

New Zealand.



ANALYSIS

- Title.
1. Short Title.
 - Constitution of Tramway District.*
 - 2. Tramway district.
 - 3. Commission to subdivide district.
 - 4. Power to appoint a further Commission.
 - 5. Publication of Commissioners' report.
 - 6. Constitution of Tramway Board.
 - 7. Powers of Board as local authority.
 - 8. Existing Board continues in office.
 - Election of Board.*
 - 9. Electors list, and qualifications of electors.
 - 10. Electoral roll.
 - 11. Elector with more than one qualification.
 - 12. Objections to electoral roll.
 - 13. Correction of roll.
 - 14. Appeal by person aggrieved.
 - 15. Roll closed fourteen days before elections.
 - 16. Electors' voting-powers.
 - 17. Elector to have one vote.
 - 18. General election of Board.
 - 19. Resignation of office.
 - 20. Vacancy in Board.
 - 21. Eligibility of members.
 - 22. Persons ineligible of being members of Board.
 - 23. Disqualified persons.
 - 24. Chairman and Deputy Chairman of Board.
 - 25. Salary of Chairman.
 - 26. Members' fees.
 - Committees and Proceedings of Board.*
 - 27. Committees, &c.
 - 28. Appointment of officers.
 - By-laws.*
 - 29. Board may make and revoke by-laws.
 - 30. Manner in which by-laws shall be made.
 - 31. Penalty for breach of by-laws.
 - 32. Validity of by-law may be tested.
 - 33. Copies of by-laws to be on sale.
 - Borrowing and Rating Powers.*
 - 34. Special loan proposals.
 - 35. Power to levy special rate.
 - 36. Sinking fund.
 - 37. Overdraft.
 - 38. Payment of interest out of loan-money.
 - 39. Valuation roll.
 - 40. General rate.
 - 41. Annual estimates.
 - 42. Judge not deemed interested.
 - 43. Objection to rate struck not allowed as a defence.
 - 44. Collection of rate may be delegated.
 - 45. Provision on delegation.
 - General Powers.*
 - 46. Contracts and works.
 - 47. Power to work tramways.
 - 48. Certain powers of local authorities to vest in the Board.
 - 49. Power to take land, &c.
 - 50. Power to sell electricity, run drags, and work quarries.
 - 51. Claims against Board.
 - 52. Power to purchase land, &c.
 - Depreciation and Renewals.*
 - 53. Depreciation and renewal funds created.
 - 54. Renewal fund may be used in Board's undertaking.
 - 55. Investment of depreciation fund.
 - 56. Depreciation fund to be held in trust.
 - 57. Procedure for obtaining payment from Commissioners.
 - 58. Commissioners may demand engineer's report.
 - 59. Commissioners may pay by instalments.
 - 60. Depreciation fund may supplement sinking fund.
 - Accounts.*
 - 61. Form of accounts.
 - 62. Disposal of surpluses.
 - 63. Board's fund.
 - 64. Board moneys to be paid into bank.
 - 65. How moneys drawn from bank.
 - 66. Moneys not to be paid by promissory note.
 - Miscellaneous.*
 - 67. Cost of preparation of Act.
 - 68. Certain provisions of Municipal Corporations Act to apply.
 - 69. Power to invest trust funds in Board's securities.
 - 70. Repeal.
 - 71. Saving of existing by-laws, &c.
- Schedule.

1920, No. 15.—*Local and Personal.*

Title. AN ACT to facilitate the Construction, Administration, and Working of Tramways in and for the City of Christchurch and its Suburbs, and to consolidate and amend the Previous Acts relating thereto. [28th October, 1920.]

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

Short Title. 1. This Act may be cited as the Christchurch Tramway District Act, 1920.

Constitution of Tramway District.

Tramway district. 2. The area of land comprised within the limits described in the Schedule hereto, including the City of Christchurch and boroughs of New Brighton, Sumner, Woolston, Riccarton, and Spreydon, and such portions of the counties of Waimairi, Paparua, Heathcote, and Halswell as are therein included, shall for the purposes of this Act be and be deemed to be one district, to be called "the Christchurch Tramway District" (hereinafter referred to as the district or the said district).

Commission to subdivide district. 3. The Christchurch Tramway Board (as hereinafter defined) shall forthwith appoint an Electoral Commission, consisting of two Commissioners, to divide the said district into subdistricts and to determine the boundaries of such subdistricts and the number of members of the Board to represent each subdistrict, but so that the total number of members of the Board shall not exceed nine. The Commissioners in making such division shall have regard to such factors as population, rateable value of property, and the boundaries of the several districts of the various local authorities comprised within the said district.

Power to appoint a further Commission. 4. The Christchurch Tramway Board shall have power from time to time to appoint a further Electoral Commission for the purpose of—
(a.) Altering the boundaries of all or any of the subdistricts;
(b.) Naming or renaming any subdistrict; and
(c.) Altering the number of members for any subdistrict in such manner as to keep the representation of the various subdistricts as nearly as may be proportioned to the number of electors of and the value of rateable property in each subdistrict.

Publication of Commissioners' report. 5. The report of any Commission appointed under either section three or section four hereof shall be published in the *New Zealand Gazette*, and upon such report being so published the said district shall *ipso facto* be divided into the subdistricts named in, and with the boundaries specified in, such report, and with the right to representation on the Board as therein set out:

Provided always that until the report provided for in section three hereof shall be so published the said district shall continue to be divided into the subdistricts existing at the time this Act shall come into force.

Constitution of Tramway Board. 6. There shall be for the said district a Tramway Board (in this Act referred to as the Board), which shall consist of nine members

to be elected as by this Act provided, and such Board shall be a body corporate under the name of the Christchurch Tramway Board with perpetual succession and a common seal. At every election of the Board the members for each of the subdistricts shall be elected by the electors of that subdistrict.

7. The Board shall be a local authority within the meaning of the Tramways Act, 1908, and the Local Bodies' Loans Act, 1913, and shall have and may exercise within the said district all and every of the powers conferred on a local authority by the said Acts respectively; and the said district shall be and be deemed to be "a district," and the Board's fund shall be deemed to be a "local fund," within the meaning of the Local Bodies' Loans Act, 1913.

Powers of Board as local authority.

8. The members of the Christchurch Tramway Board in office at the time this Act shall come into force shall continue to hold office until the appointment of their successors at the next general election of the Board.

