

LAWS OF GUYANA

DEMERARA RIVER (MACKENZIE) BRIDGE ACT

CHAPTER 51:04

Act
28 of 1965
Amended by

Current Authorised Pages

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CHAPTER 51:04

DEMARRA RIVER (MACKENZIE) BRIDGE ACT

ARRANGEMENT OF SECTIONS

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28 of 1965

An Act to authorise the erection of a bridge and a railway across the Demerara River by the Demerara Bauxite Company Limited, and for purposes connected therewith.

[30TH OCTOBER, 1965]

Short title.

1. This Act may be cited as the Demerara River (Mackenzie) Bridge Act.

Interpretation.

2. In this Act—

“bridge” means the bridge authorised to be erected under this Act and includes the piers, fender piles and fenders thereof and any erection or other structure, foot-path, roadway, tramway, conveyor belt, pipe, tube, viaduct, aqueduct or other means of conveyance

over, under or across the Demerara River and lands adjacent thereto used in connection with the said bridge;

“the Company” means the Demerara Bauxite Company, Limited, its successors or assignees and any other person for the time being in lawful possession of the bridge;

“the plans” means the plans for the erection of the bridge, including the specifications thereof, and the plans delineating the railway reserve, and any amendments to such plans and specifications for the time being approved by the Minister for the purposes of this Act and deposited in the Deeds Registry;

“railway reserve” means that portion of land on the left bank of the Demerara River owned or occupied by the Company and shown on the plans as an area reserved for the purposes of a railway to be constructed thereon by the Company connecting the railway reserve with the right bank of the Demerara River and crossing the said River by way of the bridge;

“traffic” includes goods, rolling stock, vehicles, persons and animals.

Authority to erect bridge.

3. (1) It shall be lawful for the Company at its own expense to erect a bridge across the Demerara River at and between such points in Plantation Noitgedacht on the right bank of the Demerara River and in Plantation Wismar on the left bank of the said River and of such design and dimensions as are specified in the plans, and to do such other work as may be necessary for the proper construction, protection and maintenance of the bridge.

(2) Without prejudice to the right of the Company to use the bridge in any way for the purpose of its business, the Company may, in accordance with the plans, construct a

railway over the bridge.

Maintenance of
bridge.

4. It shall be the duty of the Company, so long as the bridge remains the property of or is subject to the control of the Company, to maintain the bridge in proper order and condition to the satisfaction of the Minister, and to place and maintain thereon, between sunset and sunrise, such lights in such manner as the Minister may require for the purposes of marking both sides of the main span thereof.

Right of
control and use
of the bridge.

5. (1) Subject to this section, the Company shall have the exclusive right to regulate and control traffic passing over or otherwise using the bridge.

(2) Subject to subsections (3) and (4), any public officer on duty shall be entitled at all reasonable times to use the bridge without any charge whatsoever for the purpose of crossing and of conveying any equipment used in connection with his duties, including his personal baggage.

(3) Without prejudice to the generality of subsection (1), the bridge may be closed to traffic at such times as the Company may determine.

(4) The Company shall make arrangements to the satisfaction of the Minister for the periodic lifting of a section of the main span of the bridge for the purpose of enabling vessels to pass under the bridge.

Charging of
tolls for the use
of the bridge.

6. (1) Subject to section 5 (2), the Company shall have the right to charge and collect such tolls in respect of traffic using the bridge as may be approved by the Minister.

(2) Tolls collected by virtue of this section shall be paid over to the local government authority or authorities any part of whose district lies within five miles of the bridge (and where there is more than one such local authority, in such proportions to the respective local authorities as the Minister

may determine) for the use and benefit of such local government authority or authorities.

(3) The Company may assign to any local authority referred to in subsection (2) the right to collect any tolls imposed in accordance with subsection (1).

Special provisions relating to the bridge and railway reserve.

7. (1) From and after the commencement of this Act and for so long as the Company shall operate a railway along the railway reserve, this section shall have effect.

(2) The Company shall provide and maintain such level and other crossings as may be shown on the plans of the railway reserve and shall control such crossings in accordance with by-laws made for that purpose under section 8.

