

New Zealand.



ANALYSIS.

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1911, No. 22.

Title.

AN ACT to amend the Tramways Act, 1908.

[28th October, 1911.]

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

Short Title.

1. This Act may be cited as the Tramways Amendment Act, 1911, and shall form part of and be read together with the Tramways Act, 1908 (hereinafter referred to as the principal Act).

In certain cases Minister may charge fees for cars licensed by him.

2. Section eleven of the Tramways Amendment Act, 1910, is hereby amended by adding thereto the following subsections:—

“(3.) When a local authority, in pursuance of section nine of the principal Act, has delegated the authority conferred upon it by an authorizing order, the Minister may, on the issue or renewal of a license under this section, charge a fee not exceeding two pounds in respect of every carriage so licensed.

“(4.) The fee so charged shall be payable into the Consolidated Fund by the person to whom the authority aforesaid has been delegated, and shall, without further appropriation than this Act, be paid by the Minister of Finance out of the said fund to the local authority to whom the authorizing order was issued.

“(5.) Where a tramway passes through the districts of two or more local authorities, the Minister may allocate the fees received under this section in respect of the license of carriages for use on that tramway between those local authorities in such proportions as are determined in that behalf by the Governor in Council.”

3. (1.) When land has been taken by a local authority for the construction and maintenance of tramways under section four of the principal Act, and that local authority, either before or after the taking of that land, has delegated its authority in pursuance of section nine of that Act, the following provisions shall apply :—

Land taken for tramway purposes to be transferred to person to whom powers under authorizing order delegated.

(a.) On the payment to the local authority of all compensation and other moneys payable or expended by it in respect of the land so taken, the local authority shall transfer the said land to the person to whom the authority conferred by the authorizing order was delegated in trust for the purposes for which it was so taken.

(b.) If the land so taken and transferred, or any part thereof, is not required for the purpose for which it was taken, it may be sold in the manner provided by section thirty of the Public Works Act, 1908, and for the purposes of this paragraph the references to a local authority in that section and in section thirty-two of the said Act shall be deemed to be references to the person to whom the delegation aforesaid has been made.

(c.) The purchase-money of the land so sold shall be payable to the person to whom the delegation was made.

(2.) This section shall apply to land taken either before or after the passing of this Act.

4. Section two of the principal Act is hereby amended by omitting from the definition of "local authority" the words "in any county wherein the Counties Act, 1908, is suspended, the Boards of the several road districts and town districts within such county," and substituting therefor the words "the Board of any road district or town district."

Section 2 of principal Act amended.

5. Section seven of the principal Act is hereby amended by omitting from subsection six thereof the word "Telegraphs" and substituting therefor the words "Public Works."

Section 7 of principal Act amended.

6. (1.) The Governor may from time to time, on the application of any person in that behalf, grant a license to that person to lay down, construct, and maintain a private tramway on, along, or across any Government road within the meaning of the Public Works Act, 1908, on such terms and conditions as the Governor approves.

Governor may authorize private tramways on Government roads

(2.) All the provisions of sections sixteen, seventeen, eighteen, and twenty of the principal Act shall apply to private tramways under this section, and all references in those sections to a local authority shall be deemed to be references to the Governor, and the reference to the office of a local authority shall be deemed to be a reference to the office of the Minister of Public Works, at Wellington.

(3.) Section sixteen of the principal Act is hereby amended by omitting from subsection one thereof the words "within its district," and substituting therefor the words "under its control."

7. Clause six of the Second Schedule to the principal Act is hereby amended by adding thereto the following words: "Any such order may direct that an amount (to be specified therein) be annually set aside by the local authority out of the receipts arising from the working of the tramway to be paid into a fund for the replacement or

Annual sum for depreciation.

in respect of the depreciation of the plant, machinery, and other property of the undertaking, and that all such amounts be invested from time to time by the local authority.

By-laws as to
storing lost articles.

8. Clause thirty-two of the Second Schedule to the principal Act is hereby amended by inserting, after paragraph (h), the following new paragraph:—

“(hh.) For providing for the registration and storage of articles left in tramway-carriages, and for imposing on the owners of such articles a reasonable charge in respect of such registration and storage, and for authorizing the sale of such articles, if not claimed by the owners thereof within six months after they have been so left as aforesaid. The net proceeds of every such sale shall belong to the promoters.”

Clause 54 of
Second Schedule
amended.

9. Clause fifty-four of the Second Schedule to the principal Act is hereby amended by omitting therefrom all words after the words “the carriage of goods thereon.”

Repeals.

10. Subclauses four, five, and six of clause twelve of the Second Schedule to the principal Act are hereby repealed.

Tram-car to provide
passage-way.

11. All new tramway-carriages licensed after the passing of this Act, except those used on cable tramways, shall be constructed with an aisle or passage-way throughout the portion of the carriage set apart for passengers:

Provided that this section shall not apply to any tramway-carriage now under construction and which is completely constructed and in operation before the first day of January, nineteen hundred and twelve.

Amendment of
subsection (3) of
section 2,
Tramways
Amendment
Act, 1910.

12. (1.) Section two of the Tramways Amendment Act, 1910, is hereby amended by inserting, after the word “motorman” in subsection three, the words “or a steam-tram driver.”

(2.) Section two of the Tramways Amendment Act, 1910, is hereby further amended by omitting from subsection three the words “or was the holder of a motorman’s license granted under any by-law made by a local authority.”

(3.) Section two of the Tramways Amendment Act, 1910, is hereby also amended by inserting, after the words “in connection with such electric tramway” in subsection five, the words “or that the applicant is a duly qualified electrical engineer, or is the manager of or a traffic inspector on any such tramway”; and by omitting the words “he is capable,” and substituting the words “the applicant in each case is capable.”