

Mr. Dillon.

BOROUGH OF HASTINGS ELECTRIC POWER AND LOAN EMPOWERING.

[LOCAL BILL.]

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A BILL INTITULED

AN ACT to authorise the Mayor, Councillors, and Burgesses of the Borough of Hastings to obtain Power for Electric Lighting and other Purposes. Title.

5 WHEREAS on the twenty-second day of January, nineteen hundred and ten, notice was given by the Council of the Borough of Hastings, pursuant to section seven of the Local Bodies' Loans Act, 1908 (hereinafter referred to as the said Act), that the said Council proposed to borrow the sum of eighty-five thousand pounds for the following purposes, the amount applicable to each such purpose being set opposite the statement of each such purpose respectively :— Preamble.

15	(1.) To supply the Borough of Hastings with a high-pressure water-supply and an electric light and power installation, including the acquisition of all lands and buildings which may be necessary	£ 40,000
20	(2.) To extend and make alterations in the sewerage system of the borough	30,000
20	(3.) For the construction of kerbed, channelled, and asphalted footpaths, and the construction of streets....	15,000

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And for the purpose of securing and providing for the repayment of the said sum of eighty-five thousand pounds, on the thirtieth day of September, nineteen hundred and fifty-one, and securing and providing for the interest in connection with the said loan and a sinking fund of not less than ten shillings as a further provision for the repayment of the said money, it was stated in the said notice that the said Council proposed to make and levy a special rate of one penny farthing in the pound on the unimproved value of all rateable property in the borough, such special rate to be an annual-recurring rate until the said loan is repaid, and to be payable in one instalment on the first day of August in each year during the currency of the loan, and also to issue debentures in accordance with the provisions of the Local Bodies' Loans Acts ; it was also stated in the said notice that it was proposed to pay out of the loan the cost of raising the same and the interest on the loan for the first year : And whereas the said notice was published in the *Hastings Standard* newspaper—a newspaper circulating in the Borough of Hastings—on the twenty-second day of January, nineteen hundred and ten, the twenty-ninth day of January, nineteen hundred and ten, the fifth day of February, nineteen hundred and ten, and the twelfth day of February, nineteen hundred and ten : And whereas notice was given in accordance with section nine of the said Act on the twelfth day of February, nineteen hundred and ten, in the said *Hastings Standard* newspaper, that a meeting of ratepayers in the Borough of Hastings would be held at the Princess Theatre on the twenty-first day of February, nineteen hundred and ten, at eight o'clock in the evening, to consider the said proposal : And whereas at such last-mentioned meeting, pursuant to section ten of the said Act, a resolution was unanimously passed requesting the Chairman to cause a poll of ratepayers of the said borough to be taken upon the said proposal : And whereas pursuant to section eleven of the said Act the Chairman published a notice on the twenty-second day of February, nineteen hundred and ten, in the said *Hastings Standard* newspaper, that a poll of the ratepayers of the borough would be taken at Hastings on the second day of March, nineteen hundred and ten, upon the proposal of the Hastings Borough Council to borrow eighty-five thousand pounds for the purposes hereinbefore mentioned : And whereas the said poll was duly taken on the said second day of March, nineteen hundred and ten, and at such poll the number of votes recorded were as follows— for the proposal, one thousand ; against the proposal, sixty-two ; informal, ten : And whereas notice of the result of the said poll was on the third day of March, nineteen hundred and ten, sent by the Chairman to the Minister of Finance for publication in the *New Zealand Gazette*, and the same was published in the said *Gazette* on the tenth day of March, nineteen hundred and ten ; the said notice was also published in the said *Hastings Standard* newspaper on the third day of March, nineteen hundred and ten : And whereas a special rate to provide for the payment of interest and sinking fund upon the special loan as provided by section seventeen of the said Act and the regulations made under the said Act has been made and levied by special order, the resolution making and levying the said rate being passed at a special meeting of the said Council on the fourteenth day

of March, nineteen hundred and ten, and being duly confirmed on the fourteenth day of April, nineteen hundred and ten: And whereas it is desirable to enable the Mayor, Councillors, and Burgesses of the Borough of Hastings, a Corporation duly incorporated under the
5 Municipal Corporations Act, 1908, to produce electricity, electrical energy, or power, and convey the same to the Borough of Hastings, and to use the same or supply the same to others for use in the said borough and other places: And whereas the said loan proposal of eighty-five thousand pounds having been sanctioned by the rate-
10 payers of the Borough of Hastings as hereinbefore mentioned prior to the passing of this empowering Bill, it is desirable that it should be declared that the proceedings taken in respect thereof have been validly and effectually taken for a purpose authorised by law, and that in respect of the sum of forty thousand pounds, being that part
15 of the said sum of eighty-five thousand pounds sanctioned as afore-said for the supply to the Borough of Hastings of a high-pressure water-supply, electrical light, and power installation, including the acquisition of all the lands and buildings which may be necessary, that the Council should be authorised to apply the same or such part
20 thereof as the Council thinks fit to all or any of the purposes which the Council is authorised to carry into effect under or by virtue of this Act: And whereas the said Council is constructing drainage-works and waterworks for the said Borough of Hastings: And whereas the said Council desires to execute for owners of premises
25 situate within the said borough who may be unable to immediately pay the cost thereof connections with the said drainage-works and waterworks, and to allow such owners to repay such cost with interest thereon by instalments: And whereas the said Council desires to borrow money for the last-mentioned purpose:

30 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 Borough of Hastings Electric Power and Loan Empowering Act, 1910. Short Title.

