

Hon. Mr. McGowan.

THAMES BOROUGH GAS.

[LOCAL BILL.]

ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. Interpretation. 3. Boundaries of lands affected by Act. 4. Powers of Council and authority to extend works. 5. Power to acquire lands and do certain works. 6. Powers of Council to open streets, &amp;c. 7. Proviso in regard to works through private property. 8. Further proviso. 9. Council to repair roads, &amp;c., which were affected by works. 10. Extension of works. 11. Penalty for refusal to extend works. 12. Council may enter into contracts in connection of works. 13. Council may lease meters and fittings. 14. Council empowered to enter and inspect buildings and fittings. 15. Powers of Council when payment for gas in arrear. 16. Power of Council to enter buildings and carry away fittings.</p>	<p>17. Notices for discontinuance of gas-supply to be in writing. 18. Penalty for certain offences. 19. Written notices to be given to do certain acts. 20. When second tenant liable for arrears. 21. Penalty in case of damage done. 22. Further penalty. 23. Penalty in case of using damaged pipes, &amp;c. 24. Council to take steps to prevent waste of gas. Penalty. 25. Proceedings in case of fouled water. 26. Liability for expenses. 27. Recovery of expenses. 28. Council not exempted from liability. 29. By-laws and regulations. 30. Council to publish particulars of offences affected by by-laws. 31. Penalty for damaging notice boards. 32. Recovery of penalties. 33. Recovery of amount of damages and penalties. 34. Form of conviction. 35. Validity of proceedings. 36. Incorporation of certain provisions, Local Bodies' Loans Act. Schedule.</p>
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A BILL INTITULED

AS AN ACT to empower the Mayor, Councillors, and Burgesses of the Borough of Thames, a Corporation constituted under the Provisions of the Municipal Corporations Act, 1867, to produce and supply Gas in and for the Borough of Thames and in and for the District surrounding and adjoining the Borough of Thames, and to do all such Acts as are incidental or conducive to the Attainment of the Above Objects. Title.

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*Struck out.*

10 WHEREAS it is expedient to empower the Mayor, Councillors, and Burgesses of the Borough of Thames to erect and construct gasworks and to produce and supply gas in and for the Borough of Thames and surrounding districts: Preamble.

15 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 Thames Borough Gas Act, Short Title.  
1908.

## Interpretation.

2. In this Act, unless inconsistent with the context,—  
 “Borough” shall mean the Borough of Thames, and including any extension thereof to be hereafter made:  
 “Council” shall mean the Thames Borough Council, and also the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Thames: 5  
 “The said Act” shall mean the Municipal Corporations Act, 19008, and all amendments thereof:  
 The word “person” shall include corporations, whether aggregate or sole, and also any local authority: 10  
 The word “lands” shall include messuages, lands, tenements, and hereditaments:  
 The words “street” and “road” shall include any street, court, or alley, highway, lane, road, thoroughfare, wharf, jetty, or public passage or place within the limits of this Act. 15

*Struck out.*

## Boundaries of lands affected by Act.

The word “month” shall mean calendar month.  
 3. The limits of this Act shall comprise, extend to, and include all lands within the Borough of Thames and also all lands within the County of Thames that are situated within the boundaries for the time being of the Parawai Riding and of the Kauaeranga Riding of the said County of Thames. 20

## Powers of Council and authority to extend works.

4. The provisions of subsection two of section three hundred and thirty-two of the said Act shall not apply to the locality comprised within the limits of this Act, and the Council shall, within such locality, notwithstanding the provisions of the said subsection and the Thames Gas Company Act, 1873, have and may exercise in addition to the powers herein given all and every of the powers, rights, authorities, and privileges which by the said Act may be exercised within a borough by the Council of a borough in which gasworks for the supply of gas have not been established under the authority of an Act of the General Assembly. 25 30

## Limit of boundaries.

*New clause.*  
 3. The limits of this Act shall comprise such parts of the Borough of Thames and of the Parawai and Kauaeranga Ridings of the County of Thames as are not included within the limits of the Thames Gas Company Act, 1873, as defined in section forty-six of that Act. 35