Existing Board continues in office.

Election of Board.

9. (1.) The Secretary of the Board or some other person appointed by the Board for the purpose shall, on or before the first day of September in each year immediately preceding that in which a general election of members of the Board is to be held, make out in the prescribed manner and form a list, to be called "the electors list," for the said district, setting forth the name, occupation, and address or the situation of the property of every person, male or female, of the full age of twenty-one years who possesses any one of the following qualifications, that is to say:—

Electors list, and qualifications of electors.

- (a.) A freehold qualification, meaning thereby that he is the beneficial and duly registered owner of a freehold estate in land within the district of the capital value of not less than twenty-five pounds, whether subject to encumbrance or not, and notwithstanding that any other person is the occupier thereof or any part thereof under any tenancy:
- (b.) A rating qualification, meaning thereby that he is a person whose name appears in the "Occupiers" column in the rate-book prepared by or on behalf of the Board under the provisions of this Act or the Rating Act, 1908, or in the rate-book of any city, borough, or road district, or part thereof, comprised within the boundaries of the said district:
- (c.) A residential qualification, meaning thereby that he has resided for one year in New Zealand, and has resided during the three months then last past in the Electoral Subdistrict of the Christchurch Tramway District in respect of which he is claiming enrolment, and is a British subject either by birth or naturalization in New Zealand. For the purposes of this paragraph a person shall be deemed to reside in the place in which he has his permanent home:
- (d.) An occupier's qualification, meaning thereby that he is, and for at least three months then last past has been, in occupation as tenant or subtenant, or as one of several

tenants or subtenants holding in joint tenancy or tenancy in common, of the whole or any portion of any house, warehouse, office, shop, or other building in the district to which the list relates, under a tenancy the rent under which is at the rate of not less than ten pounds per year for the tenant or subtenant (or, as the case may be, for each of the several tenants or subtenants):

Provided that where any tenant or subtenants sublets the whole or any portion of his premises the rent payable by him shall, for the purposes of this paragraph, be deemed to be reduced by the rent payable to him by his subtenant.

(2.) In the case of husband and wife any qualification possessed by either of them shall be deemed to be possessed by each of them.

(3.) Such list shall be made out in alphabetical order, and shall contain against the name of each elector the particular subdistrict in respect of which he is entitled to vote.

(4.) It shall be the duty of the Secretary of the Board or other person charged with the making-out of the electors list to enter thereon the name of every person who to his knowledge possesses any qualification entitling him to be entered thereon or who, being so entitled, shall in the prescribed form make claim to be entered thereon.

(5.) Every person who wilfully makes a false claim to have his name entered on the electors list is liable to a fine not exceeding five pounds.

(6.) In case of any alterations being made in the provisions of the Municipal Corporations Act, 1908, affecting the qualifications of electors the enactment by means of which such alteration is effected shall, *mutatis mutandis*, be deemed to be incorporated with this Act.

Electoral roll.

10. (1.) The electors list shall be corrected, completed, and authenticated in the prescribed manner and time, and thereupon shall become the electoral roll of the said district, and shall remain in force until another electoral roll comes into force for the said district.

(2.) All corrections and additions required to be made after the completion of the electors roll shall be made on a supplementary electors list, which shall be corrected, completed, and authenticated in the same manner as in the case of the electors roll, and thereupon shall become a supplementary electors roll, and shall form part of the electors roll.

(3.) Until the making of the electors roll for the next ensuing election of the Board the Christchurch Tramway electors roll in force immediately before the coming into operation of this Act shall be the electors roll for the said district.

Electors with more than one qualification.

11. The name of any person shall not appear more than once on the electors list or the electors roll of the said district:

Provided that any person having more than one qualification, or having a qualification in more than one of the said subdistricts, may, at any time during the triennial making and correcting and before the completion and authentication of the electors roll, or when his

name is being placed upon a supplementary roll but not afterwards, select the qualification or subdistrict in respect of which his name is to be entered; but if he shall not so select, the Secretary of the Board or other person charged with the preparation of the electors list shall make such selection.

12. (1.) Any person may, at and in the prescribed time, manner, and form, lodge with the Board an objection under his hand to the electors roll on either of the following grounds:—

Objections to electoral roll.

(a.) That any person whose name is on the said roll in respect of any qualification does not possess such qualification at the time when the objection is lodged:

(b.) That any person whose name is not on the said roll possesses the necessary qualification at the time when the objection is lodged and is entitled to have his name inserted.

(2.) The Board shall forthwith after receipt of any such objection inquire into and dispose of the same.

13. (1.) The Board shall from time to time, whether upon any objection as aforesaid or of its own motion, amend the electors roll for the said district by adding to such roll the name of any person who then in fact possesses the necessary qualifications but is not entered thereon, and by erasing therefrom the name of any person who does not then in fact possess the necessary qualification but is entered thereon.

Correction of roll.

(2.) The Board shall also from time to time make in the district electors roll any necessary corrections in the statement of the names, addresses, and qualifications of persons enrolled thereon or the subdistrict in respect to which they are entitled to vote.

(3.) The functions conferred upon the Board by this section shall be exercised by the Secretary or other officer of the Board when the Board is not actually sitting.

(4.) In particular, but without affecting the general operation of this section, the Board shall hold a sitting on some day in the month of October in each year immediately preceding that in which a general election of members of the Board shall be held, and at that sitting or any adjournment thereof shall amend the district electors roll by adding or erasing names and making all necessary corrections as hereinbefore provided, to the intent that as far as may be the roll may correctly set forth the name, address, and occupation and name of subdistrict of every person then possessing the requisite qualifications, and of no other person.

14. (1.) Any person aggrieved with any decision or act of the Board, or the Secretary or other authorized person as aforesaid, touching the district electors roll may in the prescribed manner and within the prescribed time appeal therefrom to a Stipendiary Magistrate, who shall hear and determine the appeal, and may order such alterations in and additions to the roll to be made as he thinks just.

Appeal by person aggrieved.

(2.) All such alterations and additions shall be made by the Secretary or other authorized person as aforesaid, and initialled by the Stipendiary Magistrate.

15. (1.) The electors roll shall be deemed to be closed at five o'clock in the afternoon of the fourteenth day preceding the day

Roll closed fourteen days before elections.

appointed for any election or poll, and shall continue closed until the election is completed or the poll taken.

