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## SCHEDULES.

### FIFTH SCHEDULE

Section 55.

#### MISCELLANEOUS PROVISIONS AS TO RATES.

##### *Calculation of distance.*

- 1 In calculating the distance along the railway for the purpose of the charge for conveyance of any merchandise the company shall not include any portion of its railway which may in respect of that merchandise be the subject of a charge for a station terminal.

##### *Calculation of charges on weight and measurement.*

- 2 Unless otherwise agreed between the company and the trader, all charges shall, so far as practicable, be based upon the gross weight of the merchandise when received by the company determined according to the imperial avoirdupois weight, but the rates tribunal may specify any articles of merchandise upon which the charges may be calculated in reference to cubic capacity, and shall prescribe the method by which the cubic contents for the purpose of charge is to be calculated.

##### *Traders trucks.*

- 3 (1) Where merchandise is conveyed in trucks not belonging to the company, the trader shall be entitled to recover from the company a reasonable sum by way of demurrage for any detention of his trucks beyond a reasonable period either by the company or by any other company over whose railway the trucks have been conveyed under a through rate or contract.

Any difference arising under this provision shall be determined by the rates tribunal at the instance of either party.

- (2) Where merchandise conveyed in a separate truck is loaded or unloaded elsewhere than in a shed or building of the Company, the company may not charge to a trader any service terminal for the performance by the company of any of the said services if the trader has requested the company to allow him to perform the service for himself, and the company has unreasonably refused to allow him to do so. Any dispute between a trader and the company in reference to any service terminal charged to a trader who is not allowed by the company to perform for himself the service shall be determined by the rates tribunal.

##### *Charges for sidings and accommodation.*

- 4 Nothing in this Act shall prevent the company from making and receiving, in addition to the charges authorised by this Act, charges and payments by way of rent or otherwise for sidings or other structural accommodation provided or to be provided

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for the private use of traders and not required by the company for dealing with the traffic for the purposes of conveyance:

Provided that the amount of such charges or payments shall be fixed by an agreement in writing signed by the trader or by some person duly authorised on his behalf or determined, in case of difference, by the rates tribunal.

*Charges for transhipment.*

- 5 In respect of merchandise received from or delivered to another railway company having a railway of a different gauge, the company may make a reasonable charge for any service of transhipment performed by it, the amount of such charge to be determined in case of difference by the rates tribunal.

*Charges for use of trucks.*

- 6 (1) The company may charge for the use of trucks provided by it for the conveyance of merchandise, when the provision of trucks is not included in the rates for conveyance, such sums as the rates tribunal determine.
- (2) Where, for the conveyance of merchandise other than merchandise in respect of which the rates for conveyance do not include the provision of trucks, the company does not provide trucks, the charge for conveyance shall be reduced by such sum as the rates tribunal determine.
- (3) The company shall not be required to provide trucks for the conveyance of merchandise in respect of which the provision of trucks is not included in the rate for conveyance, nor for the conveyance of lime in bulk or salt in bulk or any merchandise liable to injure trucks, but in all such cases traders shall be entitled to provide their own trucks :

Provided that any dispute between the company and a trader as to whether any specific kind of merchandise is liable to injure trucks may be referred to the rates tribunal but on any such reference it shall lie on the trader requiring the merchandise to be carried to show that such merchandise will not injure the trucks.

*Return of empty trucks.*

- 7 Where merchandise is conveyed in a trader's truck, the company shall not make any charge in respect of the return of the truck empty, provided that the truck is returned empty from the consignee and station or siding to whom and to which it was consigned, loaded direct to the consignor and station or siding from whom and whence it was so consigned, and, where a trader forwards an empty truck to any station or siding for the purpose of being loaded with merchandise, the company shall make no charge in respect of the forwarding of such empty truck, provided the truck is returned to it loaded for conveyance, direct to the consignor and station or siding from whom and whence it was so forwarded.

*Charges for conveyance on railway of another company.*

- 8 Subject to the provisions of this Act, any company conveying merchandise on the railway of another company or performing any of the services for which rates or charges are authorised by this Act, shall be entitled to charge and make the same rates and charges as such other company are authorised to make.

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*Dock and shipping charges.*

- 9 Nothing in this Act shall affect the right of a company to make any charges which it is authorised by any Act of Parliament to make in respect of any accommodation or services provided or rendered by the company at or in connection with docks or shipping places.

