

New Zealand.



ANALYSIS.

- | | |
|--|---|
| <p>Title</p> <ol style="list-style-type: none"> 1. Short Title. 2. Interpretation. 3. Constitution of Manawatu Gorge Board of Control. 4. Incorporation of Board. 5. First appointment of members of Board. 6. Subsequent appointments. 7. In default of appointment by local authority or persons authorized to appoint members of the Board, Governor-General may make appointments. 8. Vacation of office. 9. Filling extraordinary vacancies. 10. Acts of Board not invalidated by informality with respect to appointment of members &c. 11. Election of Chairman. 12. Chairman to preside at meetings. 13. Conduct of business. 14. Meetings of Board. 15. Contracts by Board. 16. Use of common seal. | <ol style="list-style-type: none"> 17. Travelling-expenses of members of Board. 18. Board empowered to appoint Secretary and other officers. 19. Powers of Board with respect to Manawatu Gorge Road and Manawatu Gorge Bridge. 20. Expenses of Board to be contributed by local authorities specified in Fourth Schedule. 21. Recovery of contributions. 22. Local authority may levy rate for payment of contributions, or may raise a special loan. 23. In cases of default by local authority Valuer-General may levy rate on behalf of the Board. 24. Method of rating in cases where rates levied by Valuer-General under this Act. 25. How moneys to be dealt with. 26. Board may borrow moneys on bank overdraft. 27. Annual statement of accounts to be prepared and audited. 28. Books of account to be kept by Board. Schedules. |
|--|---|

1919, No. 10.

AN ACT to make Provision for the Control, Maintenance, and Reconstruction of the Manawatu Gorge Road and the Manawatu Gorge Bridge. Title.
[24th October, 1919.]

BE IT 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 Manawatu Gorge Road and Bridge Act, 1919. Short Title.

2. In this Act—

“Board” means the Manawatu Gorge Board of Control established under this Act:

“Financial year” means a period of twelve months ending on the expiration of the thirty-first day of March:

“The Manawatu Gorge Road” means that portion of the main road between the Borough of Palmerston North and the Borough of Woodville described in the First Schedule hereto:

Interpretation.

Constitution of
Manawatu Gorge
Board of Control.

“The Manawatu Gorge Bridge” means the bridge over the Manawatu River particularly referred to in the Second Schedule hereto, and commonly known as the Upper Manawatu Gorge Bridge.

3. (1.) For the purposes of this Act there is hereby established a Board to be known as the Manawatu Gorge Board of Control (hereinafter referred to as the Board):

(2.) The Board shall consist of six members, to be appointed as follows, that is to say:—

- (a.) One member (being a member of the Palmerston North Borough Council) shall from time to time be appointed by that Council;
- (b.) One member (being a member of the Kairanga County Council) shall from time to time be appointed by the Kairanga County Council;
- (c.) One member (being a member of the Pahiatua County Council or the Pahiatua Borough Council) shall from time to time be appointed by the Chairman of the Pahiatua County Council and the Mayor of the Borough of Pahiatua;
- (d.) One member (being a member of the Woodville County Council or the Woodville Borough Council) shall from time to time be appointed by the Chairman of the Woodville County Council and the Mayor of the Borough of Woodville;
- (e.) One member (being a member of the Dannevirke County Council, the Dannevirke Borough Council, or the Waipawa County Council) shall from time to time be appointed by the Chairman of the Dannevirke County Council, the Mayor of the Borough of Dannevirke, and the Chairman of the Waipawa County Council; and
- (f.) One member (being a member of the Rangitikei County Council, the Oroua County Council, or the Feilding Borough Council) shall from time to time be appointed by the Chairman of the Rangitikei County Council, the Chairman of the Oroua County Council, and the Mayor of the Borough of Feilding.

(3.) The membership of the Board shall not be affected by any alteration of any of the districts of the local authorities referred to in the last preceding subsection, whether by way of abolition, merger, union, division, or otherwise; but in any such case the Governor-General may, by Order in Council, alter the representation of the districts affected, but not so as to alter the number of members of the Board.

(4.) By any such Order in Council as aforesaid the Governor-General may provide for the representation of any district that may be created after the passing of this Act within or partly within the combined area comprising the districts of the several local authorities referred to in subsection two hereof as existing at the passing of this Act, or may provide for the representation of any district existing at the passing of this Act which may hereafter be altered so as to include any part of the combined area aforesaid.

