

New Zealand.

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1935, No. 18.—*Local and Personal.*

## Title.

AN ACT to amend the Wellington High Levels Tramway Act, 1898, and to extend the Time within which the Wellington City Council may borrow certain Money.  
[26th October, 1935.]

## Preamble.

WHEREAS pursuant to the Wellington High Levels Tramway Act, 1898, the Wellington City Corporation was duly authorized to construct the tramway now known as the Kelburn Tramway: And whereas pursuant to the authority conferred on it by section five of the said Act the said Corporation has delegated to the Kelburne and Karori Tramway Company, Limited, the powers, rights, privileges, and obligations vested in or imposed on the Corporation by the said Act: And whereas by operation of the proviso to section four of the said Act the company is under an obligation to afford free use of the tramway to Government servants while

performing any Government service, and to certain other persons: And whereas it is desired to restrict the right of free carriage of persons as hereinafter provided: And whereas it is necessary to extend the time within which the Council's authority to borrow money conferred by ratepayers may be exercised:

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 Wellington High Levels Tramway Amendment and Empowering Act, 1935.

Short Title.

2. In this Act—

Interpretation.

“Company” means the Kelburne and Karori Tramway Company, Limited, and includes its successors in title to the Kelburn Tramway and any other person or company that may hereafter operate the said tramway:

“Kelburn Tramway” means the tramway authorized under the principal Act:

“Principal Act” means the Wellington High Levels Tramway Act, 1898.

3. (1) Persons of any of the classes hereinafter specified shall, while in uniform and while engaged in performing their official duties, be entitled to be carried free of charge on the Kelburn Tramway, namely:—

Modification of conditions relating to the free carriage of Government servants and other persons on the Kelburn Tramway.

(a) Volunteer members of the Defence Forces of New Zealand:

(b) Members of the Police Force:

(c) Officers of the Post and Telegraph Department:

(d) Officers of the Internal Affairs Department.

(2) The last preceding subsection is in substitution for the proviso to section four of the principal Act, and that proviso is hereby accordingly repealed.

Repeal.

4. (1) The Order in Council authorizing construction of the Kelburn Tramway dated the tenth day of July, eighteen hundred and ninety-nine, a copy of which appears in the *New Zealand Gazette*, 1899, pages 1520–22, is hereby amended as follows:—

Amendment of existing Order in Council and Deed of Delegation.

(a) By deleting the second proviso to the principal authorizing clause of the said Order in Council, which proviso was in the following terms:—

“Provided also that members of the Volunteer, Armed Constabulary, or Police Forces,

whilst in uniform, and postmen and other Government servants whilst performing any Government service, shall be entitled to the free use of the tramway”,

and substituting therefor the words:—

“ Provided also that persons of any of the classes hereinafter specified shall, while in uniform and while engaged in performing their official duties, be entitled to be carried free of charge on the Kelburn Tramway, namely:—

“ (a) Volunteer members of the Defence Forces of New Zealand :

“ (b) Members of the Police Force :

“ (c) Officers of the Post and Telegraph Department :

“ (d) Officers of the Internal Affairs Department ” :

(b) By repealing in the first item to the schedule to the said Order in Council—namely, “ Maximum Charges ”—the following words:—

“ Members of the Volunteer, Armed Constabulary, or Police Forces whilst in uniform, and postmen and other Government servants whilst performing any Government service .. Free ”.

and substituting therefor the following words:—

“ Persons of any of the classes hereinafter specified while in uniform and while engaged in performing their official duties, namely:—

“ (a) Volunteer members of the Defence Forces of New Zealand

“ (b) Members of the Police Force

“ (c) Officers of the Post and Telegraph Department

“ (d) Officers of the Internal Affairs Department

} Free.”

(2) So far as such amendments to the said Order in Council affect the Deed of Delegation thereunder from the Wellington City Corporation to the company, such Deed of Delegation shall be deemed to have been varied and amended as from the date of the passing of this Act.

5. Section fourteen of the Wellington City Empowering and Amendment Act, 1924, and its amendment (section ten of the Wellington City Empowering and Amendment Act, 1929) are hereby repealed, and in lieu of the said section fourteen, as amended, the following new section is substituted:—

Extension of time within which Council's authority to borrow money conferred by ratepayers may be exercised.

“ 14. The provisions of section sixteen of the Local Bodies' Loans Act, 1926, relating to the lapse of authority for loans shall not apply to the following loans of the Wellington City Council authorized by a poll of the ratepayers taken on the fifteenth day of September, nineteen hundred and twenty, namely:—

“(a) Loan for Tramways: Kelburn, Karori, and Northland tramway extension—namely, Willis Street, Aro Street, and Raroa Road; extension to Northland, £66,986:

“(b) Loan for Tramways: Tramway extension to Melrose (Sutherland Road) from Zoo gates, £12,900—

“ but if no part of such loans is borrowed within eighteen years after the taking of the poll aforesaid the authority therefor shall lapse, and no proceedings shall thereafter be taken for borrowing the money except under the authority of another poll of the ratepayers.”