

# NIGERIAN RAILWAY CORPORATION ACT

(The following extracts from this Act are reproduced below: sections 60 – 75, 78)

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**NIGERIAN RAILWAY CORPORATION ACT**  
**(EXTRACTS)**

**An Act to provide for the establishment of a corporation to be known as the Nigerian Railway Corporation, for the transfer to the Corporation of the railway undertaking of the Government of the Federation, for the functions of the Corporation, and for purposes connected therewith.**

[1955 No. 20.]

[Commencement: Parts I, II, V, IX (except section 56) and XIV, section 10 to 14 inclusive, 47, 48, 58, 59 and 99 and the Schedule 9th June, 1955; Parts IV, VI, VII, XI, XII, XIII, XV, XVI and XVII, section 15 to 30 inclusive, 49, 57, 97 and 98 1st October, 1955; section 56 3rd May, 1956]

**PART XI**

*Carriage of goods*

**60. Conditions for carriage of goods**

The Corporation may (in addition to fixing rates under the provisions of section 18 of this Act) impose conditions, not inconsistent with the provisions of this Act, for the receiving, forwarding, conveying and delivering of goods.

**61. Lien for rates and other charges**

(1) If a person fails to pay on demand made by or on behalf of the Corporation any rate, other charges or debt due from him, the Corporation may detain any goods delivered by him or on his behalf to the Corporation or delivered to the Corporation for conveyance to him or, if such goods have been removed from the railway, any other goods of such person then being in or thereafter coming into its possession.

(2) When any goods have been detained under subsection (1) of this section, the Corporation may sell them, or any part of them, by public auction or after calling for tenders for the purchase thereof; and perishable goods may be so sold at any time, but no other goods shall be sold, until two months after the date of the demand referred to in that subsection.

(3) Out of the proceeds of such sale, the Corporation may retain a sum equal to the rate, charge or debt due as aforesaid and all expenses of such detention and sale, including in the case of animals, the expenses of the feeding, watering and tending thereof, and render the surplus, if any, and such goods, as remain unsold to the person entitled thereto.

(4) When any goods remain unsold under subsection (2) of this section, the Corporation may, by written or oral notice, require the person from whom the rate, other charge or debt was due, to remove the goods from the railway within fifteen days from the date of the notice and, if he fails to comply with such notice, the Corporation may sell the goods and dispose of the proceeds of the sale in accordance with the provisions of subsection (3) of this section.

(5) Notwithstanding the foregoing provisions of this section, the Corporation may recover by suit any such rate, other charge or debt due as aforesaid or the balance thereof.

## **62. Disposal of unclaimed goods on railway**

(1) When any goods have come into the possession of the Corporation for carriage or otherwise and are not claimed by the owner or other person appearing to the Corporation to be entitled thereto, the Corporation may, in the case of perishable goods, sell such goods at any time by public auction or after calling for tenders for the purchase thereof, and in the case of other goods shall, if such owner or person is known, cause a notice to be served upon him, requiring him to remove the goods within two months from the date of such notice.

(2) If such person or owner is not known, or the notice cannot be served upon him, or he does not comply with the requisition in the notice, the Corporation may sell the goods by public auction or after calling for tenders for the purchase thereof and shall render the surplus, if any, of the proceeds of the sale to any person entitled thereto.

## **63. Written description of goods required**

(1) The owner or person having charge of any goods which are brought upon a railway for the purpose of being carried thereon, and, if so required by a railway servant, the consignment of any goods which have been carried on the railway shall deliver to a railway servant an account in writing signed by such owner or person, or by such consignee, as the case may be, and containing a description of the goods sufficient to determine the rate which the Corporation is entitled to charge, in respect thereof and the conditions of carriage under which it will accept the goods.

(2) If such owner, person or consignee neglects to give such an account, the Corporation may—

(a) in respect of goods which have been brought for the purpose of being carried on the railway, agree to carry the goods and charge a rate not exceeding the highest rate which may be in force at the time on the railway, for any class of goods; or

(b) in respect of goods which have been carried on the railway, charge a rate not exceeding such highest rate.

(3) If an account delivered under subsection (1) of this section, is materially false with respect to the description of any goods to which it purports to relate, and which have been carried on the railway, the Corporation may charge in respect of the carriage of the goods, a rate not exceeding double the highest rate which may be in force at the time on the railway, for any class of goods.

(4) If any difference arises between a railway servant and the owner or person having charge, or the consignee of any goods which have been brought to be carried or have been delivered under this section, the railway servant may detain and examine the goods.

(5) If it appears from the examination that the description of the goods is different from that stated in an account delivered under subsection (1) of this section, the person who delivered the account, or, if that person is not the owner of the goods, then that person and the owner, jointly and severally, shall be liable to pay to the Corporation, the cost of the detention and examination of the goods.

(6) If a person required under this section to give an account of any goods, wilfully gives an account which is materially false, he shall be guilty of an offence and, in addition to the liability to pay any rate or other charge herein before provided in respect of the goods, shall be liable on conviction, to a fine not exceeding ₦100.