4. The Board shall be a body corporate with perpetual succession and a common seal, and shall be capable of holding real and personal property and of doing and suffering all that bodies corporate may do and suffer.

Incorporation of Board.

5. (1.) The first appointment of members of the Board shall be made within one month after the passing of this Act or within such extended time as may be allowed in that behalf by the Governor-General in Council.

First appointment of members of Board.

(2.) The members so appointed shall come into office on the date of their appointment, and shall continue in office until their successors come into office, unless they sooner vacate their office in accordance with this Act.

(3.) The Board shall be deemed to come into existence on the expiration of one month after the passing of this Act.

6. (1.) In the month of May, nineteen hundred and twenty-one, and in the same month in every third year thereafter, six members of the Board shall be appointed in the manner hereinbefore provided, and shall come into office on the first day of June following the date of their appointment, or, in the case of members appointed by the Governor-General under the next succeeding section, shall come into office on a day to be named in that behalf in the Warrant of appointment.

Subsequent appointments.

(2.) Any person ceasing to be a member of the Board by effluxion of time may be reappointed under this section.

7. If any of the persons or local authorities authorized to make appointments under this Act fails to make a first or any subsequent appointment within the time limited in that behalf by this Act, the Governor-General may, by Warrant under his hand, appoint such qualified person or persons as he thinks fit in lieu of the person or persons who ought to have been so appointed, and the person or persons so appointed shall hold office in all respects as if duly appointed in conformity with section three hereof.

In default of appointment by local authority or persons authorized to appoint members of the Board, Governor-General may make appointments.

8. The office of any member of the Board shall become vacant if he—

Vacation of office.

(a.) Resigns his office by writing under his hand delivered to the Secretary of the Board; or

(b.) Ceases to be a member of the local authority membership whereof constituted, his qualification for appointment to the Board, as provided in section three hereof.

9. If any member vacates his office as hereinbefore provided, any qualified person may be appointed in his stead, and every person so appointed shall hold office for the residue of the term of his predecessor in office.

Filling extraordinary vacancies.

10. The validity or legality of acts done by the Board shall not be affected by any error or defect in the appointment of any member of the Board, or by the fact that the full number of members has not been appointed, or by the fact that any person acting as a member of the Board is disqualified or has vacated his seat.

Acts of Board not invalidated by informality with respect to appointment of members, &c.

11. (1.) The Board shall at its first meeting after the commencement of this Act, and at its first meeting after the coming into office of new members pursuant to section six hereof, elect one of its members to be the Chairman thereof.

Election of Chairman.

(2.) If the Chairman resigns his office by writing under his hand delivered to the Secretary or to any member of the Board, or ceases to be a member of the Board, his office as Chairman shall become vacant, and the Board shall so soon as may be thereafter elect one of its members as the Chairman thereof.

(3.) Every person elected as Chairman of the Board shall hold office until the election of his successor, unless his office sooner becomes vacant.

Chairman to
preside at meetings.

12. (1.) At every meeting of the Board the Chairman, if present, shall preside.

(2.) If the Chairman is absent from any meeting, or if there is for the time being no Chairman, the members present shall choose one of their number to act as Chairman at that meeting, and the member so chosen shall have the same powers at that meeting as if he were the Chairman of the Board.

Conduct of business.

13. (1.) Every question before the Board shall be decided by the votes of a majority of the members present.

(2.) The Chairman shall have a deliberative vote, and, in any case in which the votes are equal, a casting-vote also.

(3.) No business shall be transacted at any meeting unless a quorum of members is present thereat during the whole time at which the business is transacted.

(4.) At every meeting of the Board three members shall form a quorum.

Meetings of Board.

14. (1.) Meetings of the Board shall be held at such times and places as the Board from time to time determines.

(2.) The Chairman or any two members of the Board may at any time call a special meeting of the Board.

(3.) It shall be the duty of the Chairman or of the Secretary to call a special meeting of the Board at any time when requested so to do by a requisition in writing signed by two members of the Board.

Contracts by Board.

15. (1.) Any contract which if made between private persons must be by deed shall, if made by the Board, be in writing under the seal of the Board.

(2.) Any contract which if made between private persons must be in writing signed by the parties to be charged therewith may, if made by the Board, be in writing signed on behalf of the Board by some person duly authorized in that behalf.

(3.) Any contract which if made between private persons may be made verbally without writing may be similarly made by or on behalf of the Board.

Use of common seal.