(2.) Except pursuant to appeal under this section in cases where the appeal was pending at the time when the roll was closed, no alteration or addition shall be made in or to the electors roll for the district whilst it is closed as aforesaid.

Electors' voting-powers.

16. Every person whose name appears on the electors roll for the time being in force for the said district shall be an elector for the purposes of this Act, and shall be entitled, subject to the provisions of this Act, to vote—

(a.) At every poll taken for an election under this Act; and also

(b.) At every poll taken on any proposal which under this Act or any other Act is submitted to the votes of the electors of the said district :

Provided that if his qualification is residential he shall not be entitled to vote at any poll taken on a proposal relating to loans or rates :

Provided always that an elector may record his vote in any polling-place notwithstanding that such booth is outside the sub-district for which such elector is entitled to vote.

Electors to have one vote.

17. (1.) Every elector shall have one vote and no more at each poll at which he is entitled to vote.

(2.) All elections and all polls on proposals other than elections shall be conducted in accordance with the provisions of the Local Elections and Polls Act, 1908, and its amendments (which shall be deemed to be incorporated herewith) :

Provided always that the majority required to determine any such election or poll shall in every case be a majority of the valid votes cast at the poll, and that all polls shall close at seven o'clock in lieu of at six o'clock in the afternoon of the day appointed.

General election of Board.

18. The next general election of the whole of the members of the Board shall be held on the last Tuesday in November in the year nineteen hundred and twenty-one, and on the same day in every succeeding third year thereafter all members of the Board shall go out of office, and on every such day a fresh general election of members of the Board shall be held.

Resignation of office.

19. Any member of the Board may resign his office by writing under his hand delivered to the Chairman or Secretary of the Board, and in such case, or in case of his death, incapacity, or ouster from office, or his absence without leave of the Board from four consecutive ordinary meetings thereof, his office shall become vacant, and such vacancy shall be deemed a casual vacancy.

Vacancy in Board.

20. Whenever any casual vacancy shall occur in the Board such vacancy shall be notified to the Board by the Secretary, and the Board shall at its next subsequent ordinary meeting proceed by nomination and ballot to fill such vacancy. No person shall be nominated or elected to fill a casual vacancy whose name does not appear on the electors roll as herein defined; and the member so elected shall hold office until the next general election of the Board.

21. Every member of the Board going out of office shall be eligible of being re-elected, but no person shall be eligible of being elected unless his name shall at the date of his nomination be entered upon the electors roll.

Eligibility of members.

22. The following persons shall be ineligible of being elected or of being members of the Board :—

Persons ineligible of being members of Board.

(a.) Any person holding any office or position under or in the gift of the Board, such office or position carrying with it any salary, remuneration, or profit :

(b.) Any person concerned or participating (otherwise than as a shareholder in an incorporated company, or otherwise than in an association or partnership consisting of more than twenty persons) in any contract with or work to be done or the supply of goods for the Board if the payment for such contract or work or supply exceeds ten pounds altogether in any year :

Provided that the leasing of land to or from the Board, or the lending of money to the Board, or the holding of any debenture issued by the Board, shall not constitute a disqualification under this paragraph :

(c.) An alien :

(d.) A lunatic or person of unsound mind :

(e.) Any person attainted or convicted of any treason or of any offence punishable by imprisonment for one year or upwards within any part of His Majesty's dominions, or convicted in New Zealand as a public defaulter or under the Police Offences Act, 1908, as an idle and disorderly person, or as a rogue and vagabond, unless such person has received a free pardon or has undergone the sentence or imprisonment to which he was adjudged for such offence :

(f.) A bankrupt who has not obtained his final order of discharge.

23. Any disqualified person who shall act as a member of the Board shall be liable to a penalty not exceeding fifty pounds for each and every such act done by him whilst so disqualified, which penalty may be recovered with costs of suit in any Court of competent jurisdiction ; and no person who shall be or become disqualified shall be capable of recovering from the Board any sum in respect of work done, or material supplied, or services rendered ; and should the Board pay any such amount to any member or on account for the benefit of any member the said amount shall be deemed to be moneys unlawfully paid away, and may be recovered at any time as a debt by the Controller and Auditor-General from any member or members of the Board who either directly or indirectly sanctioned the payment thereof with knowledge of such disqualification.

Disqualified persons.

24. A member of the Board shall in and for each year be chosen by the Board as its Chairman, and there shall also be a Deputy Chairman chosen in the same way, who shall act in the absence of the Chairman or when his office is vacant. The offices of Chairman and Deputy Chairman shall be from time to time filled by the Board as they become vacant, and at all meetings the Chairman, Deputy

Chairman and Deputy Chairman of Board.

Chairman, or acting chairman, as the case may be, shall have an original and casting vote.

Salary of Chairman.

25. The Board may from time to time vote and pay the Chairman of the Board a salary not exceeding the sum of two hundred pounds per annum.

Members' fees.

26. The Board may from time to time vote and pay to each member of the Board, exclusive of the Chairman, a fee or sum of one pound ten shillings in respect of each meeting of the Board or a committee of the whole of the Board attended by him :

Provided that only one fee shall be paid when two or more meetings are held on the same day :

Provided further that no member shall be entitled to receive such payment in respect of any meeting unless he is present at the time appointed for the holding of such meeting or within fifteen minutes thereafter :

Provided also that no member shall be entitled to be paid or to receive a greater sum than seventy-eight pounds during any year of office, and for this purpose each year shall be deemed to commence on the last Tuesday in November.

Committees and Proceedings of Board.

Committees, &c.

27. The whole of Parts VI and VII of the Municipal Corporations Act, 1908, shall apply, except in so far as the same are altered or modified by anything herein contained, and, *mutatis mutandis*, shall be read into and form part of this Act.

Appointment of officers.

28. The Board may appoint for such period and on such terms as it thinks fit Returning Officers, managers, engineers, secretaries, clerks, and other officers, servants, and workmen :

Provided that one person may, if the Board thinks fit, fill several offices.

By-laws.

Board may make and revoke by-laws.

29. The Board may from time to time make, alter, and revoke by-laws for all such purposes as are expressly provided for by the Tramways Act, 1908, or any amendment of that Act or by this Act, and all such other by-laws as may in the opinion of the Board be reasonable, requisite, or necessary for the protection of its property and interests or for the good government or management of its affairs.