35 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.

40 "Borough" means the Borough of Hastings constituted under the Municipal Corporations Act, 1908, and includes all areas that may hereafter be added thereto:

"Council" means the Hastings Borough Council constituted under the said Act:

"Corporation" means the Mayor, Councillors, and Burgesses of the Borough of Hastings:

45 "Cost" of any work payable by an owner of premises includes an additional sum equal to five per centum of such cost for supervision:

50 "Owner" of any premises means the person for the time being entitled to receive the rack-rent thereof, or who would be so entitled if the premises were let to a tenant at a rack-rent:

"Electricity" means electricity and electric current or other like agent:

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"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.

Power to Council to construct and work an electrical installation.

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 such borough or county first had and obtained.

Power to Council to construct works.

4. For the purposes aforesaid, or any of them, the Council may from time to time, with the consent of the Governor in Council,—

(a.) Construct and maintain headworks, 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 headworks, head-races, and tail-races, powerhouses, 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 :

- 5 (b.) Lift, divert, and take water from such river or stream, and convey the same by means of such headworks, intakes, 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 :
- 10 (c.) Erect and maintain all necessary building, storage, and converting stations and powerhouses, 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 and apply the same for use for public or private purposes :
- 15 (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 :
- 20 (e.) To 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, headworks, 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 :
- 25 (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 :
- 30 (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.
- 35 (h.) Out of the said sum of eighty-five thousand pounds, 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.

45 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 headworks, tunnels, inlets, intakes, head-races or tail-races, by-washes, powerhouses, 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.

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Power to grant to Council land as site for works.

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Governor may determine site for works.

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 headworks, tunnels, inlet, intake, head-race or tail-race, by-wash, powerhouse, 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. 5

Power to appoint officer and make by-laws.

7. The Council may appoint such officer 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. The Council may also make by-laws— 10 15

- (a.) Directing in what manner and under what conditions private streets and private ways may be drained into public drains and covered or other watercourses :
- (b.) Prescribing the lowest levels at which any part of any building may be constructed with a view to the drainage thereof : 20
- (c.) Forbidding the leading into any public drain or covered watercourses of any matter (other than ordinary household sewage or drainage) that in the opinion of the Council is likely to injuriously affect the same : 25
- (d.) Providing for the protection from injury in any other way of any public drain or covered watercourses :
- (e.) For any purpose in relation to the drainage or sanitation of the borough, or the connection of private drains with public drains or covered or other watercourses, or the supply of water to premises. 30

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 made under the provisions of the Municipal Corporations Act, 1908; 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, 1908, in the said borough, and all the provisions applicable thereto by Part XLII of the said Municipal Corporations Act, 1908, 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, 1908, 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. 35 40 45

Council may supply electrical energy to local body. Confirmation of proceedings in connection with loan of £85,000.

8. The Council may supply electrical energy to any other local body upon such terms and in such quantities as it may think fit. 50

9. All proceedings in connection with the said loan-proposal of eighty-five thousand pounds sanctioned by the ratepayers of the Borough of Hastings as hereinbefore mentioned shall be deemed to

have been validly and effectually taken, and for a purpose authorised by law; and in respect of the sum of forty thousand pounds, being that part of the said sum of eighty-five thousand pounds sanctioned by the ratepayers of the Borough of Hastings for the
5 supply to the Borough of Hastings of a high-pressure water-supply, electrical light and power installation, including the acquisition of all lands and buildings which may be necessary, the Council may apply the said sum of forty thousand pounds, or such part thereof as
10 Council is authorised to carry into effect under or by virtue of this Act.

Miscellaneous Provisions.

10. All lands or any estate or interest therein which the Council is hereby authorised to take or acquire may be taken or
15 acquired under the provisions of the Municipal Corporations Act, 1908.

Power to Council to acquire land under the Municipal Corporations Act, 1908.

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

Lands to be held by Council subject to last-mentioned Act.

12. All works constructed or provided, and all lands and other property purchased or acquired out of the said sum of forty thousand pounds and 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
25 Municipal Corporations Act, 1908, which provision 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
30 works and the acquisition of land and other property thereunder.

Provision in regard to property purchased under Act.

13. The powers given to the Council by Part XX 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
35 the same be situate within or without the limits of the said borough.