(3) Whereby or under any Act other than this Act any obligation or requirement is imposed on the Company to do or refrain from doing any act in relation to the bridge or to the railway reserve or the railway operated on either the bridge or the railway reserve the Minister, on application in writing made in that behalf by the Company, may by order, subject to negative resolution of the National Assembly, exempt the Company from compliance with such conditions as may be specified in the order, if satisfied that it is reasonable so to do in all the circumstances of the case:

Provided that nothing in this subsection shall exempt the Company from the payment of any rate under the Local Government Act or from the payment of any tax, rate or due whatsoever.

c. 28:02

(4) Where under any law any person or authority has notified the Company of any obligation or requirement referred to in subsection (3) and an application is made under that subsection for exemption from that obligation or requirement, the Company shall cause a copy of such application to be served on the person or authority

aforementioned and with effect from the date of such service the operation of such obligation or requirement shall be suspended pending the result of such application and any period of time prescribed or allowed for compliance therewith shall cease to run until such time as the Company shall have been notified in writing by the Minister of the determination of the said application.

By-laws.

8. (1) The Company may, with the approval of the Minister, make by-laws—

- (a) for the control and regulation of traffic passing over the bridge;
- (b) for the imposition and collection of tolls in respect of traffic using the bridge;
- (c) regulating the lifting of a section of the main span of the bridge for the purpose of permitting the passage of vessels under the bridge;
- (d) generally to provide for the efficient operation and working of the bridge and any railway constructed thereon; and
- (e) for the control and regulation of traffic passing over, along or across the railway and railway reserve, and of level crossings on the railway reserve.

(2) The Minister shall cause such by-laws to be published in the *Gazette* and copies of any such by-laws as relate to matters specified in subsection (1) (a) to (d) (inclusive) shall be made available by the Company for inspection by the public at all reasonable times at or near the

bridge.

Disposal of the
bridge.

9. (1) The Company, if it no longer requires to retain the bridge for the purposes of its business and desires to dedicate the bridge for the use of the public without payment of any compensation, may give notice in writing to that effect to the Minister and within six months from the date of the notice the Minister may, by notice published in the *Gazette*, declare the bridge to be the property of the Government or of a local government authority or authorities specified in the notice, and from the date of publication of such notice, the bridge shall be deemed for all purposes to be the property of the Government or of such local government authority or authorities, as the case may be.

(2) Where the Company gives notice to the Minister under subsection (1) and no notice is published in the *Gazette* within the time specified in subsection (1), the Company may remove or otherwise dispose of the bridge as it may think fit.

Preservation of
rights.

10. Nothing in this Act shall be deemed to prejudice or affect any legal rights and privileges of the Company existing at the commencement of this Act, including any such right to construct a railway on any land owned or occupied by the Company.

SUBSIDIARY LEGISLATION

By-laws
2/1967

MACKENZIE BRIDGE BY-LAWS

made under section 8

Citation. 1. These By-Laws may be cited as the Mackenzie Bridge By-Laws citation.

Interpretation. 2. (1) In these by-laws –

“the Bridge Master” means the person appointed by the Company under these by-laws;

“pedestrian traffic” includes any pedestrian using the bridge;

“rail traffic” includes any vehicle using the railway track over the bridge;

“road traffic” means any traffic other than pedestrian or rail traffic;

“traffic” includes goods, rolling stock, vehicles, persons and animals but excludes river traffic;

“vessel” includes any ship, boat, barge, pontoon, launch or other water-borne craft and any raft, boom or other collection of logs or timber, whether in tow or not, and anything in tow.

(2) Any reference in these by-laws to river traffic shall be construed as a reference to any vessel requiring, by reason of the dimensions of the vessel, the cargo or anything

in tow and the state of the tide that a section of the main span of the bridge be lifted wholly or in part for the purpose of enabling the vessel to pass under the bridge.

Appointment
and functions
of Bridge
Master.

3. (1) The Company shall appoint a fit and proper person to be Bridge Master, and the Bridge Master shall have, subject to the general directions of the Company and of these by-laws, exclusive control of the bridge and of all traffic passing over the bridge.

(2) Subject to the requirements, firstly, of rail traffic and, secondly, for the periodic lifting of a section of the main span of the bridge for the purpose of enabling vessels to pass under the bridge, the Bridge Master shall use his best endeavours to keep the bridge open to pedestrian traffic and road traffic.