Manner in which by-laws shall be made.

30. Such by-laws shall be made only in the manner and subject to the conditions following :—

(a.) They shall be made by special order only :

Provided that in publicly notifying the resolution making such order it shall not be necessary to set forth the whole of the proposed by-laws if the object or purport of the same is stated, and if a copy of the proposed by-laws is deposited at the office of the Board or at some other place in the district which shall be specified in the notification and is open to the inspection of the public during office hours for at least seven days immediately preceding the meeting at which the said resolution is to be confirmed.

(b.) They shall have the seal of the Board affixed thereto.

- (c.) They shall come into force on a day to be named therein or in the special order making the same, which shall not be earlier than fourteen clear days after the making of such order.

31. (1.) Every person guilty of a breach of any by-law made under this Act shall be liable to a penalty not exceeding five pounds, and where the breach is a continuing one, then to a further penalty not exceeding ten shillings for every day during which such offence continues. Penalty for breach of by-laws.

(2.) The Board may after conviction for the continuing breach of any by-law apply to the Supreme Court for an injunction to restrain the further continuance of such breach by the person or persons so convicted.

(3.) The continued existence in a state contrary to any by-law of any work or thing shall be deemed a continuing breach within the meaning of this section.

(4.) A copy of any such by-law sealed with the seal of the Board shall be received in all Courts as evidence thereof, and that the same has been made in accordance with this Act.

32. (1.) If any elector of the said district desires to question the validity of any by-law or part of a by-law made by the Board under this Act and pays to the Registrar of the Supreme Court the sum of ten pounds as security for the costs of proceedings hereinafter mentioned, it shall be lawful for such elector to apply to the Court or a Judge thereof for an order calling upon the Board to show cause why such by-law or part thereof should not be quashed or varied for some ground or grounds to be stated in such order. Validity of by-law may be tested.

(2.) Upon the hearing of the matter the Court or Judge may quash or amend the by-law or make such order with or without costs as to the Court or Judge seems fit.

(3.) Nothing in this section shall be applicable to an elector being appellant from any conviction or order under any by-laws under this Act.

33. The Board shall cause printed copies of all by-laws to be kept at the office of the Board and to be sold to any elector or rate-payer applying for the same at a reasonable charge. Copies of by-laws to be on sale.

Borrowing and Rating Powers.

34. (1.) Section eleven of the Local Bodies' Loans Act, 1913, shall not apply to any special loan proposed to be raised by the Board, and in lieu thereof the following provision shall apply to every special loan proposed to be raised by the Board under the powers contained in the said Act:— Special loan proposals.

The proposal to borrow such money shall be deemed to be carried if the total number of valid votes recorded at the poll in favour of the proposal shall exceed in number those recorded against the same, and the Board may proceed with the proposal accordingly.

(2.) All special loans heretofore raised by the Board by special order or otherwise purporting to act under the provisions of the Local Bodies' Loans Act, 1913, or any other statutory authority, are hereby declared and shall be deemed to be in all respects and for all purposes valid and effectual.

(3.) The Board is authorized and empowered, out of the special loan of three hundred and forty thousand pounds authorized by the poll of the eleventh day of February, nineteen hundred and twenty, to pay for new offices and the land upon which such new offices are erected, and also for new rolling-stock and construction plant, notwithstanding that the Board had incurred liability for such new offices, land, rolling-stock, and plant before the date of such poll.

(4.) It shall be lawful for the Board from time to time, by special order, to raise such loans as may be necessary for the purpose of renewing or replacing any part or parts of the Board's undertaking or works :

Provided always that in no case shall the amount of any loan raised under this subsection exceed in amount the difference in cost of material and labour at the time such renewal shall be determined upon and the cost of material and labour at the time when the part or parts of the Board's undertaking or works so to be renewed or replaced were first constructed or acquired.

Power to levy special rate.

35. (1.) For the purpose of providing the interest and sinking fund upon all or any loan or loans (whether special or otherwise) raised or to be raised, or debentures issued or to be issued, under the provisions of the Acts hereby repealed or of this Act the Board shall have power, notwithstanding that any such loan has been raised upon the security of a special rate over a defined portion of the said district by special order or orders, to make and levy a special rate or special rates upon all lands, buildings, and other rateable property within the said district according to the annual rateable value thereof or the capital value thereof as the Board shall from time to time determine.

(2.) It shall be lawful for the Board in any year, notwithstanding the provisions of section twenty-one of the Local Bodies' Loans Act, 1913, to pay the interest on and sinking fund of any such loan out of its ordinary or general revenue, and in such case it shall not be necessary to levy such special rate; and every such loan and the amount of every debenture and coupon representing the same shall be a debt of the Board.

Sinking fund.

36. There shall be created a sinking fund of ten shillings per centum per annum for the redemption of each and every loan raised under any Act hereby repealed or under this Act.

Overdraft.

37. (1.) The Board may, in anticipation of its revenue receivable under its General Account and from any special or separate account, from time to time borrow moneys from its banker by way of overdraft or from any corporation or persons by way of temporary loan.

(2.) It shall not be lawful for the Board to borrow or receive moneys as in this section mentioned at a higher yearly rate of interest than the current bank rate, or to enter into any engagements or contracts whereby the total liabilities of the Board (exclusive of all loans lawfully raised and debentures lawfully issued) shall at the end of the month of March in any year exceed, exclusive of any moneys borrowed, the receipts of the Board for such year.

(3.) The limits of the powers to borrow defined in this section shall not be interpreted to affect the right of any bank or corporation

or persons to be repaid out of the funds of the Board any moneys advanced in good faith by it or them to the Board.

38. During the first year's currency of any loan raised under any Act hereby repealed or under this Act, or whilst any work for which such loan has been or shall hereafter be raised is being constructed, interest upon such loan may be paid out of loan-money, and it shall not be necessary during that period to set aside the sinking fund:

Payment of interest out of loan-money.

Provided that in no case shall more than three years' interest be so paid out of any such loan.

39. For the purpose of rating, the valuation roll and the rate-book for the said district shall be compiled in one or more sections from the valuation rolls and rate-books respectively of the said City of Christchurch and the boroughs and counties within the district, and a copy of any valuation roll or rate-book or part thereof in force in any such city, borough, ward, or county certified as correct by the Mayor or Town Clerk of such city or borough or by the Chairman or Clerk of such county shall be conclusive so far as it extends, and shall be receivable as evidence in proof of the facts therein appearing.

