

New Zealand.

ANALYSIS.

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1903, No. 4.—*Local.*

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| Title. | AN ACT to authorise the Mayor, Councillors, and Burgesses of the Borough of Gore to obtain Power for Electric Lighting and other Purposes.
[26th September, 1903.] |
| Preamble. | WHEREAS the Mayor, Councillors, and Burgesses of the Borough of Gore, a corporation duly incorporated under "The Municipal Corporations Act, 1900," are desirous of obtaining electricity from without the Borough of Gore and conveying the same to the said borough, to use the same or supply the same, to others for use in the said borough and the vicinity thereof: And whereas the Southland Frozen Meat and Produce Export Company (Limited), a company duly incorporated under the provisions of "The Companies Act, 1882," have agreed with the said borough to supply the said borough with electricity for lighting and other purposes from their works situate in the Borough of Matakura: And whereas it is expedient that provision should be made authorising the said Borough of Gore to break up or cross over streets and roads, and cross over or under railways, rivers, and bridges, and to enter upon lands within the Borough of Matakura and the County of Southland and the surrounding districts, and to place mains, service-lines, and distributing-mains either above or below ground, and to lay down and place pipes, conduits, and service-pipes, and to erect pillars, arches, and poles, and to make, construct, and do other works and things for obtaining from the said company and supplying and using electricity for public and private purposes in the Borough of Gore and the vicinity thereof, and to do all such other acts, deeds, and things from time to time as are incidental or conducive to carry out fully and |

effectually the aforesaid objects: And whereas it is desirable to enable the said Corporation of Gore to produce electricity elsewhere than as is hereinbefore recited, and to use and supply the same as before mentioned:

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

1. The Short Title of this Act is “The Borough of Gore Electric Power Empowering Act, 1903” Short Title.

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,— Interpretation.

“Borough” means the Borough of Gore constituted under “The Municipal Corporations Act, 1900”:

“Council” means the Gore Borough Council constituted under the said Act:

“The company” means the Southland Frozen Meat and Produce Export Company (Limited), its successors, or the assigns of all or any of the company’s rights and powers under this Act:

“Electricity” 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 to be affected by the Act.

3. The Council may contract with the company for the supply and use of, and obtain from the company, and the company may supply to the borough or the Council thereof, electricity for the use of the borough or the Council, and for public and private purposes within the borough or the vicinity thereof; and the Council may for such purposes or for 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, and may break up or cross over streets and roads, and cross over or under railways, rivers, and bridges, and place mains, service-lines, and distributing-mains either above or below ground, and lay down and place pipes, conduits, and service-pipes, and erect pillars, arches, and poles, and do all such other work and things which in the opinion of the Council Contract to supply electrical energy.

may be necessary and proper to be done for the purpose of enabling the Council to obtain from the company and its works aforesaid, or elsewhere, and to use and supply electricity within the said borough and neighbourhood or any part thereof, and so that the provisions hereby conferred upon the Council may be done and exercised by them in particular (but not so as to limit in any manner the general power hereby conferred) upon or under any lands situate within the Borough of Mataura or the County of Southland; and for the purpose of executing the works by this section authorised the borough and its workmen and others, by its direction, may enter upon and cross and recross any of the said lands either with or without horses and carts or vehicles. Nothing herein contained shall empower the Council to supply electricity within the Borough of Mataura, or within a distance of five miles from the boundary thereof, without the consent of the Council of the said Borough of Mataura.

Limitation of energy to be supplied.

4. In the event of a greater quantity of electricity than the equivalent of one-hundred-horse power being supplied to the Council by the company, the Council of the Borough of Mataura may require from the company, and the company shall at their works, throughout the period mentioned in the contract or any renewal thereof, supply to the Council of the Borough of Mataura, at the price per unit charged under the contract with the Council or any renewal thereof, whatever electricity the Council of the Borough of Mataura may require: Provided that such requirement shall be in writing under the seal of the Borough of Mataura, and shall specify the quantity of electricity to be regularly supplied throughout the period mentioned in the contract between the company and the Council.

Supply of electricity to Borough of Mataura.

5. Before supplying to the borough a greater quantity of electricity than the equivalent of one-hundred-horse power, the company shall give notice thereof to the Council of the Borough of Mataura, and the said Council shall make its requirement within six months of receipt of such notice, and such requirement shall not specify a greater quantity of electricity than is being supplied to the Council in excess of the equivalent of one-hundred-horse power.

Council may construct and work an electrical installation.

6. The Council may also construct, maintain, and work an electrical installation, either within the limits or outside the limits of the Borough of Gore, for supplying electricity for its own purposes and for public and private purposes within the said borough and neighbourhood, and it shall for such purposes or any of them, as well as for the purposes contained in section three hereof, have all the powers conferred upon it by that section.

Works may be constructed by Council.

7. For the purposes aforesaid, or any of them, the Council may from time to time, and subject to the approval of the Governor in Council,—

(a.) Construct and maintain head-works, intakes, and other works on the banks and in the bed of any river in the Land District of Southland; and may construct and maintain head-races leading from any such head-works, intake, or other works to any point or points on either terrace or bank of such river; 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 producing electricity; 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:

- (b.) Lift, divert, and take water from such river, and convey the same by means of such head-works, intake-head, water-races, tails, 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, and convey the same by tail-races along the bed of such river:
- (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 and convey the same to the Borough of Gore and vicinity 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 electricity throughout the said borough and neighbourhood and making the same available for public or private purposes:
- (e.) Within or without the said borough, but not within the Borough of Mataura, take, acquire, or purchase lands, or any estate, right, or interest therein, or any right, easement, advantage, or appurtenance in respect of any land, 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.

8. 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, plant, building, convenience, or thing which the Council may propose to erect, build, construct, or use under authority of this Act outside the limits of the said borough.

Order in Council
necessary to do cer-
tain works.

9. 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."

Council may
acquire lands.

Such lands to be held by Corporation.

“The Municipal Corporations Act, 1900,” to apply.

Part XXII. of “The Municipal Corporations Act, 1900,” to apply.

Work done to be deemed “public work.”

Exemption from rates.

Saving of existing Acts.

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

11. 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.

12. 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 the limits of the said borough or outside of such limits.

13. 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 in section two of “The Public Works Act, 1894.”

14. 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.

15. Nothing in this Act shall be deemed to repeal or affect any of the provisions of “The Electric Lines Act, 1884,” “The Electrical Motive Power Act, 1896,” “The Counties Act, 1886,” or “The Municipal Corporations Act, 1900.”