*Provisions as to perishables.*

- 10 The following provisions and regulations shall be applicable to the conveyance of perishable merchandise by passenger train:—
- (a) The company shall afford reasonable facilities for the expeditious conveyance of the articles classified as perishables, either by passenger train or other similar service:
  - (b) Such facilities shall be subject to the reasonable regulations of the company for the convenient and punctual working of its passenger train service, and shall not include any obligation to convey perishables by any particular train :
  - (c) The company shall not be under obligation to convey by passenger train, or other similar service, any merchandise other than perishables :
  - (d) Any question as to the facilities afforded by the company under these provisions and regulations shall be determined by the rates tribunal.

*Charges for services not otherwise provide for.*

- 11 (1) A company may charge for the services hereunder mentioned, or any of them when rendered to a trader at his request or for his convenience a reasonable sum:—
- (i) Services rendered by the company at or in connection with sidings not belonging to the company in "respect of which no rate or charge is otherwise provided ;
  - (ii) The collection or delivery outside a terminal station, otherwise than is provided for by section forty-nine of this Act, of merchandise which is to be, or has been, carried by railway;
  - (iii) Weighing merchandise;
  - (iv) The detention of trucks or the use or occupation of any accommodation before or after carriage beyond such period as shall be " reasonably necessary for enabling the company to deal with the merchandise as carriers thereof, or the consignor or consignee to give or take delivery thereof; or, in cases in which the merchandise is consigned to an address other than the terminal station, beyond a reasonable period from the time when notice has been delivered at such address that the merchandise has arrived at the terminal station for delivery and services rendered in connection with such use and occupation;
  - (v) Loading or unloading, covering or uncovering, merchandise in respect of which no charge is provided ;
  - (vi) The use of coal drops ;
  - (vii) The provision by the company of accommodation at a waterside wharf and special services rendered thereat by the company in respect of loading or unloading merchandise into or out of vessels or barges where no special charge is prescribed by any Act of Parliament, provided that the charge under

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    this, sub-paragraph shall, for the purposes of any disintegration of rate, be deemed to be a dock charge ;

    (viii) Any accommodation or services provided or rendered by the company within the scope of its undertaking, and in respect of which no provisions are made by this Schedule.

- (2) Any difference arising under this paragraph shall be determined by the rates tribunal at the instance of either party, provided that, where before any service is rendered, a trader has given notice in writing to the company that he does not require it, the service shall not be deemed to be rendered at the trader's request or for his convenience.
- (3) Subject to the provisions of this paragraph, any charge hereunder made by a company in' accordance with an order of the rates tribunal in force for the time being may be recovered by action in a court of law.
- 12      The standard rate for conveyance is the rate which the company may charge for the conveyance of merchandise by merchandise train and, subject to the exceptions and provisions specified in this Schedule, includes the provision of locomotive power and trucks by the company and every other expense incidental to such conveyance not otherwise herein provided for.
- 13      The standard station terminal is the charge which the company may make to a trader for the use of the accommodation (exclusive of coal drops) provided and for the duties undertaken by the company, for which no provision is made in this Schedule at the terminal station for or in dealing with merchandise as carriers thereof before or after conveyance.
- 14      The standard service terminals are the charges which the company may make to a trader for the following services when rendered to or for a trader, that is to say, loading, unloading, covering, and uncovering merchandise, which charges shall, in respect of each service, be deemed to include all charges for the provision by the company of labour, machinery, plant, stores and sheets.
- 15      Where a consignment by merchandise train is over three hundredweight, a fraction of a quarter of a, hundredweight may be charged for as a quarter of a hundredweight.
- 16      For a fraction of a mile the company may charge according to the number of quarters of a mile in that fraction, and a fraction of a quarter of a mile may be charged for as a quarter of a mile.
- 17      Articles sent in large aggregate quantities, although made up of separate parcels such as bags of sugar, coffee, and the like, shall not be deemed to be small parcels.
- 18      For any quantity of merchandise less than a truck load which the company either receive or deliver in one truck on or at a siding not belonging to the company, or which from the circumstances in which the merchandise is tendered or the- nature of the merchandise the company is obliged or required to carry in one truck, the company may charge as for a reasonable minimum load having regard to the nature of the merchandise.
- 19      The term " terminal station " means a station or place upon the railway at which a consignment of merchandise is loaded or unloaded before or after conveyance on the railway, but does not include any station or junction at which the merchandise in respect of which any terminal is charged has been exchanged with, handed over to, or received from any railway company, or a junction between the railway and a siding let by or not belonging to the company, or in respect of merchandise passing to or

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from such siding, any station with which such siding may be connected, or any dock or shipping place the charges for the use of which are regulated by Act of Parliament.

The term " siding " includes branch railways not belonging to a railway company.

20 In this Schedule the word " company " means a railway company with respect to which a schedule of standard charges is in operation, and the word " trader " includes any person sending or receiving or desiring to send or receive merchandise by railway.