Valuation roll.

40. The Board may from time to time, as it thinks fit, make and levy a general rate not exceeding in any one year threepence in the pound on all rateable property within the district on the annual rateable value thereof or three-sixteenths of a penny in the pound on the capital value thereof as respectively defined in the Rating Act, 1908.

General rate.

41. Before making any general rate the Board shall cause an estimate to be prepared of the proposed expenditure of the Board during the period for which the rate is to be made, showing any sums already available for such purpose, the additional sums required, the total rateable value of the property on the valuation roll, and the general rate thereon necessary to raise the money required; and such estimate, being approved by the Board, shall be publicly notified in the district one week before making the proposed rate.

Annual estimates.

42. No Judge shall solely on account of his liability to pay rates be deemed to be interested in any proceeding in which he is judicially concerned.

Judge not deemed interested.

43. No objection shall be allowed in any Court to any rate which the Board or a Receiver shall purport to strike, make, or levy under the provisions of the Acts hereby repealed or of this Act which shall or may form the security for the debentures or coupons issued thereunder; and no informality or irregularity, whether in form or in substance, in the making, striking, or levying of such rate or in the election or appointment of any body or person acting in connection therewith shall be allowed by any Court as a defence to any action or proceedings for the recovery of such rate or be entertained as a ground for quashing such rate or restraining the recovery thereof.

Objection to rate struck not allowed as a defence.

44. The Board may at its option and from time to time either make, levy, and collect its own rates in manner provided for the making and collection of rates by the Rating Act, 1908, which for all purposes of this Act is deemed to be incorporated herewith, or the Board may by special order make any rate or rates and direct the

Collection of rate may be delegated.

same to be levied and collected by the several local bodies named in such special order, and it may exercise the option or options hereby given in different ways to the several city, boroughs, or counties within the district.

Provision on
delegation.

45. When the Board shall by special order have made any rate and have fixed the amount in the pound of such rate and shall have determined that the same shall be collected by the said city, or boroughs, or counties respectively or any of them within its or their respective districts, it shall cause a copy of such special order to be forwarded separately to each such local authority within the district which it desires to collect such rates, whereupon the following duties shall arise and the following consequences shall ensue:—

(a.) Every such local authority shall proceed to collect such rate in the part of the district within its jurisdiction as nearly as may be and with such powers, and the rate shall be payable by and recoverable from such persons and in such manner in every respect, as if the rate were made and levied by such local authority for its own purposes under the powers of rating then vested in them:

Provided that no limitation of the rating-powers of any local authority shall be deemed to affect any such rate:

Provided further that there shall be no necessity for any such local authority to make and levy afresh any rate already made by the Board.

(b.) Every such local authority shall be entitled to retain all reasonable costs and expenses incurred in and about the collecting and recovering the same and reasonable remuneration for clerical and other work.

(c.) Such costs, expenses, and remuneration may form the subject of an agreement between the Board and any such local authority; but if any dispute shall arise as to the amount so to be retained or otherwise in relation thereto the same shall be decided by the Controller and Auditor-General or some other person to be from time to time appointed by the Governor-General in that behalf.

(d.) Each such local body collecting any rate or part of a rate on behalf of the said Board shall furnish the Board on the seventh day of each month with an account showing particulars of such rate collected by such local body up to and inclusive of the last day of the then preceding month, and shall pay over to the Board the amount shown by such account to have been so collected after deducting the amount of such costs, expenses, or remuneration as hereinbefore provided.

General Powers.

Contracts and
works.

46. In respect of contracts and works authorized by this Act the Board may exercise all the powers and authorities conferred upon the Councils of cities and boroughs by Division V, Part XVIII, of the Municipal Corporations Act, 1908, which said Part of the said Act shall, *mutatis mutandis*, be read into and form part of this Act.

47. Subject to the provisions of the Tramways Act, 1908, the Board shall have full power and authority to construct, equip, maintain, and work tramways within the said district and to carry goods and passengers thereon, and for such purposes and every or any of them the Board shall be deemed to be a "local authority" within the meaning of the said last-mentioned Act and the Public Works Act, 1908.

Power to work tramways.

48. All the rights, powers, duties, and authorities which are now and which would or may at any time hereafter (but for the passing of the Acts hereby repealed and of this Act) be vested in or exercisable by the said Councils of the said city, boroughs, or counties, or any or either of them, in relation to tramways or the authorizing, constructing, maintaining, working, leasing, ordering, governing, or controlling tramways or persons in relation to tramways within the said city, boroughs, or counties respectively shall now and henceforth vest in and be exercisable only by the Board throughout the said district.

Certain powers of local authorities to vest in Board.

49. For the purpose of using electricity as a motive power the Board may in addition to any powers conferred on it by or in virtue of clause 18 of the Second Schedule to the Tramways Act, 1908, do any of the following things:—

Power to take land, &c.

- (a.) May do all or any of the things in the said clause 18 specified without as well as within the said district:
- (b.) May, subject to liability to pay compensation to any person or company whose land or any right therein is taken or injuriously affected, do all or any of the things in the clause mentioned in or over the land of any person or corporation, or, with the permission of the Minister of Railways, in or over any railway, or, with the permission of the Minister of Public Works, in or over any other Crown lands:

Provided, however, that such compensation shall be assessed in manner provided by the Public Works Act, 1908:

Provided further that in granting the permission required by this section the Minister of Railways or the Minister of Public Works, as the case may be, may impose such conditions as he may think fit.

50. The Board may also—

- (a.) Supply and sell electricity, whether for lighting, power, or other purposes, to the Government or to any local authority within or without the district. The Board may also supply and sell electricity for any such purpose to any person or corporation other than those already mentioned, but subject in any such case to the previous consent of the particular local authority having similar powers in the districts concerned:
- (b.) Carry passengers and goods for hire on any public roads within or without the district in vehicles drawn or propelled by horse, animal-power, or mechanical or electrical traction of any kind not being carriages with flange wheels for running on tram-rails:

Power to sell electricity, run drags, and work quarries.

- (c.) Work any quarry or shingle-pit of which the Board is the owner or occupier, and sell, dispose of, or otherwise deal with the output of any such quarry or shingle-pit, and from time to time enter into contracts with any local authority, corporation, or person for the supply of stone and other material from the quarry or shingle-pit.

