

New Zealand.

ANALYSIS.

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1903, No. 40.—*Local.*

Title.	AN ACT to authorise the Mayor, Councillors, and Burgesses of the Borough of Dannevirke to obtain Power for Electric Lighting and other Purposes. [23rd November, 1903.]
Preamble.	WHEREAS it is desirable to enable the Mayor, Councillors, and Burgesses of the Borough of Dannevirke, a corporation duly incorporated under "The Municipal Corporations Act, 1900," to produce electricity, electrical energy or power, and convey the same to the Borough of Dannevirke, and to use the same, or supply the same to others for use, in the said borough and other places; also to raise a special loan for the aforesaid purposes or any of them : 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 Borough of Dannevirke Electric Power and Loan Empowering Act, 1903."
Interpretation.	2. In this Act, unless inconsistent with the subject-matter or the context thereof, the words and phrases following shall have the meanings hereby assigned to them respectively, that is to say,— "Borough" means the Borough of Dannevirke constituted under "The Municipal Corporations Act, 1900" :

- “Council” means the Dannevirke Borough Council constituted under the said Act :
- “Electricity” means electricity and electric current or other like agent :
- “Energy” means electrical energy or power, and for the purposes of this Act such energy or power shall be deemed to be a “like agent” within the meaning of “electricity” before defined :
- “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 telegrams :
- “Public purpose” refers to the supply of electricity to or in any street, road, square, building, or place belonging to or subject to the control of any local governing body, or any hall, theatre, or building belonging to or subject to the control of any such body ; but shall not include any other purpose to which electricity may be applied :
- “Streets and roads” shall include any public or private street, and any public road, square, open space, highway, thoroughfare, bridge, culvert, or passage within the limits affected by this Act.

3. The Council may construct, maintain, and work an electrical installation, either within the limits or outside the limits of the borough, for supplying electrical energy for its own use and for public and private purposes within the said borough and in such other place or places as the Council shall from time to time think fit, and may for such purposes or any of them, and from time to time as it thinks proper, take, purchase, or acquire land within or beyond the limits of the said borough, or any estate or interest therein, break up streets, place main service-lines, and distributing-wires, and wires either above or below ground and over or under streets, and may lay down, erect, build, or place and maintain pipes, conduits, and service-pipes, pillars, arches, and poles in and upon any street, and make, construct, and do all such work and things which in the opinion of the Council may be necessary and proper to be done for the purpose of enabling the Council to produce, use, and supply electricity within and without the said borough: Provided that the Council shall not sell electricity or energy within the jurisdiction of any borough or county without the consent of the Council of such borough or county first had and obtained.

Council may construct works for electric purposes.

4. For the purposes aforesaid, or any of them, the Council may, subject to the provisions of “The Water-power Act, 1903,” from time to time, with the consent of the Governor in Council,—

Power to Council to construct and maintain necessary works.

- (a.) Construct and maintain head-works, intakes, and other works on the banks and in the bed of any river or stream; and may construct and maintain head-races leading to any point or points on either terrace or bank of such river or stream; and may also from time to time construct and maintain all necessary head-works, head-races, and tail-races, power-houses

turbines, machinery, and plant necessary or convenient for creating electricity or electrical energy; and may construct and maintain all necessary by-washes and tail-races necessary or convenient for returning the water conveyed along the said races back into such river or stream :

- (b.) Lift, divert, and take water from such river or stream, and convey the same by means of such head-works, intake, head water-races, tail-races, and by-washes, and use the same for any purpose authorised by this Act; also discharge water over the terrace and back into the bed of such river or stream, and convey the same by tail-races along the bed of such river or stream :
- (c.) Erect and maintain all necessary buildings, storage and converting stations, and power-houses; and provide, work, and maintain turbines, hydraulic engines, dynamos, batteries, machinery, plant, and other things necessary or convenient to enable the Council to produce electricity or energy, and to convey the same to the borough and to such other place or places as the Council may think fit, and there use the same or apply the same for use for public or private purposes :
- (d.) Provide and maintain all appliances, machinery, plant, fixtures, and other things necessary or convenient for distributing energy throughout the borough, and to and from any other place or places, and making the same available for public or private use :
- (e.) Take, acquire, or purchase lands situate either within or without the said borough, or any estate, right, or interest therein, or any right, easement, advantage, or appurtenance in respect of any land situate within or without the said borough, also any buildings, engines, head-works, water-race, tunnel, tail-race, water-right, machinery, or other property or rights, which in the opinion of the Council may be necessary or convenient for the purpose of carrying out the provisions of this Act :
- (f.) Pay any person injuriously affected by reason of any of the matters or things aforesaid such compensation as he may by law be entitled to :
- (g.) Make, do, or suffer any other act or thing incidental or in relation to any of the purposes hereinbefore defined or authorised by this Act :
- (h.) Repay to the General Account of the District Fund of the Council all moneys heretofore advanced or paid, or hereafter to be advanced or paid, from such account for any purpose connected with the initiation of or carrying out the said scheme or work hereby authorised to be carried into effect, or any part thereof, and the cost of obtaining this Act.

Crown lands may
be granted as a site
for works.

5. The Governor may, by Order in Council, from time to time as to him may seem meet and proper grant any Crown lands, or

any reserve, or the use thereof, to the Council, their appointees or assigns, for the purpose of a site on which to construct, build, erect, place, and maintain head-works, tunnels, inlets, intakes, head-races or tail-races, by-washes, power-houses, turbines, transforming-stations, or any other machinery, plant, or convenience authorised by this Act, or which in the opinion of His Excellency may be necessary in order to enable the objects of this Act to be carried into effect.

