/70);

“rail wagon” means any rolling stock fitted with a roof, completely closed sides and doors which is used by the Railways for the carriage of goods by rail;

“safety fuse” means a fuse for blasting which —

(a) burns and does not explode; and

(b) does not contain its own means of ignition;

“siding” means any place on the railway at which there are no servants of the Railways, other than agents, attendants and caretakers, for the purpose of dealing with traffic.

Description of goods of a dangerous nature	<p>3. (1) The Railways may, in their Official Railway Tariff Book or any supplement thereto, list as dangerous goods any goods or articles which, in the judgment of the Railways, may be of a dangerous nature.</p> <p>(2) Any goods or articles so listed as dangerous goods in the Official Railway Tariff Book or any supplement thereto shall be dangerous goods for the purposes of section 12 and 13 of the Second Schedule to the Railway Authority Proclamation (Chapter 164).</p>
Tendering of explosives for despatch	<p>4. No person shall tender explosives for despatch by rail unless —</p> <p>(a) he has given at least twenty-four hours advance notice to the official in charge of the forwarding station of his intention to do so; and</p> <p>(b) he has been informed by such official when such explosives will be accepted by the Railways.</p>
Time and place for acceptance of explosives or dangerous or hazardous goods	<p>5. The Railways —</p> <p>(a) may appoint fixed days for the acceptance of explosives or dangerous or hazardous goods for transport;</p> <p>(b) shall appoint special places for the loading, unloading or transshipping of explosives or dangerous or hazardous goods;</p> <p>(c) may, by notice, regulate, limit or restrict the transport to or from, or the loading, unloading or transshipping of explosives or dangerous or hazardous goods at, any particular place.</p>
Receipt and loading of explosives or dangerous goods	<p>6. (1) No servant of the Railways shall receive or undertake the carriage of explosives or dangerous goods or give any receipt or acknowledgement therefor unless they are accompanied by a duly completed Special Consignment Note for Explosives and Dangerous Goods.</p> <p>(2) No consignment of explosives or dangerous goods shall be loaded until the servant of the Railways appointed to receive such explosives or dangerous goods is present for that purpose.</p>
Obligations of Railways defined	<p>7. The Railways do not undertake and shall not be obliged to forward, or to ensure the arrival at its destination of, the whole or any part of a consignment of explosives, dangerous or hazardous goods on any particular date or at any particular time, and shall not be responsible for any loss occasioned by their failure to forward or to ensure the arrival at its destination of the whole or any part of any such consignment as aforesaid.</p>
Conveyance of detonators	<p>8. Detonators shall not be packed or conveyed on the same rail wagon as any other explosives other than safety fuse.</p>
Carriage of safety fuse	<p>9. Notwithstanding anything to the contrary contained in these Bye-Laws, safety fuse may be carried together with any other type of explosives.</p>

10. (1) No explosives shall be accepted for transport to or from a siding unless special arrangements for such transport have previously been made, in writing, with the Railways. Acceptance of explosives at sidings

(2) In the event of no person being present at a siding to receive explosives, they shall be taken on to the next station and left there at the sole risk and expense of the owner.

11. (1) All explosives shall be securely packed in strong, secure and sufficient packages which shall be in good condition. Packing of explosives or dangerous or hazardous goods

(2) Dangerous or hazardous goods shall be packed only in such containers and packs as are prescribed by the Railways.

(3) The outside of the outermost container of every package of explosives or dangerous or hazardous goods shall bear, in conspicuous characters —

(a) the name of the contents;

(b) the full name and address of the consignee and the point to which the package is to be transported; and

(c) a clear indication on at least two sides of the container if the contents are required to be kept in an upright position.

(4) The outside of the outermost container of every package of explosives or dangerous goods shall have a cautionary label, as prescribed by the Railways, affixed thereto or printed thereon in such a manner that it shall be clearly visible and shall not become detached, defaced or obliterated, and, where more than one cautionary label is so prescribed for a package of dangerous goods, such cautionary labels shall be placed in close proximity to one another.

12. (1) No person other than an inspector, or an official duly authorised by an inspector to do so, shall open any package containing explosives in or on any railway premises. Opening of packages

(2) Any package which is suspected by a servant of the Railways to contain dangerous or hazardous goods, and which is not so declared, shall be opened by the sender in the presence of such servant, in order that the nature of the contents of the package may be established, and, if the package is found to contain any dangerous or hazardous goods, it shall forthwith be removed from railway premises by the sender until such time as it is duly consigned, packed, marked, labelled and addressed as prescribed by the Railways.

13. (1) No explosives or dangerous or hazardous goods shall be loaded or unloaded in the vicinity of a fire or uncovered light. Fire Precautions

(2) No lamp or lights of any kind shall be taken inside a rail wagon containing any explosives.

Damaged packages

14. (1) No package containing explosives or dangerous or hazardous goods shall be loaded if such package is found to be leaky or damaged.

(2) The Railways may detain or stop the further handling of packages containing explosives or dangerous or hazardous goods which appear to be leaky or damaged, and, subject to the provisions of subsection (3), may destroy or otherwise dispose of the contents of any such package if, in their opinion, the further handling or transport of such package would be hazardous.

(3) The destruction of explosives contained in a package which is leaky or damaged shall be arranged by an inspector, and no compensation shall be payable therefor.