Claims against Board.

51. In respect of passengers carried on any tramway or in any vehicle belonging to or under the control of the Board, or carried by the Board under the provisions of paragraph (b) of the last preceding section, the Board shall have the same liability, obligations, rights, and protection as in the case of carriers of passengers :

Provided nevertheless as follows, that is to say :—

- (a.) Every claim or demand for damages in respect of loss of life or injury to the person (whether in the case of a passenger or not) caused by any default, negligence, or wrongful act of the Board or any person employed by the Board shall be enforced against the Board as provided in this section and not otherwise, and the maximum sum recoverable in each action shall in no case exceed two thousand pounds.
- (b.) No such action shall be maintained unless it is commenced within six months after the cause of action arose, nor unless at least one month before the action is commenced the plaintiff gives notice in writing to the Board stating the cause of action, the Court in which the action is to be brought, the amount claimed, and the full name and address of the plaintiff.
- (c.) In any such action the Board may plead a general denial, and may also without notice give any special matter in defence at the trial :

Provided that nothing herein contained shall be deemed to prevent the Judge adjourning the case at his discretion.

- (d.) The Board may make special arrangements with any person or any public or private company or with any Government Department for insuring the Board against all or any of its liabilities under this section.

Power to purchase land, &c.

52. For the purposes of the said tramways and of any other tramways which it may acquire or construct, or propose to construct, and for any other purpose connected with or incidental to the ownership or use of the tramways, or the exercise of any power or performance of any duty devolving upon the Board under this Act, the Board shall have full power and capability to purchase, take, acquire, hold, manage, buy, sell, rent, lease, and deal with lands and hereditaments within or without the district of any tenure and all classes of personal property (including therein the acquisition, holding, management, leasing, and otherwise dealing with endowments), and with full power to make all kinds of contracts connected with or incidental to the carrying-out of the objects of this Act.

Depreciation and Renewals.

53. It shall be obligatory upon the Board in every year to charge the Revenue Account mentioned in section sixty-one hereof with an annual sum equal to two per centum upon the total original cost of the undertaking, such annual sum to be credited to Renewal Account, and also with a further annual sum equal to two per centum upon such total cost, such further annual sum to be credited to Depreciation Account. The above appropriations shall be exclusive of any amount carried to the debit of the accounts for maintenance and repairs :

Depreciation and renewal funds created.

Provided always that the Board may from time to time appoint a Depreciation Inquiry Commission, consisting of two Commissioners, to inquire into and report as to the rate of renewals and depreciation and as to the adequacy or otherwise of the above charges thereon, and the Board shall be at liberty to act upon such report and to increase or reduce such rate per centum accordingly.

54. The moneys for the time being to the credit of the renewal fund may be retained by the Board and used in the tramway undertaking, subject to the payment of interest or otherwise as the Board may determine, or invested in any class of security mentioned in the Trustee Act, 1908, or in the debentures of the Board. The Board may charge the renewal fund with the cost of renewing any part of the plant or works of the Board which in the opinion of the Board it would not be reasonable to charge against Revenue Account in respect of maintenance and repairs :

Renewal fund may be used in Board's undertaking.

Provided always that such charge against renewal fund shall not be less than five hundred pounds in respect of any one of the items of expenditure on construction and equipment shown in the Board's annual statement of accounts.

55. (1.) The moneys credited to the Depreciation Account shall be paid annually by the Board to the three Depreciation Fund Commissioners appointed by the Board under the Christchurch Tramway District Amendment Act, 1912 or their successors ; and such Commissioners shall invest such moneys, together with all interest and profits accruing therefrom, in such securities as the Commissioners from time to time approve, including therein any existing debentures of the Board and such debentures as the Board may issue for the purpose of providing moneys to be used for the improvement of the present undertaking of the Board or the improvement of any addition to such undertaking previously approved by a poll of ratepayers which may be made thereafter ; and the Board is hereby empowered to issue debentures by special order to the Commissioners for any such purpose without previously taking a poll of the ratepayers.

Investment of depreciation fund.

(2.) The Board may from time to time vote and pay to each of the said Commissioners a remuneration not exceeding in each case the sum of fifty pounds per annum, and such remuneration shall be charged to the depreciation fund, and the said Commissioners shall have power to appoint a Secretary, and to fix and pay the amount of his remuneration.

56. The moneys and securities so to be held by the said Commissioners shall constitute a depreciation fund, and shall be held by them upon trust to repay the same or so much thereof as shall from

Depreciation fund to be held in trust.

time to time be required to replace the plant and works of the Board as the same shall become in whole or in part worn out, obsolete, or otherwise incapable of profitable use by the Board.

Procedure for obtaining payment from Commissioners.

57. No demand shall be made by the Board upon the Commissioners for any less sum than fifty thousand pounds at one time, nor unless the same is accompanied by a copy of a resolution of the Board calling up such moneys, and by a full specification of the works proposed to be done, and a certificate of the Chairman of the Board certifying that such works are necessary to replace plant which has become worn out or obsolete, and giving in detail the reasons for his opinion.

Commissioners may demand engineer's report.

58. The said Commissioners may, at the expense of the Board, call for a report by an engineer to be appointed by them, and such engineer shall have the right to inquire into the reasons why the Board proposes to expend the money asked for and the nature and extent of the works to be done, and such engineer shall report the result of his investigations and of his opinion upon the proposal of the Board to the said Commissioners.

Commissioners may pay by instalments.

59. The said Commissioners may pay the said money by instalments as the works proceed, or may decline to pay the said money except under an order of the Supreme Court, in which case the Board may by motion in Chambers apply for an order directing the said Commissioners to pay out to the Board the money so demanded; and if the Court is of opinion that the Board has proved that the money required is necessary to replace or renew plant which has become worn out, or has become obsolete and incapable of profitable use by the Board, the Court shall make the order authorizing the payment of the money to the Board.

Depreciation fund may supplement sinking fund.

60. If upon the maturity of any debentures already or hereafter to be issued by the Board the sinking fund hereinbefore provided for the redemption of any such debentures is insufficient for that purpose, it shall be lawful for the Board to call upon the Commissioners to provide the Board with whatever moneys may be required to make up such deficiency so far as the funds to the credit of the depreciation fund shall permit.

Accounts.

Form of accounts.

