

New Zealand.



ANALYSIS.

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1902, No. 13.—*Local*.

AN ACT to authorise the Mayor, Councillors, and Citizens of the City of Christchurch to obtain Power for Electric Lighting and other Purposes. Title.  
[26th September, 1902.]

WHEREAS it is desirable to enable "The Mayor, Councillors, and Citizens of the City of Christchurch," a Corporation duly incorporated under "The Municipal Corporations Act, 1900," to produce electricity, electrical energy or power, and convey the same to the City of Christchurch, and to use the same or supply the same to others for use in the said city and the vicinity thereof; also to raise a special loan for the aforesaid purposes or any of them : Preamble.

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

1. The Short Title of this Act is "The City of Christchurch Electric Power and Loan Empowering Act, 1902." Short Title.

2. In this Act, unless inconsistent with the subject-matter or the context thereof, the words and phrases following shall have the meanings hereby assigned to them respectively, that is to say,— Interpretation.

“City” means the City of Christchurch, constituted under “The Municipal Corporations Act, 1900”:

“Council” means the Christchurch City Council, constituted under the said Act:

“Electricity” means electricity, an electric current, or other like agent:

“Energy” means electrical energy or power; and for the purposes of this Act such energy or power shall be deemed to be a “like agent” within the meaning of electricity before defined:

“Private purpose” refers to any purpose whatever to which electricity may for the time being be applicable, not being public purposes, but shall not include the transmission of any telegrams:

“Public purpose” refers to the supply of electricity to or in any street, road, square, building, or place belonging to or subject to the control of any local governing body, or any hall, theatre, or building belonging to or subject to the control of any such body, but shall not include any other purpose to which electricity may be applied:

“Streets and roads” shall include any public or private street, and any public road, square, open space, highway, thoroughfare, bridge, culvert, or passage within the limits to be affected by this Act.

Council may construct and work electrical installation.

3. The Council may construct, maintain, and work an electrical installation, either within the limits or outside the limits of the City of Christchurch, for supplying electrical energy for its own use and for public and private use within the said city and neighbourhood, and may for such purposes or any of them, and from time to time as it thinks proper, take, purchase, or acquire land within or beyond the limits of the said city, or any estate or interest therein; break up streets, place main service lines, and distributing-mains, and wires, either above or below ground and over or under streets, and may lay down, erect, build, or place and maintain pipes, conduits, and service-pipes, pillars, arches, and poles in and upon any street, and make, construct, and do all such other work and things which in the opinion of the Council may be necessary and proper to be done for the purpose of enabling the Council to produce, use, and supply electricity and energy within the said city and neighbourhood, or any part thereof: *Provided that the Council shall not sell electricity or energy within the jurisdiction of any borough without the consent of the Council of such borough.*

Council may construct head-works, races, &c.

4. For the purposes aforesaid, or any of them, the Council may from time to time—

- (1.) Construct and maintain head-works, intakes, and other works on the banks and in the bed of the Waimakariri River, and may construct and maintain head-races leading from any such head-works, intake, or other works to any point or points on either terrace or bank of the said river, and may also from time to time construct and maintain all necessary head-works, head-races, and tail-races, power-

houses, turbines, machinery, and plant necessary or convenient for creating electricity or electrical energy, and may construct and maintain all necessary by-washes and tail-races necessary or convenient for returning the water conveyed along the said races back into the said river :

- (2.) Lift, divert, and take water from the said river, and convey the same by means of such head-works, intake, head water-races, tails, and by-washes, and use the same for any purpose authorised by this Act ; also discharge water over the terrace and back into the bed of the Waimakariri River, and convey the same by tail-races along the bed of the said river : Lift and convey water.
- (3.) Erect and maintain all necessary buildings, storage and converting stations and power-houses, and provide, work, and maintain turbines, hydraulic engines, dynamos, batteries, machinery, plant, and other things necessary or convenient to enable the Council to produce electricity or energy, and convey the same to the City of Christchurch and vicinity, and there use the same, or apply the same for use for public or private purposes : Erect and maintain buildings, &c.
- (4.) Provide and maintain all appliances, machinery, plant, fixtures, and other things necessary or convenient for distributing energy throughout the said city and neighbourhood, and making the same available for public or private use : Provide and maintain appliances, &c.
- (5.) Take, acquire, or purchase lands situate either within or without the said city, or any estate, right, or interest therein, or any right, easement, advantage, or appurtenance in respect of any land situate within or without the said city, also any buildings, engines, head-works, water-race, tunnel, tail-race, water-right, machinery, or other property or rights, which in the opinion of the Council may be necessary or convenient for the purpose of carrying out the provisions of this Act : Acquire or purchase lands.
- (6.) Pay any person injuriously affected by reason of any of the matters or things aforesaid such compensation as he may by law be entitled to : Compensation.
- (7.) Make, do, or suffer any other act or thing incidental or in relation to any of the purposes hereinbefore defined or authorised by this Act : Incidental purposes.
- (8.) Repay to the General Account of the District Fund of the Corporation all moneys heretofore advanced or paid, or hereafter to be advanced or paid, from such account for any purpose connected with the initiation of or carrying out the said scheme or work hereby authorised to be carried into effect, or any part thereof, and the cost of obtaining this Act. Repayment of advance from General Account in anticipation of special loan for electric-power purposes.

5. The Governor may by Order in Council, from time to time as to him may seem meet and proper, grant any Crown lands or the use thereof to the Council, their appointees or assigns, for the purpose of a site on which to construct, build, erect, place, and

Governor in Council may grant use of Crown lands.

maintain head-works, tunnels, inlets, intakes, head-races or tail-races, by-washes, power-houses, turbines, transforming-stations, or any other machinery, plant, or convenience authorised by this Act, or which in the opinion of the Governor may be necessary in order to enable the objects of this Act to be carried into effect.

