

Railways Construction and Land Amendment Act 1913

Public Act 1913 No 47
Date of assent 11 December 1913

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An Act to amend the Railways Construction and Land Act, 1908.

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

1 Short Title.

This Act may be cited as the Railways Construction and Land Amendment Act, 1913, and shall form part of and be read together with the Railways Construction and Land Act, 1908 (hereinafter referred to as the principal Act).

2 Section 82 of principal Act amended.

Subsection two of section eighty-two of the principal Act is hereby amended by omitting from paragraph (c) the words “five thousand pounds,” and substituting the words “ten thousand pounds.”

3 Extension of principal Act to local authorities.

- (1.) The definition of “company” in the principal Act is hereby extended so as to include a local authority or two or more local authorities.

- (2.) Where two or more local authorities unite for the purposes of one contract with the Governor under the principal Act, such local authorities shall be jointly and severally bound by such contract, and shall be included together in the expression “the company” wherever those words are used in the principal Act.
- (3.) All the powers and provisions in respect of borrowing money conferred by the principal Act on a company shall expressly apply in the case of a local authority or local authorities which has or have entered into a contract with the Governor under the principal Act, and such local authority or local authorities may borrow moneys accordingly under the provisions of the Local Bodies’ Loans Act, 1913.
- (4.) Where two or more local authorities enter into one contract with the Governor under the principal Act, they shall be deemed to be uniting local authorities for the purposes of Part II of the Local Bodies’ Loans Act, 1913.
- (5.) Every person from whom moneys are borrowed by a local authority or local authorities shall have the rights and remedies conferred by the principal Act in addition to the rights and remedies conferred by the Local Bodies’ Loans Act, 1913.
- (6.) All the provisions of the principal Act in respect of a company shall, except as provided in the next succeeding subsection, apply, *mutatis mutandis*, in respect of a local authority or local authorities.
- (7.) Where any provision of the principal Act is deemed by the Governor to be inapplicable to the case of a local authority or local authorities, the Governor in Council may, by the terms of the contract with the local authority or local authorities, exclude wholly or in part such provision from application.
- (8.) For the purposes of this section, section three of the principal Act shall be read and interpreted as if the words “which has been or may hereafter be formed for all or any of the purposes hereinafter set forth, or such of them as may be applicable, that is to say” were omitted therefrom.
- (9.) For the purposes of this section, section seventy-one of the principal Act shall be read as if subsection two thereof were omitted therefrom.
- (10.) A local authority or local authorities may for the purpose of making and levying special rates as security for any moneys borrowed under the provisions of this section by resolution elect to proceed under the provisions of the Local Bodies’ Loans Act, 1913; and the Governor in Council may exclude, as regards such local authority or authorities and any contract made with the Governor, the operation wholly or in part of the provisions of Part IV of the principal Act, and such resolution shall have effect accordingly.

4 Repeal.

- (1.) Part V and subsections (f) and (g) of section three of the principal Act are hereby repealed.

Section 3 of principal Act amended.

- (2.) Paragraph (a) of section three of the principal Act is hereby repealed, and the following substituted in lieu thereof:—
- “(a.) Providing for the construction of a line of railway (subject to the right of purchase by the Government hereinafter mentioned) to be worked and managed by the company either for a specified term of years or otherwise.”