16. The common seal of the Board shall not be affixed to any document except pursuant to a resolution of the Board, and the execution of any document so sealed shall be attested by two members of the Board

Travelling-expenses
of members of
Board.

17. The Board may reimburse to every member the expenses reasonably incurred and actually paid by him in going to or returning from any meeting of the Board or of any committee thereof of which he is a member, or any such expenses otherwise incurred in connection with the business of the Board.

18. (1.) The Board shall have power to appoint a Secretary and such other officers and servants as may be required for the purpose of enabling the Board to effectively carry out its functions under this Act.

Board empowered to appoint Secretary and other officers.

(2.) All persons so appointed shall be paid out of the revenues of the Board such salaries, wages, or other remuneration as the Board thinks fit.

19. (1.) The Board shall, in respect of the Manawatu Gorge Road and the Manawatu Gorge Bridge respectively, have the sole powers of control, maintenance, improvement, and reconstruction; and shall have the same such powers as if the Board were a County Council, and as if the said road were a county road within the meaning of the Public Works Act, 1908, and the said bridge were a bridge on a county road:

Powers of Board with respect to Manawatu Gorge Road and Manawatu Gorge Bridge.

Provided that nothing in this Act shall apply to the bridge described in the Third Schedule hereto and commonly known as the Lower Manawatu Gorge Bridge.

(2.) In the exercise of any powers as aforesaid the Board may, by resolution under the seal of the Board, do any act or thing for which in like circumstances a County Council would be required to make a special order.

20. (1.) The local authorities mentioned in the Fourth Schedule hereto shall contribute in the manner hereinafter provided towards the expenditure of the Board under this Act.

Expenses of Board to be contributed by local authorities specified in Fourth Schedule.

(2.) The Board shall as soon as practicable make an estimate of the amount of its expenditure from the date of the coming into existence of the Board up to the thirty-first day of March, nineteen hundred and twenty-one.

(3.) Subsequent estimates of the amount of its expenditure for each financial year ending on the thirty-first day of March shall be made in the month of April of that financial year or as soon thereafter as practicable, and any such amount shall include the amount (if any) actually expended by the Board during the preceding financial year in excess of the estimated expenditure for that year, and the amount so included shall be deemed to form part of the expenditure of the Board during the year for which the estimate is made.

(4.) The estimated expenditure of the Board for any period shall be apportioned by the Board amongst the local authorities mentioned in the Fourth Schedule hereto in the proportions specified in that Schedule, or in such other proportions as may be prescribed in that behalf by the Governor-General by Order in Council as hereinafter provided.

(5.) The Governor-General may from time to time, by Order in Council, on application in that behalf made by the Board, vary the proportions specified in the Fourth Schedule hereto as from a date to be fixed by that Order, and may in any such Order provide for the payment to the Board of a proportion of its estimated expenditure by any local authority other than the local authorities specified in the said Schedule if the district of that local authority, as existing at the date of the Order, comprises the whole or any portion of the district of any of the said local authorities as existing at the passing of this Act.

(6.) Every Order in Council under this section shall have effect according to its tenor.

Recovery of contributions.

21. The amount so apportioned to any local authority shall constitute a debt payable by such local authority to the Board and due upon a date to be appointed by the Board for the payment thereof, and may be recovered by the Board in any Court of competent jurisdiction.

Local authority may levy rate for payment of contributions, or may raise a special loan.

22. The amount payable by any local authority under this Act may be paid out of the general fund of that local authority; or the local authority may, if it thinks fit, in addition to its other rating-powers, make and levy a rate upon all rateable property within its district sufficient to produce the amount of its contribution, or may raise a special loan by special order under the Local Bodies' Loans Act, 1913, without taking the steps prescribed in sections eight to twelve of that Act.

In cases of default by local authority Valuer-General may levy rate on behalf of the Board.

23. (1.) If any local authority fails for two months after the same becomes due to pay any amount due to the Board under this Act, the Board may request the Valuer-General to make and levy on all rateable property in the district of that local authority a rate sufficient to produce the amount of its contribution or any part thereof remaining unpaid, together with an additional amount not less than ten per centum thereof; and the Valuer-General shall thereupon have power to make, levy, collect, and recover such rate accordingly.

(2.) All moneys received by the Valuer-General under this section shall be applied as follows:—

- (a.) In payment to the Board of the amount of the contribution payable by the defaulting local authority, together with interest thereon computed at the rate of five per centum per annum as from the date when the contribution became payable;
- (b.) In payment of all expenses incident to the making, levying, collection, and recovery of the rate; and
- (c.) The balance, if any, shall be paid into the general fund of the local authority in whose district the rate was levied.