## Powers to acquire lands and do certain works.

5. The Council may acquire land either within or without the borough, and may procure and thereon or upon any other land either within or without the borough erect, construct, and maintain buildings, plant, machinery, and works for the manufacture, supply, and distribution of gas within the limits of this Act, and within such limits may sell and supply gas for lighting or domestic purposes or for motive power or otherwise, and also all products incidental to the manufacture and supply of gas or to which gas is applicable, to the inhabitants thereof or to such of them as the Council may agree to supply, and may buy and sell any materials requisite for or incidental to the manufacture thereof, and may do all things necessary to light with gas the roads and streets and public places within the limits of this Act. 40 45 50

## Powers of Council to open streets, &amp;c.

6. The Council may open and break up the soil and pavement of the several streets and bridges within the limits of this Act, and

may open and break up any sewers, drains, or tunnels within or under any such streets and bridges, and lay down and place within the same limits pipes, conduits, service-pipes, and other works, and from time to time repair, alter, or remove the same, and also make any sewers  
 5 that may be necessary for carrying off the washings and waste liquids which may arise in the making of the gas; and for the purposes aforesaid may remove and use all earth and material in and under such streets and bridges, and may in such streets erect any pillar-lamps and other works, and do all other acts which the Council shall  
 10 from time to time deem necessary for supplying gas within the limits aforesaid, doing as little damage and interrupting traffic as little as may be in the execution of the powers hereby granted, and making compensation for any damage which may be done in the execution of such powers.

15 7. ~~Provided always that~~ Nothing herein shall authorise or empower the Council to lay down or place any pipe or other works into, through, or against any buildings or in any land not dedicated to public use without the consent of the owners and occupiers thereof, except that the Council may at any time enter upon and lay  
 20 or place any new pipe in the place of any existing pipe in any land wherein any pipe ~~hath~~ has been already lawfully laid down or placed by the Council in pursuance of this Act or any other Act, ~~of the General Assembly of New Zealand, or in any Act of the Imperial Parliament,~~ and may repair or alter any pipes so laid down.

Proviso in regard to works through private property.

25 8. Provided further that it shall be lawful for any owner or occupier of any building or land not dedicated to public use, into, through, ~~or~~ against or in which any pipe or other works ~~shall have~~ has been laid down or placed with such consent as aforesaid, at any time thereafter, if such owner or occupier ~~shall~~ deems it necessary or  
 30 expedient, upon giving forty-eight hours' notice in writing to the Council, at his own cost and charges, but under the superintendence of the Council, to alter and vary the position of such pipes or other works and to relay and place the same, so that full compensation be made for any damage done thereby to the Council, or for any hindrance  
 35 or obstruction which may thereby be occasioned to the lighting of any public or private lamp.

Further proviso.

9. When the Council opens or breaks up the road or pavement of any street or bridge, sewer, drain, or tunnel, the Council shall with all reasonable speed complete the work for which the same  
 40 ~~shall be~~ was broken up, and fill in the ground and reinstate and make good the road or pavement, or the bridge, sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby, and shall at all times whilst any such road or pavement ~~shall be~~ is opened or broken up cause the same to be fenced in and guarded, and  
 45 shall cause a light sufficient for the warning of passengers to be set up and maintained against or near such road or pavement, where the same ~~shall be~~ is opened or broken up, every night during which the same ~~shall be~~ continueds open or broken up from daylight to daylight, and shall keep the road or pavement which has been so opened or  
 50 broken up in good repair for three months after replacing and making good the same, and for such further time, if any, not being more than twelve months in the whole, as the soil so opened or broken up ~~shall~~ continues to subside.

Council to repair roads, &c., which were affected by works.

Extension of works.

10. The inhabitants of any district within the limits of this Act may require the Council to extend their gaspipes to any distance within the said limits, being not less than half a mile in a continuous line, if they ~~shall~~ so desire, and a majority of the said inhabitants being ratepayers ~~shall~~ sign a memorial addressed to the Council requiring them to make such extension, and ~~shall~~ show to the satisfaction of two Justices of the Peace that the net profits of the Council to arise from such extension will not be less than fifteen pounds per centum per annum on the cost of such extension as aforesaid and on a reasonable proportion of the cost of all works connected therewith; and such two Justices may, upon being satisfied thereon, make an order requiring the Council to commence and prosecute the works necessary for such extension from a time to be mentioned in such order, and the Council shall from time to time use all due diligence in the prosecution of such works in compliance with such order. 5 10 15

Penalty for refusal to extend works.

