

New Zealand.



ANALYSIS.

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1917, No. 23.

- Title.** AN ACT to make Further Provision for the Construction and Maintenance of the Hutt Road. [31st October, 1917.]
- Preamble.** WHEREAS by the Hutt Road Act, 1915, the Hutt Road is vested in the Mayor, Councillors, and Citizens of the City of Wellington in fee-simple as if the said road were a street in the city: And whereas the Wellington City Council has in respect of the said road the same powers as by the Municipal Corporations Act, 1908, are conferred on a Borough Council in respect of streets, and as are, by sections one hundred and thirty-nine and one hundred and forty of the Public Works Act, 1908, conferred on a local authority in respect of roads: And whereas it is expedient to construct the Hutt Road for part of its width in concrete for motor traffic: And whereas it is necessary for that purpose to raise a special loan of thirty thousand pounds:
- BE IT THEREFORE 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 Hutt Road Amendment Act, 1917, and shall form part of and be read together with the Hutt Road Act, 1915 (hereinafter termed the principal Act).

2. In this Act, if not inconsistent with the context,—

Definitions.

“City Surveyor” means the City Surveyor for the time being of the City of Wellington :

“City Treasurer” means the Treasurer for the time being of the City of Wellington :

“Financial year” means the year commencing on the first day of April in one year and ending on the thirty-first day of March in the next year :

“Inspector” means an Inspector of any local authority exercising jurisdiction in the City of Wellington or in the Wellington suburban area as hereinafter defined :

“Motor-car” means any vehicle running on three or more wheels propelled by mechanical power and used only for carrying passengers, but does not include motor-cycles with side-cars attached :

“Motor-cycle” means a bicycle propelled by mechanical power :

“Motor delivery-van” means a motor-wagon (as hereinafter defined) not exceeding two tons in weight and having rubber tires on its wheels :

“Motor-wagon” means any engine or machine propelled by steam, electricity, gas, or any other motive or mechanical power whatsoever, used for the purpose of conveying goods or materials on the engine itself, but does not include a motor-car or a motor-cycle :

“Traction-engine” means any engine or machine, other than a “motor-wagon” as hereinbefore defined, propelled by steam, electricity, gas, or any other motive or mechanical power whatsoever, used or constructed so as to be capable of being used for the purpose of drawing wagons :

“Wagon” means any vehicle attached to a traction-engine, and includes a tender :

“Wellington suburban area” means and comprises the boroughs of Karori, Onslow, Petone, Lower Hutt, Eastbourne, and Miramar, the town districts of Johnsonville and Upper Hutt, and the counties of Makara and Hutt.

3. (1.) The Wellington City Council is hereby authorized to construct part of the Hutt Road for part of its width in concrete of such depth as it thinks fit.

Power to construct part of Hutt Road in concrete.

(2.) Such concrete may be covered with a covering of such nature and depth as such Council thinks fit.

Cover for concrete.

(3.) Such part of the Hutt Road shall, when so constructed, be available only for motor vehicles having rubber tires or similar tires approved by the Wellington City Council, subject to this limitation and exception—that any other vehicle may be driven directly across such part of the Hutt Road, but only for the purpose of reaching some premises that the driver desires to reach, or for the purpose of reaching some road that junctions with the Hutt Road, or for the purpose of crossing over to the proper side of the road.

Traffic on concrete portion.

(4.) The Wellington City Council may purchase such plant as it thinks fit for the purpose of constructing and maintaining the Hutt Road.

Plant.

Power to raise special loan of £30,000.

4. (1.) For the purpose of constructing the said part of the Hutt Road and for purchasing plant as aforesaid the Wellington City Council is hereby authorized to raise a special loan of thirty thousand pounds by special order, without taking the steps described in sections eight to twelve of the Local Bodies' Loans Act, 1913.

Local Bodies' Loans Act applies.

(2.) The said special loan shall be deemed to be a special loan raised under paragraph (d) of section sixteen of the Local Bodies' Loans Act, 1913, and, except as herein otherwise provided, the provisions of that Act so far as they relate to loans under the said paragraph shall extend and apply to the said special loan.

Currency of debentures.

(3.) Debentures issued in respect of the said special loan shall have a currency of not more than fifty years.

Sinking fund.

(4.) A sinking fund of not less than one per centum per annum shall be provided for the redemption of the said special loan.

Interest and sinking fund to form part of cost of maintenance.

