

Chapter:	211	AERIAL ROPEWAYS (SAFETY) ORDINANCE	Gazette Number	Version Date
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		Long title		30/06/1997
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To provide for the design, manufacture and installation of aerial ropeways, the regulation of the operation and maintenance of aerial ropeways, the avoidance of dangerous conduct in relation thereto and for matters ancillary thereto or connected therewith.

(Amended 37 of 1981 s. 2)

[30 April 1976]

(Originally 19 of 1976)

Part:	I	PRELIMINARY		30/06/1997
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Section:	1	Short title		30/06/1997
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This Ordinance may be cited as the Aerial Ropeways (Safety) Ordinance.

Section:	2	Interpretation		30/06/1997
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In this Ordinance, unless the context otherwise requires-

"aerial ropeway" (架空纜車) means any apparatus for the overhead transport of passengers or goods in carriers running along or drawn by overhead cables supported by towers, pylons or other similar structures, together with any machinery, equipment or plant connected therewith;

"Code" (守則) means the Code of Practice prescribed under section 5;

"designated employee" (指定僱員) means a person designated by the Director under section 23E; (Added 37 of 1981 s. 3)

"Director" (署長) means the Director of Electrical and Mechanical Services; (Amended L.N. 76 of 1982; L.N. 298 of 1982)

"installation works" (安裝工程) means all works relating to the installation of an aerial ropeway, other than building works relating to the construction of any buildings or structures connected therewith;

"owner" (擁有人) in relation to an aerial ropeway includes a lessee or hirer, and any person engaged in the management or control, of an aerial ropeway. (Added 37 of 1981 s. 3)

Section:	3	Application		30/06/1997
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(1) Subject to subsection (2), this Ordinance, other than Part II, shall apply to any aerial ropeway in existence before the commencement of this Ordinance.

(2) Any regulations made under section 28 may be expressed to apply to any aerial ropeway in existence at the time of commencement of this Ordinance.

(3) This Ordinance shall not apply to any temporary aerial ropeway for use solely to carry materials for the construction of any building or structure.

Section:	4	Power of Chief Executive to give directions to Director	62 of 2000	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 62 of 2000 s. 3

(1) The Chief Executive may give to the Director such directions as he thinks fit with respect to the exercise or performance of his powers, functions and duties under this Ordinance, either generally or in any particular case.

(2) The Director shall, in the exercise or performance of his powers, functions and duties under this Ordinance,

comply with any direction given by the Chief Executive under subsection (1).

(Amended 62 of 2000 s. 3)

Part:	II	INSTALLATION OF AERIAL ROPEWAYS		30/06/1997
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Section:	5	Application of Code of Practice		30/06/1997
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The Director may, by notice in the Gazette, prescribe a Code of Practice, which shall, subject to this Ordinance, govern the design, manufacture, and installation of aerial ropeways.

Section:	6	Start of installation		30/06/1997
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A person wishing to install an aerial ropeway shall not carry out any installation works before a date determined by the Director.

(Amended 37 of 1981 s. 4)

Section:	7	Plans etc.		30/06/1997
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A person wishing to install an aerial ropeway shall submit to the Director-

- (a) a plan, in duplicate and on such scale as the Director may specify, showing the proposed route of the ropeway; and
- (b) the designs and specifications of the machinery, equipment and plant relating to the ropeway, together with such other information, plans, specifications or calculations as may be required by the Director.

Section:	8	Information as to method of installation		30/06/1997
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All plans, designs, specifications and calculations submitted to the Director under section 7 shall be accompanied by information as to the proposed method of installation of the aerial ropeway and the proposed programme of installation.

Section:	9	Installation not to carry out until plans etc. approved		30/06/1997
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(1) The person wishing to install an aerial ropeway shall not carry out any part of the installation works until the plans, designs, specifications, calculations and the method and programme of installation have been approved by the Director. (Amended 37 of 1981 s. 5)

(2) Any approval by the Director under subsection (1) may be limited to any stage in the installation of the aerial ropeway.