Requirements for rail wagons conveying explosives

15. No person shall convey explosives in any rail wagon unless —

- (a) all the metal portions of the rail wagon which are likely to come into contact with the containers of the explosives are covered with wood, cloth or other suitable material; and
- (b) the containers of the explosives are securely fastened in the rail wagon so as not to become loose within or fall therefrom; and
- (c) the weight of the explosives, together with any other goods or articles being carried in the rail wagon, does not exceed the carrying capacity thereof.

Duties of person handling or conveying explosives

16. Any person engaged in handling or conveying explosives shall —

- (a) exercise the utmost care and avoid any act which may cause shock or friction to the contents of any package containing explosives; and
- (b) not have about his person any pipe or light or any match or other means of striking a light; and
- (c) remain in charge of explosives in his custody until such time as the explosives have been delivered to a person authorised to receive them.

Smoking prohibited

17. No person shall smoke —

- (a) in or on any rail wagon in which explosives or dangerous or hazardous goods are being conveyed; or
- (b) in the vicinity of any rail wagon on or from which explosives or dangerous or hazardous goods are being loaded or unloaded.

Certain activities at night prohibited

18. (1) During the period after sunset and before sunrise, no explosives or dangerous goods shall be —

- (a) brought onto the premises of the Railways or any premises within the jurisdiction of the Railways; or
- (b) loaded on or unloaded from a rail wagon:

Provided that, where absolutely necessary, a consignment of explosives or dangerous goods may, subject to the provisions of subsection (2), be removed from a rail wagon at a station where the rail wagon also contains explosives or dangerous goods which are being conveyed to a further point.

(3) Where a consignment of explosives or dangerous goods is to be removed from a rail wagon in accordance with the provisions of the proviso to paragraph (b) of subsection (1), the consignment shall, at the forwarding station, be placed close to the door of the rail wagon so as readily to permit such removal.

19. The doors of a rail wagon containing explosives shall, immediately after loading has been completed, be closed and locked. Doors of rail wagon to be secured

20. No persons other than —

- (a) an inspector; or
- (b) a bona fide railway servant engaged in essential duties; or
- (c) a person engaged in or supervising the movement of explosives onto or from a rail wagon;

shall have access to or remain near a rail wagon containing explosives or onto which or from which explosives are being loaded or unloaded.

Access or proximity to explosives restricted

21. No person other than —

- (a) a police officer in charge of prisoners; or
- (b) a security escort provided by the Railways for the safe custody of valuable traffic;

shall convey or have in his possession on a train or on the premises of the Railways or any premises within the jurisdiction of the Railways any loaded firearm.

Loaded firearms

22. (1) No person shall convey or have in his possession on a train which is at the same time being used for the conveyance of passengers or mail any explosives: Explosives or dangerous goods conveyed with passengers or mail

Provided that —

- (i) an inspector may carry by passenger or mixed train samples of explosives in such quantities as are reasonably necessary for the purpose of analysis, test or experiment;
- (ii) the guard of any train may, subject to the provisions of subsection (2), convey samples of any explosives consigned by an inspector to an inspector, a customs officer or any other authorised officer.

(2) Samples of explosives referred to in proviso (ii) to subsection (1) shall be contained in a duly approved box or case which shall be kept separate from other traffic and specially handed over by the guards of the trains concerned.

(3) Dangerous goods not exceeding five kilograms in net weight may, at the discretion and with the prior consent of the Railways, be accepted for conveyance in the van of a train which is at the same time being used for the carriage of passengers or mail.

Who may travel with explosives or dangerous goods

23. No person other than an inspector or a railway servant shall travel in or upon a rail wagon conveying explosives or dangerous goods.

Explosives to be timeously removed from railway premises

24. (1) No person shall retain or keep explosives on railway premises for a longer period than is absolutely necessary for transport purposes.

(2) If a consignee fails to take delivery of explosives within four working hours after the time he is advised by telephone or the time such advice is attempted, he shall thereupon be liable to pay —

(a) storage charges as prescribed in the Official Railway Tariff Book; and

(b) such other charges as the Railways may levy for services performed by watchmen or other special services.

Offences

25. No person shall —

(a) secrete on or unlawfully take from railway premises any explosives; or

(b) bury, submerge or otherwise hide or abandon any explosives; or

(c) store explosives or leave explosives unattended in such manner or for such period that it will be possible for other persons to have access thereto.

Notification of accidents

26. (1) Without derogating from the provisions of any other law, whenever an accident resulting from explosives occurs during the loading, unloading or conveyance of the explosives by the Railways and causes loss of human life or injury to any person or to property not connected with the loading, unloading or conveyance of the explosives, the servant of the Railways in charge thereof shall forthwith notify or cause to be notified thereof an inspector of the district in which the accident occurred, by telephone or telegraph, if practicable.

(2) After an accident resulting from explosives has occurred which has caused loss of human life, no restoration work shall be undertaken which might have the effect of destroying any evidence required by an inspector at a subsequent inquiry until permission has been obtained from an inspector for such restoration work to be undertaken.

(3) The provisions of subsection (2) shall not be construed as prohibiting the undertaking of any work in order to render assistance to an injured or trapped person.

27. Any person who contravenes any provision of these bye-laws shall be guilty of an offence and liable to a fine not exceeding forty rand or to imprisonment for a period not exceeding three months. Offences and penalties

28. The Dangerous Goods Bye-Laws, 1948, published in High Commissioner's Notice No. 69 of 1948, are hereby repealed. Repeal

DATED this 22nd day of January, 1973.

A. MOGWE,
Permanent Secretary to the President.

Office of the President, GABORONE.
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