(5.) The interest and sinking fund to be paid in respect of the said special loan in each financial year shall be deemed to form part of the cost of maintenance of the Hutt Road, and shall be included in the estimate of expenditure to be made in each year pursuant to the provisions of section six of the principal Act, and shall be apportioned among the local authorities mentioned in the Second Schedule to the principal Act as part of such expenditure in the proportions set forth in the said Second Schedule, and shall be recoverable accordingly by the Wellington City Council.

(6.) The interest and sinking fund payable during each financial year shall be added to and form part of the amounts approved by the Board as part of the expenditure in respect of maintenance (but not for the purposes of subsection seven hereof), and shall be payable and recoverable accordingly.

Cost of supervision.

(7.) The Wellington City Council shall be entitled to charge in respect of the clerical, legal, and engineering work done by its officers a sum equal to five per centum of the moneys expended in each year in the maintenance of the Hutt Road, including the moneys collected by way of fees under the provisions of this Act. Such sum shall also be added to and form part of the amounts approved by the Board as part of the expenditure in respect of maintenance, and shall be payable and recoverable accordingly.

Default.

Appointment of Receiver.

5. (1.) If default is made in payment of the interest or sinking fund in respect of the said special loan a Receiver shall be appointed in manner provided by section forty-two of the Local Bodies' Loans Act, 1913.

Apportionment by Receiver.

(2.) Such Receiver shall apportion the amount due, together with twenty per centum additional, among the local authorities mentioned in the Second Schedule to the principal Act in the proportions set out in that Schedule.

Failure by local authority to pay.

(3.) If any local authority fails to pay the amount so apportioned to it by such Receiver, such Receiver shall and may levy on all rateable property under the jurisdiction of such local authority on the basis of the unimproved value an annually recurring rate sufficient to meet the amount apportioned to such local authority. Such rate shall continue in force so long as there is default by the local authority in payment of interest or sinking fund.

(4.) (a.) The moneys received by such Receiver in respect of the contribution of each local authority shall be applied as follows:—

Disposal of money
by Receiver.

- (i.) In payment of the expenses of the application and order and other incidental proceedings according to such proportions as the Judge shall by such order fix:
- (ii.) In payment of such remuneration to the Receiver as the Judge making such order or any other Judge of the Supreme Court shall from time to time direct:
- (iii.) In payment of all expenses incidental to the making, levying, collecting, and recovery of the rate:
- (iv.) In payment of the proportion of interest and sinking fund due by the local authority.

(b.) The balance (if any) shall be paid by the Receiver to the Wellington City Council on account of the local authority, and shall be applied in payment of that local authority's future contributions to the expenditure in respect of the maintenance of the Hutt Road.

(c.) If in any case the margin of twenty per centum is not sufficient to meet the annual payments to be made by such Receiver, such Receiver may apply, on summons to a Judge of the Supreme Court in Chambers, for leave to increase the rate to such extent as may be necessary to meet such annual charges.

(d.) Such Judge, after directing such summons to be served on such parties as he thinks fit, may make an order increasing such special rate to such extent as the Judge thinks fit, and the rate shall thereafter be leviable accordingly as if originally made by such Receiver under the provisions of this Act.

6. (1.) For the purpose of making and levying any rate under the provisions of this Act the valuation roll for the time being under the Valuation of Land Act, 1908, for the district of each of the local authorities mentioned in the Second Schedule to the principal Act shall be the valuation roll on which such rate shall be made and levied; and the Receiver shall for the purpose of such rate be deemed to be the local authority within the meaning of the Rating Act, 1908, all the provisions whereof shall, with the necessary modification and subject to the provisions of this Act, apply to making, levying, collecting, and recovery of any such rate.

Valuation rolls of
various districts to
be used for making
rates.

(2.) The provisions of section fifty of the Rating Act, 1908, shall not apply to any such rate.

Section 50 of Rating
Act not to apply.

(3.) (a.) The Valuer-General shall supply any Receiver appointed as aforesaid with such copies of the valuation rolls of the lands under the jurisdiction of the several local authorities mentioned in the Second Schedule to the principal Act as the Receiver requires.

Valuer-General to
supply rolls and
notices of sales.

(b.) The Valuer-General shall from time to time furnish the Receiver with notice of alterations to such rolls, and shall notify such Receiver of the making of any new roll or valuation.

(4.) The cost of making such copies of the valuation rolls and of notifying alterations therein shall be paid by the Receiver to the Valuer-General as part of the expenses incurred under subparagraphs (i) and (iii) of paragraph (a) of subsection four of section five hereof.

7. (1.) The debentures to be issued in respect of the said special loan shall be for sums of one hundred pounds, one thousand pounds, or any multiple of one thousand pounds.