Section:	10	Aerial ropeway to be installed in accordance with plans, etc.	62 of 2000	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 62 of 2000 s. 3

(1) The installation works shall be carried out in accordance with the plans, designs, specifications, calculations and method and programme of installation as approved under section 9, subject to such modifications as may be made thereto from time to time by the person installing the ropeway with the prior written approval of the Director.

(2) If, in respect of any part of the installation works the Director is of the opinion that-

- (a) there is any departure from the requirements of subsection (1);
- (b) the method of installation is unsafe; or
- (c) the installation works have been or are being carried out in contravention of this Ordinance or the Code,

he may direct the person installing the aerial ropeway to discontinue any such part and the same shall not be continued until the Director is satisfied that any further installation works comply with such requirements or that the method of

installation will be safe, as the case may be.

(3) If a direction under subsection (2) is not complied with, the Director may carry out such works as he thinks fit to ensure that the installation works comply with the requirements of subsection (1) or that the method of installation will be safe, as the case may be.

(4) The cost of works carried out under subsection (3) shall be recoverable as a debt to the Government from the person installing the aerial ropeway. (Amended 62 of 2000 s. 3)

Section:	11	Prohibition on passage over buildings		30/06/1997
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Save with the approval of the Director, no part of an aerial ropeway shall pass over any building.

(Amended 37 of 1981 s. 6)

Section:	12	Obstruction		30/06/1997
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(1) During the installation works the person installing the aerial ropeway shall ensure that such works do not cause undue obstruction of any road, shipping channel or railway or cause any hazard to air navigation.

(2) If the Director is of the opinion that any part of the installation works is obstructing any road, shipping channel or railway or is causing a hazard to air navigation he may direct the person installing the aerial ropeway to discontinue such works, and such works shall not be continued except with the permission of the Director and subject to such conditions as he may impose.

(Amended 37 of 1981 s. 7)

Section:	13	Power to enter and inspect		30/06/1997
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(1) The Director or any public officer authorized by him in writing, may at any time enter the place at which an aerial ropeway is being installed-

- (a) to ascertain whether the person installing the aerial ropeway is complying with the provisions of this Ordinance and the Code relating to the installation of the aerial ropeway;
- (b) to ascertain whether the installation works are dangerous or liable to become dangerous to persons being in the vicinity of, using, or employed in connexion with, the aerial ropeway; and (Amended 37 of 1981 s. 8)
- (c) to inspect and test any machinery, equipment or plant to be used in connection with such aerial ropeway.

(2) The person installing an aerial ropeway shall afford the Director such facilities as he may reasonably require for the purposes of subsection (1).

Section:	14	Approval of plans etc. not to confer title to land, etc.		30/06/1997
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Neither the approval of plans, specifications, calculations and the method and programme of installation under section 9 nor the approval of commencement of operation under section 16 shall-

- (a) confer any title to land;
- (b) act as a waiver of any term in any lease or licence; or
- (c) grant any exemption from or permit any contravention of this Ordinance, the Code or of any other enactment.

Section:	15	(Repealed 37 of 1981 s. 9)		30/06/1997
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Part:	III	OPERATION, MAINTENANCE, REPAIR AND ALTERATION		30/06/1997
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Section:	16	Approval required before aerial ropeway can operate		30/06/1997
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The owner of an aerial ropeway shall not operate the ropeway until the Director has approved the commencement of operation.

(Amended 37 of 1981 s. 10)

Section:	17	Aerial ropeway to be maintained in condition	62 of 2000	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 62 of 2000 s. 3

(1) An aerial ropeway shall be maintained by the owner thereof in a safe condition. (Amended 37 of 1981 s. 11)

(2) The Director may, by notice in writing, require the owner to effect such repairs or alterations to his aerial ropeway as he considers necessary for the proper maintenance thereof and for the obviation of fire and other hazards therein.

(3) If the owner of an aerial ropeway fails to comply with any such requirement within a reasonable time after the receipt of such notice the Director may effect the necessary repairs or alterations.