11. If the Council ~~shall~~ refuses or neglects to comply with such order, the Council shall forfeit a sum not exceeding *five* pounds, to be recovered with costs in any Court of competent jurisdiction, for each day during which ~~they shall~~ it refuses or neglects to comply with such order, from the time when notice of such neglect or refusal ~~shall have~~ has been served on the said Council by any of such inhabitants, being ratepayers as aforesaid, unless it ~~shall~~ appears to such Court that the delay arose from circumstances beyond the control of the Council. 20 25

Council may enter into contracts in connection of works.

12. The Council may from time to time enter into any contract with any person for lighting or supplying with gas any public or private buildings, or for providing any person with pipes, burners, meters, and lamps, and for the repair thereof, or for supplying any person with any products incidental to the manufacture of gas or for which gas is applicable. 30

Council may lease meters and fittings.

13. The Council may let for hire any meter for ascertaining the quantity of gas consumed or supplied, and any fittings for the gas, for such remuneration in money as ~~shall~~ may be agreed upon between the Council and any person to whom the same may be so let; and such remuneration shall be recoverable in the same manner as the rents or sums due to the Council for gas; and such meters and fittings shall not be subject to distress for rent of the premises where the same ~~may be~~ are used, nor to be taken in execution under any process or proceeding of a Court of law or equity or in bankruptcy against the person in whose possession the same may be. 35 40

Council empowered to enter and inspect buildings and fittings.

14. The Clerk, Engineer, or other officer duly appointed for the purpose by the Council may at all reasonable times enter any building or place lighted with gas supplied by the Council in order to inspect the fittings and works for regulating the supply of gas, and for the purpose of ascertaining the quantity of gas consumed or supplied, and ~~if any~~ every person who hinders such officer as aforesaid from entering and making such inspection as aforesaid at any reasonable time ~~he shall~~ is liable for every such offence ~~forfeit to the Council a sum~~ to a fine not exceeding *five* pounds. 45 50

Powers of Council when payment for gas in arrear.

15. If any person supplied with gas neglects to pay the rent due for the same to the Council, the Council may stop the gas from entering the premises of such person by cutting off the service-pipe, or by such means as the Council ~~shall~~ thinks fit, and recover the rent

due from such person, together with the expense of cutting off the gas and the costs of recovering the rent, by action in any Court of law of competent jurisdiction.

5 16. In all cases in which the Council ~~are~~ *is* authorised to cut off and take away the supply of gas from any house, building, or premises under the provisions of this Act, the Council, ~~their~~ *its* agents or workmen, after giving forty-eight hours' previous notice in writing to the occupier, or, if no occupier, then after leaving such notice on any portion of the premises, may enter into any such house, building, or  
10 premises between the hours of nine in the forenoon and five in the afternoon, and remove and carry away any pipe, meter, fittings, or other works the property of the Council.

Power of Council to enter buildings and carry away fittings.

15 17. Notice to the Council from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it ~~be~~ *is* in writing and ~~be~~ *is* left at the registered public office for the time being of the Council.

Notice for discontinuance of gas supply to be in writing.

18. Every person who ~~shall~~ lays or causes to be laid any pipe to communicate with any pipe belonging to the Council, without ~~their~~ *its* consent, or ~~shall~~ intentionally injures any such meter as aforesaid, or  
20 who, in case the gas supplied by the Council is not ascertained by meter, ~~shall~~ uses any burner other than such as has been provided or approved of by the Council, or of larger dimensions than he has contracted or agreed to pay for, or ~~shall~~ keeps the lights burning for a longer time than he has contracted or agreed to pay for, or ~~shall~~ other-  
25 wise improperly uses or burns such gas, or ~~shall~~ supplies any other person with any part of the gas supplied to him by the Council, ~~shall~~ ~~forfeit to the Council a sum~~ *is liable to a fine* not exceeding *five* pounds for every such offence, and also a sum not exceeding *forty* shillings for every day such pipe ~~shall~~ so remains, or such works or burners  
30 ~~shall be~~ *are* so used, or such excess ~~be~~ *is* so committed or continued, or such supply furnished; and the Council may take off the gas from the house and premises of the person so offending, notwithstanding any contract or agreement which may have been previously entered  
into.

Penalty for certain offences.