(3) Without prejudice to the generality of the foregoing provisions of this by-law, the Bridge Master shall have authority-

- (a) to direct the lifting and lowering of a section of the main span of the bridge;
- (b) to direct the lowering and raising of the barriers on the bridge;
- (c) to prohibit or restrict traffic from entering or crossing over the bridge;
- (d) to remove from the bridge any vehicle which stops on the bridge by reason of any mechanical failure or for any other reason;
- (e) to search any vehicle, container or package about to cross or to be

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conveyed across the bridge to ascertain insofar as is reasonably required in the interests of public safety in the use of the bridge whether any explosive or dangerous or noxious matter is contained therein;

- (f) to do all such acts as he may consider necessary to facilitate traffic over the bridge, to ensure safety in its use and to prevent damage to it.

(4) The Bridge Master may authorise any person to perform any of his functions under these By-Laws, and any act done by such person in pursuance of such authority shall be deemed to have been done by the Bridge Master.

(5) Any reference in these by-laws to the Bridge Master shall include a reference to any person for the time being authorised to operate or be in charge of the bridge or the control cabin thereof.

Traffic Signs.

4. (1) At such time as the bridge is closed to road traffic, a barrier carrying red lights and a warning sign shall be lowered across each approach to the bridge; and when the bridge is opened to road traffic, a signal light or lights shall be operated to control road traffic on the bridge.

(2) At such times as the bridge is closed to pedestrian traffic, a red light and a warning sign visible to oncomers shall be displayed at each approach to the pedestrian lanes on the bridge.

(3) Except when a section of the main span of the bridge has been lifted for the purposes of river traffic, such span and the adjacent fixed spans shall each bear red lights visible to approaching river traffic.

Lifting of section
of main span of
bridge for
vessels.

5. (1) Any vessel requiring a section of the main span of the bridge to be lifted shall prominently display a blue flag by day and blue light by night; and it shall be the responsibility of the master of the vessel to attract the attention of the Bridge Master or person for the time being in charge of the control tower of the bridge.

(2) As soon as practicable after the request has been made, and subject to the requirements of rail traffic, the Bridge Master shall cause rail traffic, road traffic and pedestrian traffic to stop, and shall lift a section of the main span.

(3) The Bridge Master shall acknowledge the signal of any vessel requiring a section of the main span to be lifted by the following lights displayed on the control cabin of the bridge:

- (a) a red light indicating that the section cannot be lifted immediately and that the vessel must wait;
- (b) a red light with an amber light indicating that the bridge is being cleared of traffic and being made ready for the lifting of the section;
- (c) an amber light alone, indicating that the section is being lifted or that another vessel is about to pass under the bridge from the opposite direction, and that the vessel concerned must continue to wait;
- (d) a green light indicating that the section has been lifted and that the vessel may proceed.

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(4) When a section of the main span is about to be lowered the Bridge Master shall display a red light on the control cabin of the bridge.

(5) The master of any vessel requiring a section of the main span to be lifted shall, until the signal to proceed has been given, remain at such distance and under such control as may be necessary to keep the signal lights displayed on the control cabin of the bridge clearly in view.

(6) The master of any vessel approaching the bridge, whether or not requiring a section of the main span to be lifted, shall keep his vessel under such control as to ensure that no part of the vessel, the cargo or anything in tow shall come into contact with the bridge.

Speed limit.

6. No vehicle shall travel over the bridge at a speed exceeding speed limit. 15 miles per hour or such lesser speed as the Bridge Master may prescribe.

Prohibition against stopping.

7. No vehicle shall stop on the bridge unless required to do so by the Bridge Master.

Operation of machinery.

8. No person other than the Bridge Master shall operate or in any way tamper with any machinery relating to the operation of the bridge or any lights thereon.

Carriage of explosives.

9. Except with the prior written approval of the Bridge Master, no explosive or dangerous or noxious matter shall be taken upon or conveyed across the bridge otherwise than in the Company's vehicles and for the Company's business.

Conditions for user.

10. (1) The Company may prescribe the conditions subject to which road traffic, pedestrian traffic and other traffic may cross or use the bridge and where such conditions are prescribed, the Company shall cause notices to be posted at all approaches to the bridge, or to be printed on tickets,

setting out such conditions; and such notices or tickets shall be deemed to be sufficient notice of such conditions to all persons and traffic using the bridge.

