

Hon. Mr. McGowan.

TRAMWAYS AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the Tramways Act, 1894.

Title.

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

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1. This Act may be cited as the Tramways Amendment Act, 1907, and shall form part of and be read together with the Tramways Act, 1894 (hereinafter referred to as the principal Act).

Short Title.

10 2. (1.) Every person employed as the driver on any tramway of any carriage or other rolling-stock of which electricity is the motive power shall be the holder of an electric-tram driver's certificate issued by the Board of Examiners appointed under the Inspection of Machinery Act, 1902, and this Act.

Electric-tram
drivers' certificates.

15 (2.) For the purposes of this section the Minister may from time to time appoint one or more fit persons to be members of the said Board in addition to the persons already constituting the same.

20 (3.) From and after the first day of January, nineteen hundred and *nine*, every person who acts as a driver of any such carriage or other rolling-stock without a certificate under this section, and the promoters of any tramway on which any such uncertificated person is employed, shall be liable to a fine not exceeding *five* pounds for every day or part of a day during which such uncertificated driver so acts.

(4.) The Governor may from time to time, by Order in Council gazetted, make regulations prescribing the mode of conducting examinations for certificates, the fees to be paid on application for examination, and the form of certificate to be issued.

25 (5.) The promoters of any tramway, on receiving seven days' notice in writing from the Minister, shall from time to time place one of its carriages at the disposal of the Minister for the purpose

of testing the qualifications of drivers or of candidates for an electric-tram driver's certificate under this section, and shall allow such carriage to travel over such portions of the tramway as the Minister may require, subject to the ordinary time-table not being interfered with.

(6.) In this section the word "Minister" has the same meaning as in the Inspection of Machinery Act, 1902, but elsewhere throughout this Act means the Minister for Public Works.

Inspection of tramways.

3. (1.) The Minister may from time to time authorise any proper person to inspect any tramway, whether in course of construction or open for traffic, and the rolling-stock used or to be used thereon, and the plant, appliances, and machinery used or to be used in connection therewith.

(2.) If such person reports that any alterations, repairs, or additions to the said tramway, rolling-stock, plant, appliances, or machinery respectively are necessary in order to insure the safety of the public or employees, or to meet the reasonable requirements of the traffic, the Minister may order such alterations, repairs, or additions to be made accordingly.

(3.) If such order is not complied with within a reasonable time (to be stated in the order), the promoters shall be liable to a fine not exceeding *twenty* pounds for every day during which such non-compliance continues.

Certificate to be given before tramway opened.

4. (1.) No tramway, or portion thereof, shall be opened for public conveyance of passengers until the Minister has intimated in writing to the promoters that he has received from an engineer appointed by the Minister under section two hundred and thirteen of the Public Works Act, 1905, a certificate that the undertaking or the portion thereof so to be opened is safe and fit for traffic, and that it has been constructed in conformity with the provisions of the principal Act and of the Order in Council authorising the construction of the same.

(2.) If any tramway, or portion thereof, is opened in breach of this section, the promoters shall be liable to a fine not exceeding *twenty* pounds for every day during which such breach continues.

Penalty for non-compliance.

Regulations.

5. (1.) The Governor may from time to time, by Order in Council gazetted, make regulations—

(a.) Providing for the periodical and other inspection of carriages used on tramways;

(b.) Providing for the licensing of such carriages and prohibiting the use on any tramway of any unlicensed carriage;

(c.) Prescribing the maximum number of passengers that may be carried on any carriage on any particular route or grade;

(d.) Prescribing the minimum distance at which carriages may follow one another and the limit of speed at which any carriage may travel on any particular route or grade;

(e.) Appointing stopping-places at which all carriages shall be required to stop;

(f.) Providing for the use of signs indicating by day and by night the destination and route of any carriage;

- (g.) Providing for the use of proper appliances and furnishings on carriages to insure the safety and convenience of passengers, of the tramway employees, and of the general public;
- 5 (h.) Providing for a fine not exceeding *twenty* pounds for the breach of any regulation made under the authority of this section; and
- (i.) Providing for such other matters as he thinks fit in order to secure the safe and convenient working of the tramway.
- 10 (2.) If any such regulation is inconsistent with the provisions of any Order in Council authorising the construction and working of any tramway, then the regulation shall prevail and the inconsistent provision in the authorising order shall be deemed to be revoked.
- (3.) Paragraphs (1) and (2) of clause thirty-two of the Second Repeal.
- 15 Schedule to the principal Act are hereby repealed; but such repeal shall not affect any by-law lawfully made thereunder, and all such by-laws shall continue in force until regulations relating to the matters mentioned in paragraphs (c) and (d) of this section are made by the Governor.
- 20 6. Every application for an order under the principal Act for the construction of any tramway shall be accompanied by full detailed plans and specifications, together with the plans, sections, and other documents deposited for inspection as required by clause twelve of the Second Schedule to the principal Act. Plans, &c., to accompany application for order.
- 25 7. (1.) The Minister may direct an inquiry to be held, in such manner as he thinks fit, in all cases of accident arising out of the working of a tramway; and where he is satisfied that any such accident is attributable, wholly or in part, to the misconduct, negligence, or incapacity of any certificated electric-tram driver, he Inquiries as to accidents.
- 30 may suspend for such time as he thinks fit, or may cancel, such driver's certificate.
- (2.) The person appointed to hold any such inquiry shall have and may exercise all the powers of a Commission under the Commissioners Act, 1903.
- 35 8. (1.) The poll to be taken on any question mentioned in clause twelve of the Second Schedule to the principal Act shall be a poll of the electors of the district, and shall be taken in the manner prescribed by the Local Elections Act, 1904. Consent of electors on tramway questions.
- (2.) The said Schedule is hereby consequentially amended as
- 40 follows:—
- (a.) As to clauses twelve, thirteen, fourteen, nineteen, and fifty-five: By omitting the word "ratepayers" wherever it occurs, and substituting therefor the word "electors."
- 45 (b.) As to clause thirteen: By omitting all the words of subclause (2) after the words "a poll shall be taken," and substituting therefor the words "in the manner prescribed by the Local Elections Act, 1904, all the provisions of which Act shall apply accordingly"; and by repealing subclauses (3) to (6).
- 50 (3.) The Third Schedule to the principal Act is hereby repealed. Repeal.
9. Subsection two of section seventeen of the principal Act is hereby repealed, and the following substituted therefor:— Section 17 of principal Act amended.