6. The Governor may, by Order in Council, from time to time, and as the circumstances of the case may require, settle and determine the site, area, line, route, or limits of any head-works, tunnels, inlet, intake, head-race or tail-race, by-wash, power-house, turbine, transforming-station, or any machinery, building, plant, convenience, or things which the Council may propose to erect, build, construct, or use under authority of this Act outside the limits of the said borough.

Governor to determine works to be done outside limits of borough.

7. The Council may appoint such officers and make such by-laws for its own guidance as it shall think proper. It may also make from time to time such by-laws, rules, and regulations for the control, management, and protection of the plant, works, and electricity, and in the interests of the public safety, as it may think expedient; and may from time to time amend or repeal such by-laws, rules, and regulations, or any of them, as it may think expedient. Such by-laws, rules, and regulations shall be passed, repealed, and amended, as the case may require, in the same manner as is provided for the passing, repealing, and amending of by-laws by "The Municipal Corporations Act, 1900"; and such by-laws, rules, and regulations shall have the same force and effect as by-laws duly passed under the provisions of "The Municipal Corporations Act, 1900," in the said borough, and all the provisions applicable thereto by Part XLV. of the said "Municipal Corporations Act, 1900," shall be applicable to such by-laws, rules, and regulations made in pursuance of this Act, and fines and penalties recovered for breaches thereof shall be applied as is provided by "The Municipal Corporations Act, 1900," for the fines and penalties for breaches of by-laws under the last-mentioned Act. Such by-laws, rules, and regulations shall have the same force and effect in relation to any matter or thing beyond the boundaries of the borough in the same manner as if the same were situate within the borough.

Appointment of officers and making of by-laws.

8. The Council may supply electrical energy to the Weber County Council, or to such other local body within whose jurisdiction the Township of Weber may for the time be, upon such terms and in such quantities as it may think fit.

Council may supply electrical energy to other local bodies.

COUNCIL MAY RAISE SPECIAL LOANS FOR CERTAIN PURPOSES.

9. The Council may raise by way of special loan or loans under the provisions of "The Local Bodies' Loans Act, 1901," any sum or sums of money not exceeding in the aggregate a sum of thirty thousand pounds, and apply the same to any of the purposes which the Council is authorised to carry into effect under or by virtue of this Act; but no money shall be borrowed under the authority of this

Special loan may be raised.

Act which shall produce to the lender a higher rate of interest than five per centum per annum.

Security for loan :
special rate.

10. The Council may pledge as a security for the interest or sinking fund upon every or any special loan hereby authorised to be raised any special rate or special rates within the meaning of the said Act, and may by special order make and levy every special rate so pledged in such manner as in the said Act is provided

Sinking fund.

11. There shall be a sinking fund provided for any loans raised under this Act by the Council of not less than one-half per centum per annum of the total amount of the loan.

Council may pledge
special rate.

12. The Council may pledge a special rate estimated to produce a larger sum per annum than may be required to provide such interest and sinking fund, but the Council shall not be required to levy more of such rate in any year during the currency of such loan than shall be sufficient to provide such interest and sinking fund, so long as such interest and sinking fund shall be punctually paid.

MISCELLANEOUS PROVISIONS.

Lands to be
acquired.

13. All lands or any estate or interest therein which the Council is hereby authorised to take or acquire may be taken or acquired under the provisions of "The Municipal Corporations Act, 1900."

Lands to be held
subject to "The
Municipal
Corporations Act,
1900."

14. Save in so far as may be inconsistent with this Act, all lands acquired by the Council shall be held by the said Council subject to the provisions of the said last-mentioned Act.

"The Municipal
Corporations Act,
1900," to apply to
lands acquired.

15. All works constructed or provided, and all lands and other property purchased or acquired, out of moneys to be raised under this Act respectively shall be deemed to be authorised, constructed, provided, purchased, or acquired, as the case may be, under the provisions of "The Municipal Corporations Act, 1900," which provisions shall apply thereto accordingly. The Council shall, in relation to such works, land, and property respectively, have all the powers, authorities, and discretions which by the said last-mentioned Act are or is expressly or by reference given to the Council with respect to the execution of works and the acquisition of land and other property thereunder.

Part XXII. to
apply to lands
acquired.

16. The powers given to the Council by Part XXII. of the said Act shall extend to and may be exercised in respect of any land and other property, right, or privilege authorised to be constructed, provided, acquired, purchased, or maintained under this Act, whether the same be situate within or without the limits of the said borough.

Work done to be
"public work."

17. Any work done by or under the authority of this Act shall be deemed to be a public work within the meaning of "public work" as defined by section two of "The Public Works Act, 1894."

Exemption from
rates and taxes.

18. Property acquired by the Council under the authority of this Act shall be exempt from liability for rates and taxes levied by any local authority.

FURTHER SPECIAL LOAN FOR IMPROVING SYSTEM OF ELECTRIC POWER.

Further sums may
be raised by special
loan.

19. After a system of electric power for the borough shall have been provided, the Council may from time to time raise by way of special loan any further sum or sums, not exceeding in the aggregate

the sum of ten thousand pounds, for the purpose of improving or extending such system, and acquiring land and appurtenances and buildings and other things in connection with any such improvement or extension. All the provisions of this Act shall, *mutatis mutandis*, apply respectively to such improvements and extensions, and to every special loan authorised to be raised under this section.

20. Nothing in this Act shall affect or be deemed to repeal "The Electric Lines Act, 1884," "The Electrical Motive Power Act, 1896," "The Counties Act, 1886," "The Municipal Corporations Act, 1900," or "The Water-power Act, 1903."

Certain acts not
deemed repealed by
this Act.