35 19. Before any person connects or disconnects any meter through which any gas of the Council is intended to be or has been registered, he shall give not less than twenty-four hours' notice in writing to the Council of his intention to do so, and any person offending against this enactment ~~shall~~ *is liable* for every such offence  
40 ~~be liable to a penalty fine~~ not exceeding *five* pounds.

Written notices to be given to do certain acts.

20. In case any consumer of gas supplied by the Council leaves the premises where such gas has been supplied to him without paying the gas-rent or meter-rent due from him, the Council shall not be entitled to require from the next tenant of such premises the  
45 arrears left unpaid by the former tenant, if such incoming tenant before he consumes any gas ~~shall have~~ given to the Council twenty-four hours' notice of his intention to consume gas, or unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

When second tenant liable for arrears.

50 21. Every person who ~~shall~~ wilfully disconnects, removes, destroys, breaks, throws down, or damages any pipe, pillar, plug, post, lamp, or other work of the Council for supplying gas, or who ~~shall~~ wilfully extinguishes any of the public lamps or lights, or wastes or improperly

Penalty in case of damage done.

uses any of the gas supplied by the Council, ~~shall~~ *is liable* for each such offence ~~forfeit to the Council any sum to a fine~~ not exceeding *five* pounds, in addition to the amount of the damage done.

Further penalty.

22. Every person who ~~shall~~ carelessly or accidentally breaks, throws down, or damages any pipe, pillar, or lamp belonging to the Council or under their control, shall pay such sum of money by way of satisfaction to the Council for the damage done, not exceeding *ten* pounds, as any two Justices ~~shall~~ think reasonable. 5

Penalty in case of using damaged pipes, &c.

23. Every person supplied with gas by the Council who wilfully suffers any pipe, meter, or other gas-fitting to be out of repair so that the gas supplied to him is wasted, ~~shall~~ *is liable* for every such offence ~~forfeit and pay to the Council any sum to a fine~~ not exceeding *five* pounds over and above the loss which the Council sustained by reason of such waste. 10

Council to take steps to prevent waste of gas.

24. Whenever any gas ~~shall~~ escapes from any pipe laid down or set up by or belonging to the Council, ~~they~~ *the Council* shall, immediately after receiving notice thereof in writing, prevent such gas from escaping; and in case the Council ~~shall~~ *does* not, within forty-eight hours next after service of such notice, effectually prevent the gas from escaping, and wholly remove the cause of complaint, ~~they~~ *it* shall for every such offence forfeit to His Majesty, ~~his heirs and successors,~~ a sum not exceeding *five* pounds for every day during which the gas ~~shall be~~ *is* suffered to escape after the expiration of forty-eight hours from the service of such notice, unless reasonable cause for such delay be shown to two Justices of the Peace. 20 25

Penalty.

Proceedings in case of fouled water.

25. (1.) For the purposes of ascertaining whether water ~~be~~ *is* fouled by the gas of the Council, the person to whom the water supposed to be fouled ~~shall~~ belongs may dig up the ground and examine the pipes, conduits, and works of the Council: ~~Provided that~~

(2.) Such person, before proceeding so to dig up and examine, shall give forty-eight hours' notice to the Council of the time and place at which such digging and examination are intended to take place, and shall give the like notice to the persons aforesaid having the control and management of the road, pavement, or place where such digging is to take place, and shall be subject to the like obligation of fencing, guarding, lighting, and reinstating the said road and pavement, and the same penalty for delay or nonfeasance or misfeasance therein, as are hereinbefore provided with respect to roads and pavements broken up by the Council. 30 35

Liability for expenses.

26. If, upon any such examination, it appears that such water has been fouled by any gas belonging to the Council, the expenses of the digging, examination, fencing, guarding, lighting, and reinstatement of the roads, pavement, or place disturbed in any such examination shall be paid by the Council; but if, upon such examination, it does not so appear, the person causing the examination to be made shall pay all such expenses, and shall also make good to the Council any injury which may be occasioned to the works by such examination. 40 45

Recovery of expenses.