“(2.) The license may be for such term not exceeding twenty-one years as the Governor in Council approves; provided that such approval shall not be necessary for any term not exceeding five years.”

Tramway where
Counties Act not
in force.

10. (1.) In counties in which the Counties Act, 1886, is not in force an order authorising the construction of a tramway may, notwithstanding the provisions of clause one of the Second Schedule to the principal Act, be granted to any person applying to the Governor for the same, and the provisions of the principal Act shall apply accordingly, and any person in whose favour any such order is made shall for all purposes be deemed to be a promoter as defined by that Act; and the Governor may in respect of any such county in and by any such order, and subject to such conditions as he thinks fit, confer upon any such person all or any of the powers conferred by the principal Act upon a local authority. 5
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(2.) Where in any district as defined by the principal Act it is proposed to lay down a tramway that extends into any county in which the Counties Act, 1886, is not in force, the Governor, on the application of the local authority of such district, may make an order authorising the construction of such tramway, and the form of the authorising order may be adapted to the circumstances of the case. 20

(3.) For the purpose of giving effect to any order made under either of the *two* last preceding subsections, but subject to such conditions and limitations as the Governor thinks fit, any such county shall be deemed to be a district within the meaning of the principal Act, and the local authority or person obtaining such order the local authority thereof: 25

Provided that the provisions of clauses twelve and thirteen of the Second Schedule to the principal Act shall not apply in any such case. 30

Repeal.

(4.) Section three of the Counties Act Amendment Act, 1903, is hereby repealed.

Cars may be
licensed.

11. (1.) The power of licensing carriages used on tramways conferred by clause thirty-six of the Second Schedule to the principal Act on local authorities shall hereafter not be exercised by them, but shall be exercised by the Minister in accordance with regulations made under the authority of this Act. 35

(2.) Every license heretofore granted by any local authority with respect to any carriage to be used on a tramway shall be deemed to have been granted by the Minister in accordance with this section, and such license shall continue in force until, but not after, the thirty-first day of December, nineteen hundred and *eight*, unless it expires before that date in accordance with the tenor thereof. 40

Amendments of
Second Schedule
to principal Act.

12. The Second Schedule to the principal Act is hereby amended as follows:— 45

(a.) As to clause eight thereof: By adding thereto the words “and shall on payment of a sum not exceeding one shilling supply a copy thereof to any person demanding the same.” 50

(b.) As to clause nine thereof: By inserting, after the word “authority” in subclause two, the words “and (if so

required by the Minister)”; and by adding at the end thereof the words “but if not so required by the Minister may be made without ascertaining the decision of the electors as required by clauses twelve and thirteen hereof.”

5 (c.) By inserting after clause eleven thereof the following clause:—

10 “11A. During the month of April in each year the local authority shall forward to the Minister an abstract of the said separate account made up to the preceding thirty-first day of March, together with such other information concerning the working of the tramway as the Minister from time to time requires.”

(d.) By repealing subclause three of clause twelve thereof, and substituting therefor the following:—

15 “(3.) In the case of intention to apply for such order or to delegate such authority as aforesaid, the local authority shall cause plans, longitudinal sections, and cross-sections to be prepared, showing the nature of the works proposed to be undertaken, together with a description thereof.

20 “(3A.) Such plans shall be made on a scale of not less than one inch to three chains, such longitudinal sections on a scale of not less than one inch to three chains horizontal and one inch to thirty feet vertical, and such cross-sections on a scale of not less than one

25 “(3B.) All such plans and sections, together with a draft of the Order in Council proposed to be submitted to the Governor for approval, shall be deposited and remain open for public inspection at the office of the local authority during office hours during the four weeks mentioned in subclause one of clause thirteen of these regulations.

30 “(3c.) The aforesaid notice shall contain a description of the proposed works, the place where the plans, sections, and other documents are deposited for public inspection, and, in the case of intended delegation of authority, the name of the person to whom the authority is to be delegated, and a general description of the terms and conditions subject to which such delegation is to be

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40 made.”