#### **64. Goods of a dangerous or offensive nature**

(1) No person shall carry or cause to be carried upon a railway, any goods declared by any by-law made under this Act to be dangerous or offensive, except in accordance with the provisions of any by-law applicable to such goods.

(2) If any person carries upon or delivers for carriage by the railway, any such dangerous or offensive goods without distinctly declaring the nature of the same, he shall be liable on conviction, to a fine not exceeding ₦100.

(3) If any person contravenes the provisions of subsection (2) or any by-law referred to in subsection (1) of this section, that person shall, in addition to any penalty incurred in respect of such contravention, be liable—

- (a) to compensate the Corporation for and indemnify the Corporation against any damage, loss, expense or liability suffered or sustained by the Corporation directly or indirectly, as a result of such contravention; and
- (b) to pay compensation for any injury or damage to persons or property that may arise out of any accident occurring directly or indirectly, as a result of that contravention.

(4) It shall be lawful for any railway servant to refuse to accept for carriage on the railway any luggage or parcel, vessel or package which may be suspected to contain dangerous or offensive goods, and to require the same to be opened, and in case any such luggage or parcel, vessel or package shall have been so accepted, it shall be lawful for any railway servant to stop the transit thereof, until he is satisfied that the nature and contents of the luggage or parcel, vessel or package are not dangerous or offensive.

#### **65. Carriage of animals infected with disease**

It shall be lawful for any railway servant to refuse to accept for carriage on a railway, any animal which he shall have reason to believe is infected with any infectious or contagious disease, or has been in contact with any animal so infected.

### **PART XII**

#### *Carriage of passengers*

#### **66. Conditions for carriage passengers**

The Corporation may (in addition to fixing fares under the provisions of section 18 of this Act) impose conditions, not inconsistent with the provisions of this Act, for the carriage of passengers.

**67. Time-tables**

The Corporation shall keep and exhibit at each station on the railway, a copy in the English language, of time-tables indicating the passengers train services for the time being in operation on the railway.

**PART XIII**

*Responsibility of Corporation as carriers and warehousemen*

**68. Corporation not liable in certain cases**

(1) Notwithstanding the other provisions of this Part of this Act, the Corporation shall not be liable for any loss, damage, deviation, misdelivery, delay or detention of or to goods arising from—

- (a) an act of God;
- (b) an act of war or the enemies of the State;
- (c) an arrest or restraint of princes or rulers, or seizure, under any legal process;
- (d) orders or restrictions imposed by the Government of the Federation or of any State;
- (e) an act or omission of the consignor, consignee or their servants or agents;
- (f) an inherent liability to wastage in bulk or weight, latent defect or inherent defect, vice or natural deterioration of the goods;
- (g) a casualty, including fire or explosion;
- (h) riots, civil commotion, strikes, lock-outs, stoppage or restraint of labour from whatever cause, whether partial or general:

Provided that—

- (i) in the case of goods which the Corporation has accepted for carriage at railway's risk rates or for warehousing, where such loss, damage, deviation, misdelivery or detention arises and the Corporation has failed to prove that it used all reasonable foresight and care in the carriage or (as the case may be) the warehousing of the goods, the Corporation shall not be relieved from liability for such loss, damage, deviation, misdelivery, delay or detention;
- (ii) the Corporation shall not incur liability of any kind in respect of goods, where there has been fraud on the part of the consignor, consignee or their servants or agents.

(2) Subsection (1) of this section, shall not apply to luggage.

**69. Delay to vessels**

The Corporation shall not be liable for any demurrage or delay incurred upon or caused to a vessel at any wharf owned or operated by the Corporation.

## 70. Circumstances in which Corporation is liable

(1) The Corporation shall not be liable for the loss, damage, deviation, misdelivery, delay or detention of or to a consignment of goods or any part thereof carried or delivered for carriage by the railway unless—

- (a) the goods in respect of which compensation is claimed have been accepted and booked by a railway servant; and
- (b) in the case of goods consigned at owner's risk rates, a complete consignment or a complete package forming part of the consignment has been lost, damaged, deviated, misdelivered, delayed or detained as a result of the wilful misconduct of the servants or agents of the Corporation:

Provided that the Corporation shall not be exempt from any liability they might otherwise incur in the following cases:

- (i) non-delivery of the whole of a consignment or of any separate package forming part of a consignment, properly packed and addressed, unless such non-delivery is due to accidents to trains or to fire;
- (ii) pilferage from packages of merchandise protected otherwise than by paper or other packing readily removable by hand, provided the pilferage is pointed out to a servant of the Corporation on or before delivery;
- (iii) misdelivery where merchandise properly addressed is not tendered to or placed at the disposal of the consignee within twenty-eight days, or in the case of perishable merchandise within a reasonable time which shall not be less than seventy-two hours after receipt of the consignment by the Corporation to whom the same was handed by the sender:

Provided however that the Corporation shall not be liable in the said cases of non-delivery, pilferage or misdelivery upon proof by them that the same has not been caused by the negligence or misconduct of the Corporation or its servants;

- (c) in the case of goods consigned at railway's risk rates, the Corporation fails to prove that the loss, damage, deviation, misdelivery, delay or detention was not caused by the negligence or misconduct of the servants or agents of the Corporation.