Method of rating in cases where rates levied by Valuer-General under this Act.

24. (1.) All rates levied in the district of any local authority by the Valuer-General under the authority of this Act shall be levied at a uniform rate on the capital value of all rateable property within the district of the defaulting local authority.

(2.) For the purpose of making and levying any such rate the valuation roll under the Valuation of Land Act, 1908, shall be deemed to be the valuation roll of the rateable property within the district; and the Valuer-General shall be deemed to be the local authority within the meaning of the Rating Act, 1908; and the provisions of the last-mentioned Act shall, with the necessary modifications, apply to the making, levying, collection, and recovery of any such rate.

How moneys to be dealt with.

25. All moneys belonging to the Board shall be paid into such bank as the Board from time to time determines, and shall be paid thereout only by cheques signed by the Secretary of the Board and countersigned by such two members of the Board as may be

authorized from time to time by the Board to sign cheques on its behalf.

26. For the purpose of meeting the ordinary expenditure of the Board the Board may borrow moneys by way of bank overdraft, but the amount of any such overdraft shall not at any time in any financial year exceed the total amount of the contributions payable to the Board during that year and then unpaid by the local authorities mentioned in the Fourth Schedule hereto.

Board may borrow moneys on bank overdraft.

27. (1.) The Board shall, before the month of May in every year, cause its accounts for the preceding financial year to be balanced and a true statement and account to be prepared setting forth particulars as to the matters following, that is to say:—

Annual statement of accounts to be prepared and audited.

- (a.) All contracts entered into during the financial year;
- (b.) All moneys received or expended during the financial year;
- (c.) The income and expenditure of the Board for the financial year; and
- (d.) The assets and liabilities of the Board at the end of the financial year.

(2.) All such accounts shall be audited by the Audit Office, which for that purpose shall have and may exercise all such powers as it has under the Public Revenues Act, 1910, in respect of public moneys.

(3.) A true copy of every such annual statement of account shall forthwith, after the audit thereof, be sent by the Board to the Minister of Public Works and to each of the local authorities specified in the Fourth Schedule hereto.

28. (1.) The Board shall cause books to be provided and kept, and true and regular accounts to be entered therein, of all sums received and paid by the Board, and of the several purposes for which those sums were received and paid.

Books of account to be kept by Board.

(2.) The said books of account shall at all reasonable times be open to the inspection of any member of the Board.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

DESCRIPTION OF MANAWATU GORGE ROAD.

ALL that portion of the main road between the Borough of Palmerston North and the Borough of Woodville, commencing at the south-eastern boundary of the Oroua County, and terminating at the western boundary of the Woodville County; as the said portion of that road is more particularly delineated on the plan marked P.W.D. 41024, deposited in the office of the Minister of Public Works, at Wellington, and thereon coloured red.

SECOND SCHEDULE.

DESCRIPTION OF UPPER MANAWATU GORGE BRIDGE.

THAT bridge over the Manawatu River, on the Manawatu Gorge Road, between the Pahiatua County and the Woodville County; as the site of the said bridge is more particularly delineated on the plan marked P.W.D. 41024, deposited in the office of the Minister of Public Works, at Wellington, and thereon marked "A."

THIRD SCHEDULE.

DESCRIPTION OF LOWER MANAWATU GORGE BRIDGE.

THAT bridge over the Manawatu River, on the Manawatu Gorge Road, in the Oroua County; as the site of the said bridge is more particularly delineated on the plan marked P.W.D. 41024, deposited in the office of the Minister of Public Works, at Wellington, and thereon marked "B."

FOURTH SCHEDULE.

COST OF MAINTENANCE OF MANAWATU GORGE ROAD AND MANAWATU GORGE BRIDGE.

Contributory Local Authorities.			Proportions of Expenditure.
Dannevirke Borough Council	...	...	8 per cent.
Feilding Borough Council	...	...	5 "
Pahiatua Borough Council	...	...	8 "
Palmerston North Borough Council	...	...	24 "
Woodville Borough Council	...	...	8 "
Dannevirke County Council	...	...	3 "
Kairanga County Council	...	...	10 "
Oroua County Council	...	...	8 "
Pahiatua County Council	...	...	10 "
Rangitikei County Council	...	...	3 "
Waipawa County Council	...	...	3 "
Woodville County Council	...	...	10 "