

CHAPTER 131.

FERRIES.

ARRANGEMENT OF SECTIONS.

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CHAPTER 131.

FERRIES.

27 of 1931.
15 of 1932.

An Ordinance to Regulate Existing Public Ferries in the Protectorate and to Provide for the Establishment of New Public Ferries Therein.

[24TH DECEMBER, 1931.]

Short title.

1. This Ordinance may be cited as the Ferries Ordinance, and shall apply to the Protectorate.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—
“ motor vehicle ” means a vehicle propelled by mechanical power, but does not include a vehicle drawn by a motor-vehicle;

“ vehicle ” means and includes any motor-vehicle, bicycle, tricycle, rickshaw, wheel-chair or carry-chair, cart, truck, barrow, waggon, carriage (not being a perambulator), hammock, or other conveyance adapted for the carriage of goods or persons.

3. (1) The ferries mentioned and described in the schedule are hereby declared to be public ferries and vested in Her Majesty. Declaration of public ferries.
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(2) The Governor may, by Order in Council, establish new public ferries, or change the course of any existing public ferry, or discontinue any public ferry. Power of Governor in Council to establish new public ferries, etc.

(3) Every such Order in Council shall operate by way of addition to, or alteration in, or omission from the schedule, and the schedule shall be amended accordingly.

4. Tolls according to such rates as may from time to time be fixed by Order in Council, which Order the Governor in Council is hereby empowered to make, shall be levied upon all passengers, vehicles, animals, goods, produce, and merchandise carried on any or every public ferry: Power of Governor in Council to impose tolls, etc.

Provided that such Order in Council may exempt any person or class of person, absolutely or conditionally, from the payment of any such tolls:

Provided also that the use of all public ferries shall be free of charge except in so far as any such Order in Council shall prescribe to the contrary.

5. (1) At every public ferry a toll keeper or toll keepers shall be appointed to collect the prescribed tolls, which shall be paid into the general revenue of Sierra Leone unless such tolls shall be let by contract under section 10. Appointment of toll-keepers.

(2) Such appointment shall be made by writing under the hand and official seal of the District Commissioner, and all toll keepers so appointed are hereby authorised to demand, receive and take the prescribed tolls.

6. (1) A clear and legible table of the prescribed tolls shall be kept posted in some conspicuous place at or near every public ferry, so as to be easily read by all literate persons crossing thereby. Table of tolls to be kept posted.

(2) Every toll-keeper or contractor for tolls who shall neglect to comply with the provisions of sub-section (1) shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding two pounds. Penalty.

7. Every toll-keeper or toll contractor who shall—

(i) knowingly demand or take any toll other than the prescribed toll; or Extortion or misconduct by toll-keeper.

* The schedule is printed in the volume containing the subsidiary legislation made under this Ordinance.

- (ii) without due cause wilfully delay any passenger, vehicle, animal, goods, produce or merchandise,
- Penalty. shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds or to imprisonment, with or without hard labour, for a period not exceeding six months.
- Refusal to pay toll and other offences.
8. Any person crossing at any public ferry who shall—
- (i) refuse to pay the prescribed toll; or
- (ii) fraudulently or forcibly pass by the toll-keeper without paying the prescribed toll; or
- (iii) wilfully obstruct any toll-keeper, agent, servant or other person employed to work such ferry in the execution of their respective duties,
- Penalty. shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding twenty pounds and in default of payment to imprisonment, with or without hard labour, for any period not exceeding three months.
- Competition with a public ferry forbidden except in special cases.
9. (1) Except as hereinafter in this section provided, any person who shall convey or offer to convey any passengers, vehicles, animals, goods, produce or merchandise across any river within the Protectorate from or to any point or place on either bank within a distance of three miles above or below any public ferry shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding five pounds and in default of payment to imprisonment, with or without hard labour, for a period not exceeding one month.
- Limited competition may be allowed under licence.
- (2) Notwithstanding sub-section (1) it shall be lawful for any person to convey or offer to convey otherwise than for hire any passengers, animals, goods, produce or merchandise across any river in the Protectorate within three miles of a public ferry as mentioned in sub-section (1) :
- Provided that—
- (a) he is in possession of a valid and effectual licence issued to him by the District Commissioner, and
- (b) he complies with all the conditions and restrictions therein specified.
- (3) Every such licence shall be in writing and shall—
- (a) specify the points or places on either bank of the river named therein between which the licensee is authorised to ply; and

(b) the other conditions and restrictions, if any, subject to which the licence is issued.

It shall be issued free of charge but at the absolute discretion of the District Commissioner, and for such period not exceeding two years as he may think fit.

(4) The District Commissioner may, by notice in writing, cancel any such licence at any time should the licensee fail to comply with all the conditions and restrictions therein specified.

10. (1) The tolls of any or every public ferry may, from time to time, be let by contract on tender therefor for such period, not exceeding seven years, as the Governor may deem expedient. Letting ferry tolls.

(2) Every contractor for tolls shall observe and conform to the provisions of this Ordinance and any rules made thereunder relating to the management, safety and control of public ferries; provided that the contractor and not the District Commissioner shall appoint a toll-keeper or toll-keepers under section 5.

(3) It shall be lawful for the Governor to require any person tendering for the tolls of any or every public ferry to give such security for his good conduct, the speedy settlement of all just claims against him and the punctual payment of the rent for the letting of such tolls as the Governor shall think fit.

11. The Government shall in no case be liable for any loss, damage or injury done to or suffered by any person, vehicle, animal, goods, produce or merchandise at or in connection with the use of any public ferry, unless such loss, damage or injury shall have been caused by the negligence or misconduct of any of the agents, servants or workmen employed by the Government at such ferry. Extent of Government's liability.

12. The Governor in Council may, from time to time, make rules for the better or more convenient carrying into effect of the provisions and purposes of this Ordinance, and in particular (but not so as to exclude the others) in respect of all or any of the following matters— Power of Governor in Council to make rules.

(1) regulating the equipment of and staff employed to work any public ferry;

(2) providing for the inspection of all public ferries and their proper maintenance and repair;

(3) closing any ferry reported as unsafe;

(4) prescribing the hours during which any public ferry is to ply;

(5) prescribing the maximum number of passengers and bulk and weight of freight that may be carried at any public ferry on each trip;

(6) regulating the traffic at public ferries; and

(7) fixing the extent of a contractor's liability.

SCHEDULE.

(The Schedule, as subsequently amended by various Orders in Council, is printed in the volume containing the subsidiary legislation made under this Ordinance.)