(2) Without prejudice to the generality of the power of the Company under paragraph (1) to prescribe conditions-

- (a) no motor vehicle exceeding 40,000 pounds gross weight, no animal-drawn vehicle and no hand-cart shall be permitted upon the bridge save in accordance with special clearance in writing given by the Bridge Master;
- (b) no animal shall be taken or permitted to be upon the bridge unless it is drawing a vehicle in respect of which special permission has been given or is carried in a vehicle or by the person under whose control it is:

Provided that a pedestrian may be accompanied along a pedestrian lane by a dog controlled by a lead.

Tolls Schedule.

11. The Company shall charge and, subject to by-law 12, collect the tolls set out in the Schedule in respect of traffic using the bridge:

Provided that the Company may from time to time-

- (a) with the approval of the Minister alter or amend such tolls;
- (b) suspend or direct to be suspended the charge and collection of any toll on such occasions and during such

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periods and on such conditions as it thinks fit.

Collection of
tolls by local
authority.

12. Any local government authority to which the collection of tolls has been assigned pursuant to section 6 (3) of the Act shall be solely responsible for the due and proper collection of the tolls so imposed and not suspended as hereinbefore provided; and the Company shall be under no liability in respect of any act, deed or thing done by the local government authority or its servants or agents in relation to or in connection with any such collection.

Prohibition of
traffic.

13. No tolls may be collected in respect of any traffic which has been prohibited or restricted from entering or crossing the bridge by the Bridge Master.

Offences.

14. Any person who –

- (a) being a pedestrian, enters any part of the bridge other than a pedestrian lane;
- (b) takes or permits an animal to be on the bridge otherwise than in accordance with by-law 10 (2) (b);
- (c) obstructs the Bridge Master or any person lawfully carrying out his instructions;
- (d) disobeys any instructions given by the Bridge Master under these by-laws;
- (e) disobeys or disregards any signal displayed on the Bridge;
- (f) unreasonably requests that a section of the main span of the bridge be

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lifted;

- (g) loiters on the bridge and refuses to proceed when requested by the Bridge Master;
- (h) writes upon defaces or in any way damages the bridge or damages or removes without authority any board, plate or notice on any part of the bridge or the approaches thereto; or
- (i) fails to comply with any of the provisions of these by-laws, shall be liable to a fine of twenty-four dollars.

(By-law 11)

SCHEDULE

TOLLS

Type of Traffic

Toll

PART 1

SINGLE PASSAGES

Pedestrian	5c. per person
Passenger in motor vehicle	5c. per passenger
Cyclist	7c. including cycle
Motor cycle, motorised cycle; scooter	10c. including driver
Private car, hire car, delivery van, jeep, land rover or similar motor vehicle	25c. including driver

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Bus, lorry or other registered heavy motor vehicle not exceeding 40,000 lb. gross weight	35c. including driver
Motor vehicle given special clearance	\$10.00 including driver
Animal-drawn vehicle or handcart given special clearance	50c. including driver
Police officer on duty, local government officer on duty or member of the Guyana Defence Force on duty together with the conveyance of any equipment used in connection with such officer's or member's duties, including his personal baggage	NIL
Company employee on duty (NOT including journeys to and from work)	NIL
Company vehicle being used for Company business	NIL
Child in arms	NIL

PART II

SEASON TICKETS

Schoolchild (whether pedestrian, passenger or cyclist)	\$1.50 per child per school term, including cycle.
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[Subsidiary] *Wismar-Christianburg Railway Reserve By-Laws*

By-laws 3/1967 **WISMAR-CHRISTIANBURG RAILWAY RESERVE BY-LAWS**

made under section 8

Citation. 1. These by-laws may be cited as the Wismar-Christianburg Railway Reserve By-Laws.

Interpretation. 2. In these by-laws –

“authorised crossing” means a level crossing, vehicular overbridge, vehicular underpass, pedestrian overbridge or other crossing shown on such plans of the railway as are referred to in section 7(2) of the Act;

“pedestrian overbridge” means any overbridge on or near which is displayed, in one or more conspicuous places, a notice indicating that the overbridge is for pedestrians;

“traffic sign” means any signal, warning sign or other device for the guidance of persons passing along authorised crossings.

Trespass on railway reserve. 3. Subject to by-law 4, no person shall be upon or enter the railway or the railway reserve except with the authority of the Company or for the purpose of the lawful performance of his functions pursuant to the Act.

Passage of authorised crossing only. 4. A person may pass by an authorised crossing over, under or across the railway or railway reserve.