(4) If at any time there exist, in the opinion of the Director, any circumstances requiring the immediate putting into effect of such repairs or alterations he may require the owner to effect the same forthwith or, if he thinks fit, may forthwith effect the same with or without notice to the owner.

(5) The expense of repairs or alterations under this section shall be borne by the owner and where any such repairs or alterations are effected by the Director the expense thereof shall be recoverable from the owner as a debt due to the Government. (Amended 62 of 2000 s. 3)

Section:	18	Closure of aerial ropeway for repairs or alterations		30/06/1997
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(1) The owner of an aerial ropeway may, or if so required by the Director shall, close or partially close the ropeway to the use of the public whenever necessary to enable any repairs or alterations to be effected to the ropeway.

(2) Save in the case of an emergency, the owner shall not effect any such closure without prior notification to the Director.

(3) Whenever a closure is effected under this section in pursuance of a requirement of the Director, the ropeway or such part thereof thereby affected shall not thereafter be operated for the use of the public without the prior consent of the Director. (Amended 37 of 1981 s. 12)

Section:	19	Closure of aerial ropeway for safety reasons		30/06/1997
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(1) The owner of an aerial ropeway shall not operate the ropeway in a manner which endangers the safety of persons using, operating, or being in the vicinity of, the ropeway. (Added 37 of 1981 s. 13)

(2) The owner of an aerial ropeway may, and if so required by the Director shall, close or partially close the ropeway to the use of the public whenever such action appears reasonably necessary for the safety of persons using, operating, or being in the vicinity of, the ropeway.

(3) Save when required by the Director to close or partially close the aerial ropeway, the owner of an aerial ropeway shall notify the Director forthwith of any such closure.

(Amended 37 of 1981 s. 13)

Section:	20	Control and safety of aerial ropeway		30/06/1997
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(1) The owner of an aerial ropeway shall, to the satisfaction of the Director, provide personnel and facilities for the control and safety of persons using, or being in the vicinity of, the ropeway. (Amended 37 of 1981 s. 14)

(2) The provision of such personnel and facilities shall be at the expense of the owner of the ropeway.

Section:	21	Prohibition on alterations to aerial ropeway without permission		30/06/1997
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Save with the prior consent of the Director, the owner of an aerial ropeway shall not make any major alterations to the ropeway.

Section:	22	Examination and testing of aerial ropeways to which major alterations have been made		30/06/1997
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(1) Where any major alterations are made to an aerial ropeway, the Director shall, before the normal use and operation thereof is resumed, examine and test the ropeway so far as may be necessary to determine that those parts of the aerial ropeway affected by such major alterations are in safe working order.

(2) If the Director is satisfied that such parts of the aerial ropeway are in safe working order he shall permit the use and operation of the ropeway to be resumed; and if he is not so satisfied, shall refuse to permit the use and operation of the ropeway to be resumed and shall provide reasons for his refusal.

(3) The owner of an aerial ropeway shall not resume the use and operation thereof without the permission of the Director under subsection (2). (Added 37 of 1981 s. 15)

Section:	23	Power to enter and inspect		30/06/1997
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(1) The Director, or any public officer authorized by him in writing, may at all reasonable times enter any land in order to inspect any aerial ropeway on that land or passing over that land; and may also enter and inspect any building or structure connected with any aerial ropeway.

(2) The owner of any land, building or structure shall afford such facilities for the inspection referred to in subsection (1) as may be reasonably required by the Director.

Part:	IIIA	CONDUCT IMPAIRING SAFETY		30/06/1997
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(Part IIIA added 37 of 1981 s. 16)

Section:	23A	Offence to endanger safety of persons using or being near aerial ropeway		30/06/1997
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No person shall wilfully or negligently do or omit to do anything in relation to an aerial ropeway if such act or omission is likely to render the ropeway unsafe for persons using, operating, or being in the vicinity of, the ropeway.

Section:	23B	Trespassing on aerial ropeway		30/06/1997
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(1) No person shall, without lawful excuse, enter any part of an area which is fenced or enclosed for the purposes of an aerial ropeway if at the time of entry sufficient warning notices are posted in respect of that part.