61. (1.) The provisions contained in Part XII of the Municipal Corporations Act, 1908, as to accounts, and Part XIV of the Public Revenues Act, 1910, as to audit, shall apply, and, *mutatis mutandis*, shall be read into and form part of this Act:

Provided always that the following clause shall apply in lieu of section one hundred and seven of the Municipal Corporations Act, 1908:—

“The Board shall prepare each year the following accounts:—

“(a.) A Revenue Account showing all receipts from the operation of the tramways; operating expenditure; reserves for public accident compensation, employees' accident compensation, and fire losses, if the Board shall deem them, or any of them, to be necessary; depreciation and renewal charges; interest and sinking fund; special and general rates; and showing how the balance (if any) is disposed of.

“(b.) A balance-sheet showing the assets and liabilities of the undertaking.

“(c.) Statements of receipts and expenditure or investments of: (i) sinking funds, (ii) depreciation funds, (iii) renewal funds, (iv) public accident compensation reserve, (v) employees' accident compensation reserve, and (vi) reserve for fire losses.”

(2.) It shall not be necessary to continue the keeping of separate accounts for the St. Martin's line, and the same shall merge in the General Account.

62. If in any year after liquidating the deficiencies (if any) of any previous year a surplus shall remain in the Revenue Account, such surplus may, at the option of the Board, be used or applied as to the whole or any part or parts thereof in one or any of the following ways, that is to say:—

(a.) Such surplus may be accumulated to meet any deficiency that may occur in any subsequent year or years; or

(b.) May be applied towards extending, equipping, altering, or improving the tramway or any work or works incidental thereto or the plant thereof; or

(c.) May be employed in writing down the value of any asset or assets of the Board.

(d.) It shall be lawful for the Board to deposit or invest any of its surplus moneys for the time being in any manner authorized to trustees or to any local authority by the law of New Zealand.

63. The Board's fund shall consist of the following moneys, that is to say:—

(a.) All rates made and levied by the Board under this or any other Act:

(b.) All rents, income, and profits from property or operations of the Board:

(c.) All fines, penalties, and forfeitures recovered under the provisions of this Act or any Act hereby repealed, or any by-law made under this Act or any such repealed Act, for any offences committed within the district, except so much thereof as may by law be payable to any prosecutor or informer:

(d.) All moneys received by way of loan as provided in this Act:

(e.) All other moneys which may become the property of the Board.

64. All moneys belonging to the Board shall be paid into such bank as the Board from time to time appoints and publicly notifies (hereinafter called the bank).

65. No money shall be drawn out of the bank except by authority of the Board; and all moneys shall be paid by the Board in cash or by cheque signed by any two of such members of the Board as the Board from time to time authorizes, and countersigned by the General Manager or other duly authorized officer, and shall not be paid otherwise.

66. All moneys paid or purporting to be paid by the Board by promissory note or bill shall be deemed to have been moneys

Disposal of
surpluses.

Board's fund.

Board moneys to be
paid into bank.

How moneys drawn
from bank.

Moneys not to be
paid by promissory
note.

unlawfully paid within the meaning of section seven of the Public Revenues Act, 1912, and may be recovered in manner as in the said section mentioned.

Miscellaneous.

Cost of preparation of Act.

67. The Board shall pay the costs, charges, and expenses of preparing, promoting, and passing this Act.

Certain provisions of Municipal Corporations Act to apply.

68. The provisions of sections three hundred and sixty-seven, three hundred and sixty-eight, three hundred and sixty-nine, and three hundred and seventy-one of the Municipal Corporations Act, 1908, shall apply, and, *mutatis mutandis*, shall be read into and form part of this Act.

Power to invest trust funds in Board's securities.

69. (1.) The provisions of section ninety-five of the Trustee Act, 1908, and of section forty-nine of the Friendly Societies Act, 1909, shall, both in respect of trusts heretofore and hereafter created, apply to all bonds, debentures, or other securities issued or to be issued by the Board and forming the whole or any portion or portions of any loan which has been or may hereafter be raised by the Board under the authority of any Act or Acts of the General Assembly of New Zealand, including this present and any future Acts.

(2.) This section shall be deemed to have been in force since the commencement of the Christchurch Tramway District Act, 1906.

Repeal.

70. The Christchurch Tramway District Act, 1906, the Christchurch Tramway District Amendment Act, 1910, the Christchurch Tramway District Amendment Act, 1912, section one hundred and nine of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1913, and section sixty-nine of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1918, are hereby repealed, but such repeal shall not affect—

- (a.) The validity, invalidity, effect, or consequences of any proceedings theretofore taken, begun, or had under the repealed Acts or any of them in respect of the raising of the loan of one hundred thousand pounds or the debentures issued or to be issued in respect of the said loan; or
- (b.) The validity, invalidity, effect, or consequences of anything at the time of such repeal already done or suffered; or
- (c.) Any then existing status or capacity; or
- (d.) Any existing by-law or regulation theretofore made under the repealed Acts or any of them; or
- (e.) Any right, interest, or title theretofore acquired, accrued, or established or any remedy or proceeding in respect thereof; or
- (f.) The proof of any past act or thing.

Saving of existing by-laws, &c.

71. Notwithstanding the repeal of the Acts mentioned in the last preceding section hereof, every by-law and regulation made under the repealed Acts or any of them shall remain and be in force until superseded by by-laws made under this Act, and shall, moreover, be as valid and effectual as if made under this Act, and shall be proved, tested, and enforced in manner herein provided; and all proceedings, acts, matters, and things taken or begun in respect of the said loan of one hundred thousand pounds before such repeal may be completed; and every power and act which may be necessary to

complete, carry out, or compel the performance of any subsisting contract or agreement which may have been lawfully made, entered into, or commenced under the said Acts or either of them may be exercised and performed in all respects as if the said Acts had not been repealed; and all offences committed or penalties or forfeitures incurred before such repeal may be prosecuted, punished, and enforced as if the said Acts had not been repealed.

SCHEDULE.

Schedule.