Powers under Part XX principal Act to apply.

14. 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 the Public Works Act, 1908.

Definition of "public work."

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

Exemption from liability for rates.

Power to borrow Money for Drainage and Water-supply Connections and Other Powers in relation to Drainage, Sanitation, and Water-supply.

16. Where an owner of any premises situate within the borough is liable by law to execute any work for the drainage or sanitation of such premises, or the supply of water thereto, and makes default in so doing, or where an owner of any such premises requests the Council to execute any such work, it shall in either case be lawful for the Council to execute the work.

Council may execute works if owner of premises makes default.

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Council may claim costs for supervision.

17. Where the Council executes any such work as aforesaid there shall be added to the cost of such work a sum equal to five per centum of such cost for supervision.

Annual instalments of same.

18. (1.) By agreement between the Council and the owner of the premises the cost of any such work may be divided into equal annual instalments extending over a period of ten years. Interest at a rate not exceeding six per centum per annum on the principal money for the time being unpaid shall be included in such instalments, yearly rests being taken. 5

Instalment deemed a general rate.

(2.) Each such instalment shall for the purpose of the recovery thereof be deemed to be a general rate of the borough, payable primarily by the owner of the premises. 10

(3.) Particulars of all such instalments and of the dates on which they fall due and are paid respectively shall be entered in a book kept by the Collector of Rates to the Council, and such book shall be *prima facie* evidence of the correctness of its contents. 15

Owner may discharge whole of the liabilities.

19. The owner for the time being of the premises may, at the expiration of three months' notice in writing of intention in that behalf given by him to the Council, discharge all instalments remaining unpaid by paying to the Council the amount thereof less a rebate in respect of the future interest. 20

Tenant of premises to pay owner annual sum for cost of works done.

20. (1.) Where an owner of premises pays the cost of any such work as aforesaid, or pays any instalment in respect of such cost, and at the date of the completion of the work the premises are held by a tenant under such owner having a term of at least three years then unexpired, such tenant shall pay to the owner during such unexpired term an annual sum of equal to five per centum of such cost or of such instalment as the case may be, computed from the date of the completion of the work. 25

(2.) Such sum shall be payable on each anniversary of the date of such completion, and a proportionate part thereof shall be paid for any fraction of a year. 30

(3.) Such percentage in case of non-payment shall be recoverable by the owner as if it were rent in arrear payable to him by the tenant in respect of the premises. 35

Money paid by tenant to be repaid by subtenant.

21. (1.) Where at the date of the completion of the work the premises are sublet for an unexpired term of at least three years or are sublet by different landlords for similar unexpired terms respectively, any such percentage paid by the tenant shall be repaid to him by his subtenant and the percentage so paid by any subtenant shall be repaid to him by his subtenant. 40

(2.) Every such percentage shall be recoverable as if the same were rent in arrear in respect of the premises payable by the subtenant to the person to whom such percentage ought to be paid as aforesaid. 45

Power to borrow.

22. (1.) The Council, for the purpose of the immediate payment for any works the cost whereof is payable by any owners of premises, may from time to time borrow, at interest not exceeding five per centum, any sums of money not exceeding in the whole the sum of seven thousand pounds upon the security of any instalments payable to it under this Act; but no money shall be borrowed under the authority of this Act which shall produce to the lender a higher 50

rate of interest than five pounds per centum per annum. All moneys borrowed under this section shall be devoted exclusively to the purposes authorised by this Act.

5 (2.) Any instrument securing the repayment of any such sum and interest may be in such form and may contain such covenants by the Corporation (including covenants for the repayment of such sum and interest) and such powers and provisions as the Council shall think fit.

10 (3.) The resolution to borrow any such sum shall be passed by way of special order under the Municipal Corporations Act, 1908; but it shall not be necessary to take any poll under the Local Bodies' Loans Act, 1908, or otherwise in connection with such borrowing.

15 (4.) The Council shall apply all such instalments upon the security of which it borrows any money as aforesaid towards repayment of such money and the interest thereon until such money and interest shall be paid and satisfied.

20 (5.) A person lending any sum of money to the Council upon the security of any instalments as aforesaid shall not be concerned to inquire as to the necessity or propriety of the transaction or to see to the application of the money so lent.

23. The valuation-roll for the time being in force in the borough shall be *prima facie* evidence that any person appearing thereon as the owner of any property is the owner thereof for the purposes of this Act or of any by-law made thereunder.

25 24. Nothing contained in this Act shall take away from the Council or the Corporation any power or remedy possessed by it under the Municipal Corporations Act, 1908, or any other general Act.

Powers of Council under certain Acts not affected by this Act.

30 25. Nothing in this Act shall affect or be deemed to repeal the Post and Telegraph Act, 1908, the Counties Act, 1908, the Municipal Corporations Act, 1908, or the Public Works Act, 1908.

Certain Acts not affected by this Act.