

Zambia

Mashona Railway Company Limited Act, 1922

Chapter 459

Legislation as at 31 December 1996

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Chapter 459

Commenced on 28 February 1922

[This is the version of this document at 31 December 1996.]

[7 of 1922; 29 of 1929; 15 of 1934; 34 of 1948; 25 of 1949; Government Notice 497 of 1964; Statutory Instrument 154 of 1965]

An Act to make provision for the construction of a line of railway from Kalomo to the Broken Hill Mine in the Central Province; and to provide for matters incidental to or connected therewith.

[See section 89 of the Zambia Railways Act (Cap. 767 of the old edition) which empowers the Minister to amend, modify or repeal the provisions of this Act.]

1. Short title

This Act may be cited as the Mashona Railway Company Limited Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"**the Company**" shall mean and be restricted in its application to the Mashona Railway Company Limited or its nominees;

"**railway**", "line of railway" shall mean the railway track or way and the rails and appurtenances laid thereon.

3. Power to construct, equip, complete and work, etc., the line of railway

The Company shall be and is hereby authorised and empowered to construct, equip, complete, maintain and work a line of railway of one or more tracks of metals and all necessary junctions and sidings in Zambia from Kalomo to the Broken Hill Mine in the Central Province; the said points and the course of the said line being as defined in the Schedule and in the plan referred to in the Schedule.

[As amended by No. 15 of 1934]

4. Power to construct telegraphs and telephones

The Company shall be and is hereby authorised and empowered to construct and maintain telegraphic or telephonic communication by means of cables, cords or wires along or adjacent to the railway and for that purpose to enter upon any lands, roads or streets when such entry is necessary for the construction and maintenance of the communication hereby authorised and make therein all needful excavations for the erecting and setting up of posts, cables, cords and wires and for the laying down of lines of subterranean communication and to erect and set up the necessary posts, cables, cords and wires. Every cable, cord or wire of any such line if above the surface crossing any road or street shall be placed at least 5.5 metres from the ground and so as not to hinder or obstruct the free use or enjoyment of such road or street further than is absolutely necessary for the proper construction, establishment and maintenance of any such communication.

5. Power to enter upon and ascertain nature of land

The Company may by any person thereto authorised in writing enter upon any land for the purpose of surveying the same and of probing and boring in order to ascertain the nature of the soil or of setting out the line of railway between the said points.

6. Power to enter upon and hold land for necessary railway purposes

The Company shall have the power to enter upon, take possession of, hold, retain and use land between the said points of a uniform width throughout of 91.44 metres and also such other land as may be required at any time for all junctions, sidings, stations, approaches and any other works.

7. Notice before entry and payment of compensation

Providing always that no land shall be entered upon or taken without previous notice to the owner thereof or, if the owner be absent from Zambia or his place of residence be not known, without such previous advertisement of the notice as may be directed, but the Company shall not be bound or required to pay compensation in respect of any land so taken which is not included in any township area except—

- (a) in respect of injury or damage to actual improvements existing thereon; and
- (b) the compensation if any to which the owner is entitled under his grant from the British South Africa Company if such grant be existing at the commencement of this Act.

8. Retrospective authority

Anything done by the Company which is authorised by the provisions of this Act but which has been done by the Company before the commencement thereof shall be deemed to have been done under the authority of this Act.

9. Exemption of railway works from municipal rates

All railways and electric telegraphs and all stations, lands, works, properties and things belonging thereto or held in connection therewith shall be exempt from municipal or other local rates or taxes now or hereafter to be made or imposed. Such exemption shall not apply to dwelling-houses belonging to any railway company and beneficially occupied by individuals in their private capacity.

10. Meaning of "owner"

"Owner" shall in this Act have the same meaning as is assigned thereto in "the Lands and Arbitration Clauses Proclamation, 1922".

Schedule (Section 3)

Line of railway

The line of railway starts from the point of Kalomo where the Rhodesia Railways' line of railway terminates and proceeds in a northerly direction through the stations or sidings of Mukwela, Tara, Choma, Batoka, Muzoka, Pemba, Mission, Monze, Magoye, Kaleya, Mazabuka, Lubombo, Nega-Nega, Kafue, Chipongwe, Lilayi, Lusaka, Ngwerere, Karubwe, Chisamba, Mwomboshi, Chikonkomene, Nyama, to a point at Kabwe which point is distant approximately 281 miles from the point of commencement as more particularly delineated upon a plan deposited in the office of the Minister.

[As amended by S.I. No. 154 of 1965]