ALL that area bounded as follows: Commencing at a point on the southern side of Winter's Road in line with the western boundary of Rural Section 1134; thence easterly along that road to and across Hills Road; thence southerly along Hills Road to the north-western corner of Rural Section 1052; thence along the western and southern boundaries of Rural Sections 1052, 1139, and 7671 to the Canal and Road Reserve, and across that reserve; thence northerly along the Canal and Road Reserve to the north-western corner of Rural Section 1131; thence easterly along the northern boundary of Rural Section 1131; thence northerly along the western boundary of Rural Section 1053; thence easterly along the northern boundary of that section; thence southerly along the eastern boundary of that section to the north-western corner of Rural Section 1818; thence easterly along the northern boundary of that section to the Bottle Lake Road; thence northerly by the Bottle Lake Road to Cemetery Road; thence across Bottle Lake Road and generally easterly along the south sides of Cemetery Road and Beach Road to the sea; thence generally southerly by the sea to Godley Head; thence towards the south generally by the Lyttelton Harbour to the Borough of Lyttelton; thence along the eastern and northern boundaries of the Borough of Lyttelton as described in the *New Zealand Gazette* No. 53, of 17th September, 1885, to Mount Pleasant Road, near the south-western corner of Rural Section 247A, Block II, Sumner Survey District; thence along the said Mount Pleasant Road to the north-eastern corner of Rural Section 1319, Block XVI, Christchurch Survey District; thence generally westerly along the north boundaries of Rural Sections 1319 and 248A, Reserve No. 40, and Rural Section 19 to the road forming the southern boundary of Rural Section 77; thence westerly along that road to the Christchurch-Lyttelton Railway line; thence north-westerly along the railway-line to the eastern side of Gadd's Road; thence along the eastern and southern side of Gadd's Road to Opawa Road; thence southerly along the eastern side of Opawa Road to Hills Road; thence south-easterly along Hills Road to the north-eastern corner of Rural Section 13922; thence southerly along the eastern boundary of Rural Section 13922 to its south-eastern corner; thence southerly and westerly along the eastern and southern boundaries of Lot 1 on the plan deposited in the office of the District Land Registrar, at Christchurch, and numbered 2855, to White's Road; thence across that road and generally southerly along the same to the new Summit Road; thence south-westerly along that road, across same, and south-westerly along the south-eastern boundary of Lot 1 on plan deposited in the office of the District Land Registrar, at Christchurch, and numbered 2907, to the new Summit Road, across that road, and south-westerly along its northern side to the road forming the western boundary of Rural Section 12607; thence westerly across that road to the intersection of the northern side of the Summit Road with the eastern boundary of Rural Section 11549; thence generally southerly, westerly, and again southerly along the Summit Road to Dyer's Pass Road; thence generally northerly along that road to a point in line with the north-west boundary of Rural Section 9814; thence south-westerly across Dyer's Pass Road, and along the south-eastern side of Rural Section 34652 to its southernmost corner; thence generally northerly along the north-eastern boundaries of Rural Sections 31528 and 31362 to the northernmost corner of the last-mentioned section; thence north-easterly along the south-eastern boundary of Rural Section 2063 to a point on that boundary distant 5 chains from the south-western side of Dyer's Pass Road; thence north-westerly by a line parallel to and 5 chains distant from the south-west side of that road to the southern boundary of the land shown on plan deposited in the office of the District

Land Registrar, at Christchurch, and numbered 2159; thence westerly along the southern boundary of the said land to the westernmost corner of Lot 77 on the last-mentioned Deposit Plan No. 2159; thence westerly by a straight line to the southernmost corner of Rural Section 1335; thence south-westerly along a straight line being the production of the south-east boundary of Rural Section 1335 to its intersection with the western side of the road intersecting Rural Section 383; thence south-westerly along that road to the road forming the northern boundary of Rural Section 1325; thence north-westerly along that road to the north-eastern corner of Rural Section 502; thence westerly along the northern boundary of Rural Section 502 to its north-western corner; thence generally southerly along the western side of the road forming the eastern boundaries of Rural Sections 5753 and 1733 to the easternmost corner of the last-mentioned section; thence south-westerly along the south-eastern boundary of Rural Section 1733 to the Hoon Hay Road; thence westerly and south-westerly along the Hoon Hay Road to Sutherland's Road; thence northerly along Sutherland's Road to Milne's Road; thence north-westerly along Milne's Road to the Lower Lincoln Road; thence north-easterly along Lower Lincoln Road to Dunbar's Road; thence north-westerly along Dunbar's Road and Eaglesome's Road to the Middle Lincoln Road; thence north-easterly along and across that road to Chapel Road, and thence north-westerly along that road to the north-eastern corner of Rural Section 1511; thence southerly along the eastern boundary of that section to its southernmost corner; thence north-westerly along the south-western boundaries of Rural Sections 1511, 1510, 1247, 1238, and 1239 to Shand's Road, across that road; thence north-easterly along that road to the south corner of Rural Section 1605, and north-westerly along the south-western boundary of that section to the South Road, across that road, and thence north-easterly along that road to the eastern corner of Rural Section 1791; thence northerly along the eastern boundary of Rural Section 1791 to Factory Road, across that road, and thence north-easterly along Gilberthorpe's Road and the north-western boundaries of Rural Sections 1305 and 1490 to the northernmost corner of the last-mentioned section; thence north-easterly by a straight line parallel to Hornby Junction Road to Yaldhurst Road, across that road, and thence south-easterly along its northern side to the Kaiapoi Junction Road, across that road, and north-easterly along same to the Coringa Road; thence south-easterly along Coringa Road and the Waimairi Stream to Graham's Road; thence north-easterly along Graham's Road to Wairarapa Road; thence south-easterly along Wairarapa Road to the Fendalton and Sawyers' Arms Junction Road; thence northerly along the Fendalton and Sawyers' Arms Junction Road (also known as Greer's and Bishop's Roads) to the Sawyers' Arms Road; thence northerly across that road and northerly along the eastern boundary of Lots 7 and 10 on the plan deposited in the Deeds Registry Office, at Christchurch, and numbered 2430, to Veitch Road; thence along the south-eastern side of Veitch Road to Foster's Road; thence along the eastern side of Foster's Road to Claridge's Road; thence north-westerly along the north-eastern side of Claridge's Road to the Styx drain; thence generally northerly along that drain to the Styx River; thence generally easterly along the right bank of the Styx River to a point in line with the western side of Grimsey's Road; thence southerly to and along the western side of Grimsey's Road to Preston's Road; thence easterly along the southern side of Preston's Road to the north-western corner of Rural Section 1134; and from thence returning southerly along the western boundary of Rural Section 1134 to the commencing-point.