27. The amount of the expenses of such digging, examination, fencing, guarding, lighting, and reinstatement, and of any injury done to the Council, shall, in case of any dispute about the same, together with the costs of ascertaining and recovering the same, be ascertained and recovered in the same manner as damages for the ascertaining and recovery whereof no special provision is made are to be ascertained and recovered. 50

28. Nothing ~~contained~~ in this Act shall prevent the Council from being liable to an indictment for nuisance, or to any action or other legal proceeding to which, but for this Act, ~~they~~ *it* would be liable in respect of any nuisance committed by ~~them~~ *it*.
- 5 29. The Council may make by-laws ~~and regulations provided the same shall not be repugnant to~~ *inconsistent with* this Act, or to any Act of the General Assembly, and may impose any ~~penalty fine~~ *penalty fine* not exceeding the sum of *five* pounds for the breach of any ~~such by-law or regulation of the Council.~~
- 10 30. The Council shall publish the short particulars of the several offences for which any ~~penalty fine~~ *penalty fine* is imposed by any by-law of the Council, and of the amount of every such ~~penalty fine~~, and shall cause such particulars to be painted on a board to be hung up or affixed on some conspicuous part of the principal place of business of the Council; and, when any of such ~~penalties fines~~ *penalties fines* are of local application, shall cause such board to be fixed in some conspicuous place in the immediate neighbourhood to which such ~~penalties fines~~ *penalties fines* are applicable or have reference; and the Council shall renew such particulars as often as the same or any part thereof are obliterated or destroyed,
- 15 20 and no such ~~penalty~~ shall be recoverable unless such particulars ~~shall~~ have been published and kept published in the manner hereinbefore required.
31. ~~If any~~ *Every* person who pulls down or injures any board put up or affixed as required by this Act for the purpose of publishing any
- 25 by-law or ~~penalty fine~~, or shall obliterate any of the letters or figures thereon, ~~he shall forfeit is liable~~ for every such offence ~~a sum to a fine~~ not exceeding *five* pounds, and shall defray the expenses attending the restoration of such board.
- 30 32. All fines, ~~penalties, forfeitures, or other~~ sums of money which, under or by virtue of this Act, or any by-law ~~or regulation~~ of the Council, are ~~or shall be~~ authorised or directed to be imposed on any person, ~~shall and~~ may be recovered in a summary way before any two Justices of the Peace, in the manner provided by the Justices of the Peace Act, 1882, so far as the same relates to summary convictions, ~~or by any Act repealing or amending the same, or for the like purposes, or by action at law before a Stipendiary Magistrate's Court.~~
- 35 33. If, through any act, neglect, or default on account whereof any person ~~shall have~~ *has* recovered any ~~penalty fine~~ imposed by this Act, or by virtue of any by-law made in pursuance thereof, any damage
- 40 to the property of the Council ~~shall have~~ *has* been committed by such person, he shall be liable to make good such damage, as well as to pay such ~~penalty fine~~. The amount of such damage shall, in case of dispute, be determined by the ~~Stipendiary Magistrate~~ or two Justices of the Peace by whom the party incurring such ~~penalty~~ *penalty* ~~shall have been~~ is convicted, and shall be leviable by distress and sale as in the case of a judgment by a ~~Stipendiary Magistrate's Court.~~
- 45 34. Any conviction for any offence under this Act may be drawn as in the form in the Schedule to this Act annexed.
- 50 35. No proceeding under this Act shall be quashed or vacated for want of form.
36. The provisions of Part II of the Local Bodies' Loans Act, 19018, and its amendments shall, so far as they are not inconsistent with this Act, be incorporated with and form part of it.

Council not exempted from liability.

By-laws and regulations.

Council to publish particulars of offences affected by by-laws.

Penalty for damaging notice boards.

Recovery of penalties.

Recovery of amount of damage and penalties.

Form of conviction.

Validity of proceedings.

Incorporation of certain provisions, Local Bodies' Loans Act.

Schedule

## SCHEDULE.

PROVINCIAL DISTRICT OF AUCKLAND, }  
 NEW ZEALAND, TO WIT. }

BE it remembered that on the                    day of                    , ~~in the year of our Lord~~  
 one thousand                    hundred and                    , is convicted before me, a  
 Stipendiary Magistrate [or, before us, two Justices of the Peace for ~~the Dominion~~  
 of New Zealand] for that [*Here describe the offence generally, and the place and time*  
*when and where committed*] contrary to the Thames Borough Gas Act, 1908.

Given under my hand and seal [*or our hands and seals*] the day and year first  
 above written.

A. B.,  
 Stipendiary Magistrate  
 [*or Justices of the Peace*].