Form of
debentures.

(2.) The debentures shall show that they are secured in the manner provided by this Act, and there may be endorsed on the debentures any of the provisions of this Act.

(3.) Subject to the provisions of this section, the form of debentures shall be governed by the provisions of the Local Bodies' Loans Act, 1913.

Renewal loans.

8. If it shall hereafter be necessary, in consequence of the raising of the special loan authorized by this Act, to raise a special loan for the purpose of paying off the whole or any part of any existing special loan, the provisions of this Act and of the Local Bodies' Loans Act, 1913, shall apply to any special loan which it shall be necessary to raise for such purposes.

Fees to be paid in respect of specified vehicles by residents of Wellington and the Wellington suburban area.

9. (1.) After the first day of April, nineteen hundred and eighteen, every person residing in the City of Wellington and every person residing in the Wellington suburban area who owns a motor-wagon, motor delivery-van, motor-car, or motor-cycle and keeps or uses the same within the said city or suburban area shall annually pay to the Wellington City Council on or before the first day of May in each year the fees set out hereunder in respect of each such vehicle owned by him:—

	£	s	d.
Motor-wagon not having rubber or similar approved tires	5	0	0
Motor-wagon having rubber or similar approved tires	3	0	0
Motor delivery-van	2	0	0
Motor-car	1	10	0
Motor-cycle	0	10	0

No fees shall be chargeable on any vehicle until it has been used for other than trial purposes.

Fees to be spent on the Hutt Road.

(2.) The moneys derived from such fees shall be expended by the Wellington City Council in the maintenance and repairs of the Hutt Road. To the extent of such fees so contributed the total amount of the contributions required to be made by the local authorities affected by section six of the principal Act shall be diminished.

(3.) The provisions of section thirty-six of the Municipal Corporations Amendment Act, 1910, as to apportionment of fees for heavy-traffic licenses shall not apply to moneys paid under this Act.

(4.) The fees payable as hereinbefore provided are in addition to, and not in substitution for, any fees or licenses that may be payable or recoverable under any other Act or by-law for the time being in force in the districts within the jurisdiction of any local authority exercising jurisdiction in the City of Wellington or the Wellington suburban area.

Breach of provisions of section 3.

10. From and after the construction of part of the Hutt Road in concrete pursuant to the provisions of this Act no person shall drive any vehicle not having rubber tires or similar tires approved by the Wellington City Council on the part of the Hutt Road so constructed in concrete, except in accordance with the provisions of subsection three of section three hereof.

Traction-engines.

11. No person shall drive any traction-engine on the Hutt Road unless he shall obtain a permit from the Wellington City Council

under the hand of the City Surveyor, and shall comply with the following conditions:—

- (a.) He shall pay to the Wellington City Council a fee for each trip that he makes on the road. Such fee shall be fixed in each case by the City Surveyor, but shall in no case exceed five pounds for any one trip, including the return trip.
- (b.) He shall deposit with such Council such sum as the City Surveyor shall fix for the purpose of meeting any damages that such traction-engine may cause to the road. If no damage is done, the deposit shall on application be refunded; if damage is done, the deposit shall be applied to meet the cost of repairing such damage. Any balance shall on application be refunded to the depositor.
- (c.) If the deposit shall not be sufficient to meet the cost of repairing such damage, the excess shall be recoverable by the Wellington City Council from the owner of the traction-engine in any Court of competent jurisdiction.

12. (1.) Every person who pays the prescribed fee in respect of any vehicle in respect of which any sum is payable pursuant to the provisions of this Act shall be entitled to receive from the Wellington City Council a receipt, under the hand of the City Treasurer, stating that the fee has been paid in respect of such vehicle.

Every person paying a fee is entitled to a receipt.

(2.) No person shall drive any such vehicle in any of the boroughs, town districts, or counties above mentioned unless he shall carry a receipt for the current year in respect of the moneys payable under the provisions of this Act in connection with such vehicle.

Every person driving vehicle affected to carry receipt.

(3.) Every person driving any such vehicle shall on demand produce to any constable or Inspector, or officer of the Wellington City Council, a receipt for the sum of money payable for the then current financial year.

Every person driving vehicle affected to produce receipt on demand of constable or Inspector.

13. (1.) Every person who commits a breach of any of the provisions of this Act is liable to a penalty not exceeding twenty pounds.

Offences.

(2.) All fines imposed by or under this Act shall be recoverable summarily under the Justices of the Peace Act, 1908, and shall be paid to the Wellington City Council and form part of the moneys applicable to the maintenance of the Hutt Road.