(2) In subsection (1) "sufficient warning notices" (充分的警告告示) means notices in English and Chinese forbidding any member of the public, except in specified circumstances (if any), from entering the relevant part of the area, which notices are posted so as to be readily seen and read by a member of the public before he enters that part.

Section:	23C	Power of designated employees to give directions		30/06/1997
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A designated employee may give to any person using or being in the immediate vicinity of an aerial ropeway any signal or verbal direction for the purpose of preventing any act or omission by such person which is likely to render the ropeway unsafe for persons using, operating, or being in the vicinity of the aerial ropeway, and a person to whom any such signal or direction is given shall forthwith comply with the same.

Section:	23D	Power of designated employee to arrest		30/06/1997
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(1) A designated employee may-

- (a) require any person whom he reasonably suspects of having contravened section 23B or who fails to comply with any signal or direction given to him under section 23C to immediately give his correct name and address to the employee;
- (b) arrest any person whom he reasonably suspects of having contravened section 23A or who without reasonable excuse fails to comply with a requirement under paragraph (a).

(2) A designated employee who arrests any person under subsection (1) shall take the person forthwith to a police station, to be dealt with there in accordance with the Police Force Ordinance (Cap 232) or deliver him into the custody of a police officer for that purpose.

(3) If any person forcibly resists or attempts to evade arrest under this section the designated employee may use such force as is reasonably necessary to effect the arrest.

Section:	23E	Director may designate employees for purpose of sections 23C and 23D		30/06/1997
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(1) The Director may designate by name those persons employed by the owner of an aerial ropeway who may exercise the powers conferred on a designated employee by sections 23C and 23D, and may at any time revoke a designation so made.

(2) The Director shall issue to every designated employee a card bearing the name and photograph of such employee and a statement signed by the Director certifying that such employee is authorized to exercise the powers conferred on a designated employee by sections 23C and 23D.

(3) A card purporting to be issued under subsection (2) and to be signed by the Director shall, without further proof and until the contrary is proved, be evidence of the matters contained therein in any proceedings or otherwise.

(4) A designated employee shall produce his card for inspection by any person who questions his authority to exercise the powers in sections 23C and 23D.

(5) A person who ceases to be a designated employee shall forthwith deliver up his card to a person authorized by the Director to receive it.

Section:	23F	Owner to exhibit notices of prohibited conduct		30/06/1997
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(1) The owner of an aerial ropeway shall prominently display notices in English and Chinese containing a summary of sections 23A and 23C and the penalties which may be imposed for a contravention of those sections.

(2) The form, contents and location of the notices shall be approved by the Director.

Part:	IV	APPEALS	62 of 2000	01/07/1997
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Section:	24	Appeals	62 of 2000	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 62 of 2000 s. 3

(1) If the person installing an aerial ropeway or the owner of an aerial ropeway is aggrieved by any requirement or direction made, or the withholding of any consent or approval, by the Director under this Ordinance the owner may appeal by petition to the Chief Executive in Council.

(2) Save where the Chief Executive in Council otherwise directs, when any such appeal has been made, no such requirement or direction, other than a requirement under section 18 or 19 to close or partially close the aerial ropeway, shall be enforced until the decision of the Chief Executive in Council on the appeal is made.

(3) The decision of the Chief Executive in Council on any such appeal shall be final.

(Amended 62 of 2000 s. 3)

Part:	V	RECORDS AND INFORMATION		30/06/1997
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Section:	25	Records		30/06/1997
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(1) The owner of an aerial ropeway shall maintain such plans, records and documents relating to the ropeway and the use and operation thereof as may be required by the Director or as may be prescribed by regulations.

(2) The owner of an aerial ropeway shall permit the Director to inspect and copy all such plans, records and documents kept by the owner in connexion therewith, and the owner shall afford facilities for such inspection or copying as may from time to time be reasonably required by the Director.

