

Zambia

Nkana-Nchanga Branch Railway Act, 1927

Chapter 457

Legislation as at 31 December 1996

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Nkana-Nchanga Branch Railway Act, 1927 (Chapter 457)

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Zambia

Nkana-Nchanga Branch Railway Act, 1927

Chapter 457

Commenced on 23 March 1928

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

[This legislation has been revised and consolidated by the Ministry of Legal Affairs of the Government of the Republic of Zambia. This version is up-to-date as at 31st December 1996. All subsequent amendments have been researched and applied by Laws.Africa for ZAMBIALII.]

[27 of 1927; 43 of 1929; 21 of 1933; 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 a point near Bwana Mkubwa to a point near the Nchanga Mine; 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 Nkana-Nchanga Branch Railway Act.

2. Interpretation

In this Act, unless the context otherwise requires—

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

"**railroad**" shall mean and include the railway track or way and the rails and appurtenances laid thereon;

"**railway**" shall mean the Nkana-Nchanga Branch Railway.

plans in *Gazette*

3. Power to construct, equip, complete, etc., and to publish termini and plans in *Gazette*

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 a point to be determined in the vicinity of Bwana Mkubwa to a point to be determined in the vicinity of the Nchanga Mine, the said points and the course of the said line to be defined and published hereafter together with a plan thereof in the *Gazette*.

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

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 adjacent to the railway upon the land hereby ceded to the Company 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. 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 to ascertain nature of land

The Company upon reasonable notice 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 to hold land

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 junctions, sidings, stations, approaches and any other works: subject to the submission of plans to and the subsequent approval and consent of the Government.

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

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. The Company shall be liable to pay compensation in respect of any land so taken and in respect of injury or damage to actual improvements existing thereon.

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

8. Company to pay rates and taxes

All railways and electric telegraphs and all stations, lands, houses, works, properties and things belonging thereto or held in connection therewith shall be subject to municipal or other local rates or taxes now or hereafter to be made or imposed.