Traffic signs. 5. The Company shall erect and maintain traffic signs and may authorise the persons to control traffic passing along authorised crossings.

Barriers at level crossing. 6. (1) The Company shall, on both sides of the railway at every level crossing, erect and maintain barriers, each carrying a red light and a warning sign bearing the word

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“STOP”, in respect of any of which such further requirements as may be prescribed by direction of the Minister shall be complied with; and, whenever traffic passing along the railway approaches any such level crossing, the barriers thereat shall be lowered across the road and the same shall be kept lowered until such traffic has passed beyond the level crossing.

(2) No person shall pass across a level crossing when the barriers are lowered or are being lowered or raised, or at any other time unless he has first ascertained that it is safe to pass across it.

Vehicles prohibited from using pedestrian overbridge.

7. No person shall take or permit to be taken any vehicle over or along a pedestrian overbridge:

Provided that a pedestrian may wheel a bicycle over or along such an overbridge.

Certain prohibited vehicular from using level crossing.

8. Except with the permission of the Company, no person shall take or permit to be taken any tracked vehicle over or along any level crossing or other crossing intersected by the railway.

Certain vehicles prohibited from using vehicles overbridge.

9. No person shall take or permit to be taken any tracked vehicle or any vehicle the gross weight of which exceeds 20,000 pounds over or along any vehicular overbridge.

Speed limit.

10. No person shall drive or permit to be driven any vehicle over or along any authorised crossing at a speed exceeding 15 miles per hour.

Prohibition against vehicle stopping on authorised

11. No driver of a vehicle shall halt the vehicle or permit it to be halted on any authorised crossing unless directed so to do by a traffic sign or by a person authorised

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crossing. pursuant to by-law 5 to control traffic or by reason of the barriers being lowered at a level crossing and any vehicle stopping or left on any authorised crossing for any other cause may be removed therefrom by any employee of the Company on duty on the railway or the railway reserve and the cost of so doing shall be recoverable by the Company from person registered as the owner of the vehicle under the Motor Vehicles and Road Traffic Act.

c. 51:02

Carriage of explosives. **12.** Except with the prior written approval of the Company, no explosives or dangerous or noxious matter shall be taken upon or conveyed over or under the railway reserve save in the Company's vehicles or for the Company's business; and any employee of the Company authorised in writing in that behalf may stop any person on an authorised crossing and search any vehicle, container or package to ascertain whether any explosive or dangerous or noxious matter is contained therein.

Restriction upon animals.

13. (1) Except with the prior written approval of the Company, no person shall cause or permit any animal to enter or be upon or in the railway or railway reserve unless it is under a person's control and is passing along an authorised crossing.

(2) No person shall drive or lead or permit to be driven or led any cattle over or along a pedestrian overbridge.

Operation of barriers and traffic signs.

14. No person, other than a person authorised in that behalf by the Company, shall operate or in any way tamper with a barrier at a level crossing or a traffic sign or with any machinery relating to the operation of a barrier or traffic sign.

Temporary closure of authorised crossing.

15. Notwithstanding anything to the contrary provided by these by-laws, the Company may, for such periods as may be necessary for the protection of an authorised crossing or the users thereof or for the carrying out

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of any works, close the crossing or any portion thereof to all or specified types of traffic and shall cause to be displayed thereat such notices as are sufficient to convey to the public adequate intimation of such closure.

Delineating of
boundaries of
railway reserve.

16. The Company shall cause the boundaries of the railway reserve to be delineated by the erection of a fence or the posting of notices.

Offences.

17. Any person who –

- (a) fails to comply with a direction given by a traffic sign or by a person acting pursuant to any authority conferred on him under by-law 5 or to conform to any notice displayed under by-law 15;
- (b) dumps any refuse or drains any property on to or through the railway or the railway reserve.
- (c) damages or tampers with any fence or other structure erected, or with any notice displayed lawfully by the Company on or around the railway or railway reserve, except in the performance of work thereto authorised by the Company.
- (d) stops or attempts to stop or assists any person to stop or attempt to stop any train unless authorised by the Company.
- (e) assault, resists or obstructs any employee of the Company in the

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performance of his functions under these by-laws; or

- (f) contravenes or attempts to contravene any of the provisions of by-law 3, by-law 6(2) or by-laws 7 to 14 (inclusive), shall be liable to a fine of twenty-four dollars.
-