Governor in Council may settle site, &c., of head-works, races, &c.

6. The Governor may by Order in Council, from time to time, and as the circumstances of the case may require, settle and determine the site, area, line, route, or limits of any head-works, tunnels, inlet, intake, head-race or tail-race, by-wash, power-house, turbine, transforming-station, or any machinery, plant, building, convenience, or thing which the Council may propose to erect, build, construct, or use under authority of this Act outside the limits of the said city.

Works not to be constructed eastward of defined line.

7. Nothing in this Act contained shall authorise the Council to construct, erect, build, maintain, or work any intake, dam, reservoir, by-wash, head or tail race, power-house or turbines, or to lift water from the said river or to return water into the said river, anywhere either in the bed or on the banks or terraces of the said river to the eastward of a line drawn from 'Trigonometrical Station B No. 1, on the southern bank of the said river, to the south-western corner of Reserve No. 34, Block X., Oxford Survey District, or within a distance of forty chains measured upstream from the Waimakariri Gorge Bridge.

#### COUNCIL MAY RAISE SPECIAL LOANS FOR CERTAIN PURPOSES.

Council may raise special loan.

8. The Council may raise by way of special loan or loans under the provisions of "The Local Bodies' Loans Act, 1901," any sum or sums of money not exceeding in the aggregate a sum of two hundred and fifty thousand pounds, and apply the same to any of the purposes which the Council is authorised to carry into effect under or by virtue of this Act; but no money shall be borrowed under the authority of this Act which shall produce to the lender a higher rate of interest than five per centum per annum:

Provided that no steps shall be taken by the Council to raise any sum or sums by way of loan under this section until a scheme for the carrying-out of the provisions of section four, approved of and recommended by the engineering expert or experts appointed by the Council to investigate as provided by section nine hereof, shall be certified by the Mayor and City Engineer and laid before the Council.

Special loan not exceeding £5,000.

9. The Council may by special order, and without taking the steps prescribed in sections seven to thirteen of the Local Bodies' Loans Act, raise a special loan not exceeding the sum of five thousand pounds for the purpose of investigating and obtaining expert opinions upon the proposals contained in this Act, or as to any other source of power for the production of electrical energy for the city, or may out of the District Fund of the Corporation expend any further sum or sums not exceeding five thousand pounds for the same purpose, and such sum of five thousand pounds as last afore-said shall be repayable to the District Fund under the provisions of subsection eight of section four of this Act from any loan that may be raised under section eight.

10. There shall be a sinking fund provided for any loan raised under this Act by the Council of not less than one-half per centum per annum of the total amount of the loan. Sinking fund.

11. The Council may pledge as a security for the interest or sinking fund upon every or any special loan hereby authorised to be raised any special rate or special rates within the meaning of the said Act, and may by special order make and levy every special rate so pledged in such manner as in the said Act is provided. Special rate may be pledged.

The Council may also pledge a special rate estimated to produce a larger sum per annum than may be required to provide such interest and sinking fund; but the Council shall not be required to levy more of such rate in any year during the currency of such loan than shall be sufficient to provide such interest and sinking fund so long as such interest and sinking fund shall be punctually paid.

#### MISCELLANEOUS PROVISIONS.

12. All lands or any estate or interest therein which the Council is hereby authorised to take or acquire may be taken or acquired under the provisions of "The Municipal Corporations Act, 1900." Lands may be acquired under "The Municipal Corporations Act, 1900."

13. Save in so far as may be inconsistent with this Act, all lands acquired by the Corporation shall be held by the Corporation subject to the provisions of the said last-mentioned Act. Lands acquired held under Municipal Corporations Act.

14. All works constructed or provided and all lands and other property purchased or acquired out of moneys to be raised under this Act respectively shall be deemed to be authorised, constructed, provided, purchased, or acquired, as the case may be, under the provisions of "The Municipal Corporations Act, 1900," which provisions shall apply thereto accordingly. The Council shall in relation to such works, land, and property respectively have all the powers, authorities, and discretions which by the said last-mentioned Act are or is expressly or by reference given to the Council with respect to the execution of works and the acquisition of land and other property thereunder. Works authorised by this Act deemed constructed under Municipal Corporations Act.

15. The powers given to the Council by Part XXII. of the said Act shall extend to and may be exercised in respect of any land and other property, right, or privilege authorised to be constructed, provided, acquired, purchased, or maintained under this Act, whether the same be situate within the limits of the said city or outside of such limits. Extended power.

16. Any work done by or under the authority of this Act shall be deemed to be a public work within the meaning of "public work" as defined in section two of "The Public Works Act, 1894." Work done shall be deemed to be "public work."

17. Property acquired by the Council under the authority of this Act shall be exempt from liability for rates and taxes levied by any local authority. Property exempt from rates and taxes.

#### FURTHER SPECIAL LOAN FOR IMPROVING SYSTEM OF ELECTRIC POWER.

18. After a system of electric power for the city shall have been provided, the Council may from time to time raise by way of special loan any further sum or sums, not exceeding in the whole fifty thousand pounds, for the purpose of improving or extending such system, After electric-power system provided Council may raise additional £50,000 to improve and extend the same.

and acquiring lands and appurtenances and buildings and other things in connection with any such improvement or extension. All the provisions of this Act shall, *mutatis mutandis*, apply respectively to such improvements and extensions, and to every special loan authorised to be raised under this section.

Certain Acts not to be affected by this Act.

19. Nothing in this Act shall affect or be deemed to repeal "The Electric Lines Act, 1884," "The Electrical Motive Power Act, 1896," "The Counties Act, 1886," or "The Municipal Corporations Act, 1900."