Section:	26	Information to be supplied by owner of aerial ropeway		30/06/1997
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For the purpose of enabling the Director to ascertain any arrangements which are made or are about to be made by the owner of an aerial ropeway for the fulfilment of the owner's obligations under this Ordinance, the owner shall, on the request of the Director forthwith furnish him with such information as to the operation or maintenance of the aerial ropeway or any building, structure, machinery, equipment or plant connected therewith as he may require.

Part:	VI	OFFENCES AND PENALTIES		30/06/1997
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Section:	27	Offences and penalties		30/06/1997
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(1) Any person who-

(a) contravenes section 6, 9, 10(1), 16, 17(1), 18(2), 18(3), 19(1), 19(3), 20(1), 21, 22(3), 23A, 23B, 23E(5), 23F(1) or 25; or

(b) fails, without reasonable excuse, to comply with a requirement of the Director under section 17(2), 17(4), 18(1), 19(2), 25 or 26 or to comply with a direction given to him under section 10(2) or 12(2) or a signal or direction given to him under section 23C,

commits an offence against that section and is liable to the penalty set out in the 2nd, 3rd and 4th columns of the Schedule opposite the reference to that section in the 1st column thereof.

(2) Any person who obstructs-

(a) the Director or any public officer in the exercise of his powers under section 13 or 23; or

(b) any designated employee in the exercise of his powers under section 23D,

commits an offence and is liable to a fine of \$10000 and to imprisonment for 6 months.

(Replaced 37 of 1981 s. 17)

Section:	27A	Director's requirements etc. to be made in writing		30/06/1997
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(1) Where the Director requires or directs that anything be done under any of the provisions mentioned in section 27(1)(b) he shall make the requirement or give the direction by notice in writing, and shall in the notice specify a period within which the requirement or direction is to be complied with.

(2) No person shall be held to have failed to comply with any such requirement or direction until the expiration of the period so specified or such further period as the Director may allow.

(3) Without limiting subsection (1), every determination, specification, requirement, approval, permission or consent to be given or made by the Director under this Ordinance or any regulations made thereunder shall be given or made in writing.

(Added 37 of 1981 s. 17)

Section:	27B	Liability for offences by body corporate		30/06/1997
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Where an offence under this Ordinance has been committed by a body corporate, any person who at the time of commission of the offence was a director, manager, secretary or other similar officer thereof, or who was purporting to act in any such capacity, shall also be guilty of such offence unless he proves that the offence was committed without his consent or connivance, and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

(Added 37 of 1981 s. 17)

Part:	VII	MISCELLANEOUS	L.N. 130 of 2007	01/07/2007
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Section:	28	Regulations	L.N. 130 of 2007	01/07/2007
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Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

(1) The Secretary for Development may by regulation provide for- (Amended 37 of 1981 s. 18; 43 of 1992 s. 2; L.N. 330 of 1999; L.N. 106 of 2002; L.N. 130 of 2007)

- (a) the manner of making application for and granting of approval of plans of installation works, specifications, calculations and the method and programme of installation, and the granting of approval to commence operation of an aerial ropeway;
- (b) the design, manufacture and installation of aerial ropeways including-
 - (i) the properties and design strength of materials to be used;
 - (ii) track and section, gradients and deviations;
 - (iii) the support of cables;
 - (iv) the distance of carriers and cables from the ground, and lateral clearances;
 - (v) profile of free space;
 - (vi) passage above buildings;
 - (vii) alignment of cables and crossing of other tracks;
 - (viii) speed;
 - (ix) rescue equipment;
 - (x) cables;
 - (xi) drives and brakes;
 - (xii) safety devices;
 - (xiii) signalling and communication;
 - (xiv) anchorages and tensioning devices;
 - (xv) pylon equipment;
 - (xvi) carriers;
 - (xvii) carriages, clamps and attachments;
 - (xviii) stations and pylons;
 - (xix) testing; and
 - (xx) calculations;
- (c) the operation, maintenance and examination of aerial ropeways including-
 - (i) empowering the Director to approve persons who may be employed in the operation and maintenance of aerial ropeways;
 - (ii) examinations and tests;
 - (iii) records and logs; and
 - (iv) reports of accidents and investigations thereof;
- (d) the safety of persons using or being in the vicinity of, or employed in the operation and maintenance of, aerial ropeways; (Amended 37 of 1981 s. 18)
- (e) the prevention and abatement of nuisances arising from the use and operation of an aerial ropeway;
- (f) the abatement of fire hazards in relation to an aerial ropeway;
- (g) the illumination or marking of an aerial ropeway, including any cables or pylons used in connexion therewith;
- (h) the number of persons who may be carried on an aerial ropeway at any one time;
- (i) what are major alterations to an aerial ropeway for the purposes of this Ordinance;
- (j) (Repealed 43 of 1992 s. 2)
- (k) forms; and
- (l) the better carrying into effect of this Ordinance.

