

New Zealand.

## ANALYSIS.

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1900, No. 17.—*Local.*

## Title.

AN ACT to authorise the Mayor, Councillors, and Citizens of the City of Auckland to contract with any Person or Company for the Construction, Maintenance, and Working of an Electrical Installation for supplying Electrical Energy for Public and Private Purposes within the City of Auckland.

[20th October, 1900.

## Preamble.

WHEREAS it is expedient that power should be given to the Mayor, Councillors, and Citizens of the City of Auckland to contract with any person or company for the construction, maintenance, and working of an electrical installation for supplying electricity and electrical energy for lighting purposes and as a motive-power for public and private purposes within the said city :

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

## Short Title.

1. The Short Title of this Act is “The Auckland Electric Lighting Act, 1900.”

## Interpretation.

2. In this Act, if not inconsistent with the context hereof, and unless there are words to exclude or restrict such meaning, the words and expressions following shall severally have the meanings herein-after assigned to them, that is to say,—

The expression “electricity” means electricity, electric current, or any like agency :

The expression “energy” means electrical energy; and for the purposes of this Act electrical energy shall be deemed to be an agency within the meaning of “electricity” as defined by this Act :

The expression “public purpose” refers to the supply of electricity to, or in any street or any place belonging to or subject to the control of, a local authority, or any hall,

public theatre, or building belonging to or subject to the control of any public authority, but shall not include any other purpose to which electricity may be applied:

The expression "private purpose" refers to any purpose whatever to which electricity may for the time being be applicable not being public purposes, but shall not include the transmission of any telegram.

3. There shall be a Board of Control for the purposes of this Act, which shall consist of the Governor in Council. Board of Control and its powers.

The Board of Control may appoint such officers and make such by-laws for their own guidance as they shall think proper; they may also make such rules and regulations for the control of the company or person in the interests of the public safety as they may think expedient for securing the safety of the public from personal injury, or from fire or otherwise, and may from time to time amend or repeal such regulations; and any such regulations so made or amended by the Board of Control shall, from the date and issue thereof, have the same effect in every respect as though they had been originally inserted in this Act; and every regulation so repealed shall, from and after the date thereof, be repealed accordingly, but such repeal shall not affect any liability or penalty incurred in respect thereof prior to the date of such repeal, or any proceeding or remedy which might have been had in relation thereto.

The Board of Control may from time to time delegate all or any of the powers vested in the Board by this Act to the Electric Telegraph Commissioner, or to such other person as the Board of Control shall think fit.

4. Subject and without prejudice to "The Electric Lines Act, 1884," "The Municipal Corporations Act, 1886," and "The Municipal Corporations Act Amendment Act, 1887," the Mayor, Councillors, and Citizens of the City of Auckland may contract with any person or company for the construction, maintenance, and working of an electrical installation for supplying electrical energy for public and private purposes within the said city; and may for such purpose grant to the company or person with which or whom it shall contract as aforesaid power to break up or cross over streets, roads, and bridges, and place mains, service-lines, distributing mains, and wires either above or below ground, and over or under streets and roads, and lay down and place pipes, conduits, and service-pipes, and erect pillars, arches, and poles, in and upon streets, roads, bridges, and other places, and make, construct, and do other works and things for supplying energy within such area of supply, or any part thereof, upon such terms and conditions, for such period not exceeding twenty-one years, and subject to such regulations and provisions, as may be agreed upon between the contracting parties. Empowering company to supply electricity.

5. A copy of every agreement made between the Mayor, Councillors, and Citizens of the City of Auckland and the person or company as aforesaid shall be deposited at the office of the said city, and notice that such agreement has been previously made, and that a copy thereof is open for inspection, shall be advertised in some newspaper published in the City of Auckland, at least once in each of four successive weeks after such deposit. Agreement to be referred to citizens.

The Mayor of the said City of Auckland shall call a meeting of the citizens of the said city, for a day not less than ten days after the publication of such advertisement, to consider such agreement, and if present shall preside at such meeting. If the Mayor of the said city be not present, then a chairman of the meeting may be appointed at the meeting.

A copy of such agreement shall be produced at such meeting, and the terms thereof may be then discussed and considered. Any amendments or alterations in such agreement suggested at such meeting may, if the local authority and the person or company agree thereto, be made, and the agreement so amended or altered shall be deemed to be the same agreement as that originally deposited and advertised.

After such meeting, and on such day as the Mayor of the said city shall appoint, a poll of the citizens shall be held at which the question shall be submitted whether such agreement shall be confirmed.

Such poll shall be taken and held in the manner provided by section one hundred and eighty-one of "The Municipal Corporations Act, 1886." If a majority of the votes polled shall be in favour of confirming such agreement, then such agreement shall be valid and effectual as from the day of the declaration of such poll; and if a majority of the votes polled shall be against the confirmation of such agreement, then such agreement shall be null and void.

If agreement not confirmed, powers hereby conferred shall cease.

City to have power to purchase installation and works.

6. The person or company as aforesaid shall not be entitled to exercise any of the powers hereby conferred until such agreement is confirmed.

7. In any contract made by the Mayor, Councillors, and Citizens of the City of Auckland under the provisions of this Act there shall be an express provision entitling it, at the expiration of the term mentioned therein, or earlier if the parties to the said contract shall think fit, to purchase the installation and works erected in pursuance thereof, at a price, in case the city and other contracting party shall not agree, to be ascertained by arbitration in such manner and upon such conditions as shall be set forth in the contract (in which provisions for that purpose shall be inserted). But in no case shall the Mayor, Councillors, and Citizens of the City of Auckland contract to pay, or pay, nor shall there be included in the price to be ascertained as aforesaid, any sum for good-will. And any contract or undertaking on the part of the Mayor, Councillors, and Citizens of the City of Auckland contrary to the last-mentioned provision shall be null and void to all intents and purposes whatsoever.