(2) Notwithstanding subsection (1) of this section, the Corporation may—

- (a) agree to carry any goods on conditions more favourable to the consignor than those set out in that subsection; or
- (b) by special contract, which shall be in writing and signed by the consignor or his agent, limit the liability imposed on the Corporation by that subsection.

## 71. Passenger's luggage

The Corporation shall not be liable for the loss, damage, deviation, misdelivery, delay or detention of or to any passenger's luggage—

- (a) unless—
  - (i) it has been accepted and booked, and a receipt has been given therefore by a railway servant; and

- (ii) the loss, damage, deviation, misdelivery, delay or detention has been caused by the negligence or misconduct of the servants or agents of the Corporation; or
- (b) except in such other circumstances, may be notified by the Corporation by general notice or otherwise.

## 72. Animals

(1) The liability of the Corporation for the loss, damage, deviation, misdelivery, delay or detention of or to animals accepted for carriage by the Corporation shall not exceed, in the case of—

- (a) a horse, ₦40;
- (b) neat cattle or mules, per head ₦30;
- (c) a donkey, ₦16;
- (d) a sheep, goat or pig, ₦4;
- (e) a dog or other animal not hereinbefore in this subsection mentioned, ₦2.

(2) Where such higher value has been declared, the Corporation may impose an additional charge in respect of the increased liability of, if the value of the animal has been declared to exceed ₦200, may either impose such additional charge or, notwithstanding the provisions of subsection (1) of this section, decline to accept liability in excess of the sum specified in relation to that animal by the subsection.

## 73. Vehicles

(1) The liability of the Corporation for the loss, damage, deviation, misdelivery, delay or detention of or to vehicles accepted for carriage by the Corporation, shall not exceed, in the case of—

- (a) a motor cycle with or without a sidecar, ₦100;
- (b) any other motor vehicle, ₦200;
- (c) any vehicle other than a motor vehicle, ₦10,

unless a higher value has been declared in writing by or on behalf of the consignor at the time of consignment.

(2) Where such higher value has been declared, the Corporation may impose an additional charge in respect of the increased liability or, if the value of the vehicle has been declared to exceed ₦2,000, may either impose such additional charge or, notwithstanding the provisions of subsection (1) of this section, decline to accept liability in excess of the sum specified in relation to that vehicle by that subsection.

## 74. Articles of special value

(1) For the purpose of this section, the expression “**excepted articles**” means articles which are declared as such by the Corporation in any tariff or amendment thereto published by the Corporation under the provisions of Part XIV of this Act.

(2) When any excepted articles are contained in any parcel or package accepted for carriage by the Corporation and the value of such articles exceeds ₦20, the liability of

the Corporation for the loss, damage, deviation, misdelivery, delay or detention of or to the articles in the parcel or package shall not exceed that sum, unless the value and contents of the parcel or package have been declared in writing by or on behalf of the consignor at the time of consignment.

(3) Where such value has been declared to exceed ₦20, the Corporation may impose an additional charge in respect of the increased liability or, if the value has been declared to exceed ₦2,000, may either impose such additional charge or, notwithstanding the provisions of subsection (2) of this section, decline to accept liability in excess of ₦20.

(4) The Corporation may make it a condition of carrying a parcel or package declared to contain any excepted article, that a railway servant authorised in that behalf shall have been satisfied, by examination or otherwise, that the parcel or package actually contains the article declared to be therein:

Provided that this subsection shall not apply to any parcel of package carried by the Corporation for the Nigerian Postal Service.

#### **75. Limit to compensation in certain cases, and proof of value**

The compensation recoverable in respect of any animal, vehicle or article which has been declared under sections 72, 73 or 74 of this Act to be of higher value than the amount for which the Corporation might be liable apart from such declaration, shall not exceed the amount of the value so declared, and, notwithstanding that such declaration was made, it shall lie upon the person claiming the compensation to prove the value of the animal, vehicle or articles in respect of which the claim is made.

#### **78. Injury to or loss of life of passenger**

(1) The Corporation shall not be liable for personal injury to, or loss of life of a passenger, unless the personal injury or loss of life is caused by want of reasonable care, diligence or skill on the part of the Corporation or its servants.

(2) The Corporation shall not in any circumstances be liable for personal injury to, or loss of life of a passenger—

(a) who is travelling, whether with or without permission, in any part of a train, other than that part of a passenger coach, which is set apart exclusively for the use of passengers;

(b) who is travelling, whether with or without permission over a line, in course of construction; or

(c) who is travelling on a free pass.

(3) In order to avoid liability in pursuance of subsection (2) of this Act, it shall not be necessary for the Corporation to give any notice to any such passenger as is therein mentioned, of the conditions of which he travels, and it shall be immaterial whether or not the passenger is an infant.

(4) For the purposes of this section, the expression “passenger” includes every person, other than a railway servant on duty, lawfully travelling on any train.