(1A) The Chief Executive in Council may by regulation provide for fees. (Added 43 of 1992 s. 2. Amended 62 of 2000 s. 3)

(2) Regulations under this section may provide that a contravention of any specified provision shall be an offence and may prescribe a penalty therefor not exceeding a fine of \$50000 and imprisonment for 2 years, and in the case of a continuing offence, a further fine of \$1000 for each day on which the offence continues. (Added 37 of 1981 s. 18)

(3) Where regulations under this section impose any requirement or obligation upon any person employed by the owner of an aerial ropeway to be in charge of the aerial ropeway or in the control, operation or maintenance of the ropeway, the regulations may make the following provisions-

- (a) that the owner shall cause the requirement or obligation to be complied with;
- (b) that, if it is not complied with and the owner does not exculpate himself, the owner commits an offence (whether or not any other person is also convicted of the offence) and is liable to such penalty as may be provided for in the regulations;
- (c) that in order to exculpate himself as provided in paragraph (b) the owner must satisfy the court that he took all such precautions to prevent the non-compliance as the court considers reasonable in the circumstances. (Added 37 of 1981 s. 18)

Section:	29	Exemptions		30/06/1997
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The Director may exempt any aerial ropeway from all or any provision of this Ordinance or the Code subject to such conditions as he thinks fit.

Section:	30	Ordinance not to derogate from Buildings Ordinance (Cap 123)		30/06/1997
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Nothing in this Ordinance shall derogate from the Buildings Ordinance (Cap 123).

Section:	31	Limitation of public liability	62 of 2000	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 62 of 2000 s. 3

No liability shall rest upon the Government or upon any public officer by reason of the fact that any aerial ropeway is subject to examination or to testing by a public officer under this Ordinance or the carrying out of any other work by a public officer pursuant to this Ordinance.

(Amended 62 of 2000 s. 3)

Schedule:		SCHEDULE		30/06/1997
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[section 27]

PENALTIES FOR OFFENCES

Section	Amount of fine	Period of imprisonment	Additional fine for each day on which the offence continues
6	\$10000	6 months	\$ 100
9	\$10000	6 months	\$ 100
10(1)	\$50000	2 years	\$1000
10(2)	\$50000	2 years	\$1000
12(2)	\$50000	2 years	\$1000
16	\$10000	6 months	\$ 100
17(1)	\$50000	2 years	\$1000
17(2)	\$50000	2 years	\$1000
17(4)	\$50000	2 years	\$1000
18(1)	\$10000	6 months	\$ 100

18(2)	\$ 5000		
18(3)	\$10000	6 months	\$ 100
19(1)	\$50000	2 years	\$1000
19(2)	\$50000	2 years	\$1000
19(3)	\$ 5000		
20(1)	\$10000	6 months	\$ 100
21	\$10000	6 months	
22(3)	\$50000	2 years	\$1000
23A	\$10000	2 years	
23B	\$ 5000	6 months	
23C	\$ 5000	6 months	
23E(5)	\$ 5000		
23F(1)	\$ 5000		\$ 50
25	\$10000	6 months	
26	\$10000	6 months	

(Added 37 of 1981 s. 19)