

New Zealand



ANALYSIS

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1940, No. 2—*Local and Personal*

Title.	AN ACT to confer on the Waitara Borough Council Power to grant to Thomas Borthwick and Sons (Australasia), Limited, the Right to construct and maintain a Bridge across Queen Street, in the Borough of Waitara. <i>[30th August, 1940]</i>
Preamble.	WHEREAS Thomas Borthwick and Sons (Australasia), Limited, a company duly incorporated in England (hereinafter with its successors and assigns called the company), is the owner of certain portions of Blocks 80 and 81, Town of Waitara West, and the lessee of certain other portions of such blocks of which the said Block 80 is situated on the western side and the said Block 81 on the eastern side of Queen Street, in the Borough of Waitara: And whereas the company owns and operates meat-killing and preserving-works on

the said lands and other lands: And whereas, pursuant to a request received from the Government of New Zealand that the capacity of the said works be increased as to both the handling and the storing of meat, the company proposes to erect considerable additions and extensions to the said works, the operation of which will necessitate the conveyance and transportation of carcasses and other goods and the passage of persons between portions of the said works on opposite sides of Queen Street aforesaid: And whereas the Waitara Borough Council (hereinafter called the Council) and the company, after due consideration of the said proposals, are satisfied that the only practicable method of such conveyance and transportation is by means of an overhead bridge across Queen Street aforesaid: And whereas the Council is of opinion that the construction and continued maintenance of such a bridge and the facilities thereby to be enjoyed by the company are in the best interests of the Borough of Waitara:

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

1. This Act may be cited as the Waitara Borough Empowering Act, 1940. Short Title.

2. The Council may pursuant to a special order in that behalf grant to the company a right or easement for such period not exceeding fifty years and on such terms and conditions as the Council may think fit authorizing the company to construct and from time to time to replace and on the completion of such construction to keep and maintain an overhead bridge from the aforesaid Block 80 over and across Queen Street aforesaid to the aforesaid Block 81, together with such piers or supports therefor in the said street as the Council shall approve, and also to equip and use the said bridge (whether original or substituted) when completed. Authorizing Waitara Borough Council to grant to Thomas Borthwick and Sons (Australasia), Limited, right to construct bridge over Queen Street, Waitara.

3. The Council may in the like manner grant to the company or any successor of the company a like right or easement providing for a variation of such grant or for the erection of a new bridge or bridges in lieu of or in addition to the bridge hereinbefore referred to. Authorizing additional grants or variation of grants.

Conditions.

4. (1) The grant of any right or easement under this Act shall be subject to the payment of such rent and to the observance of such conditions as to the construction, repair, and maintenance of any such bridge and the piers and supports thereof (original, substituted, or additional) as the Council thinks fit.

(2) Every such grant shall include provisions requiring—

(a) Adequate lighting of the bridge during hours of darkness:

(b) The lowest point of the bridge to be not less than fifteen feet above the level of the roadway for a width of not less than twenty feet:

(c) Complete enclosure of the bridge except for purposes of ventilation:

(d) That the bridge shall cross the street at right angles to the edge of the street.

(3) No bridge shall be erected pursuant to the grant of any right or easement under this Act except in accordance with plans and specifications first submitted to and approved by the Council and the Minister of Public Works. Any such plans and specifications may at any time be amended or extended with the like approvals.

Indemnity.

5. The lawful exercise of any power or powers conferred or anything lawfully done or permitted to exist pursuant to any such grant shall not form a ground for any charge of or relating to the obstruction of a street or for any claim for damages or compensation; but, nevertheless, nothing in this Act contained shall relieve any person or corporation from any civil or criminal liability in respect of any abuse or misuse of any of the said powers or in respect of any negligence in the exercise thereof.

Rights of Crown.

6. The Crown shall have the right without charge to construct, place, maintain, alter, remove, or otherwise deal with any electric-power wires, telephone wires, telegraph wires, and pneumatic tubes on, over, or under every such bridge.