

Mr. Davey.

178.

CHRISTCHURCH ELECTRICAL SUPPLY EMPOWERING.

[LOCAL BILL.]

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A BILL INTITULED

AN ACT to enable the Christchurch City Council to borrow Money and expend the same in connecting or enabling Owners to connect Lands, Buildings, and Premises within the City of Christchurch with the Electrical Supply of the City, and in providing Electrical Wiring, Fittings, and Appliances of all Kinds for Use in or upon any such Lands, Buildings, and Premises, and to recover Moneys so expended.

Title.

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 Christchurch Electrical Supply Empowering Act, 1913.

Short Title.

2. In this Act—

Interpretation.

“The City” means the City of Christchurch:

“The Council” means the Christchurch City Council:

“Electrical supply of the city” means the supply of electrical energy for the city for heating, lighting, power, and other purposes, whether such electrical energy shall be generated within or outside of the city, and whether such energy shall be generated directly by the city or by the General Government of New Zealand or any Department thereof at the generating-station at or near Lake Coleridge, or at any other generating-station, for the use or benefit of the city.

3. (1.) The Council may from time to time, by special order and in manner provided by the Local Bodies' Loans Act, 1908, but without complying with the provisions contained in the sections numbered seven to thirteen of that Act, borrow moneys not exceeding in the whole the sum of thirty thousand pounds.

Power to borrow.

(2.) No money shall be borrowed under the authority of this Act which shall produce to the lender a higher rate of interest than five pounds per centum per annum.

(3.) In particular, and without affecting the general operations of the preceding subsections, it shall be lawful for the Council from time to time to use for the purposes of this Act such part of the moneys raised or borrowed by the Council under the provisions of the Christchurch City Sanitation Empowering Act, 1908, as shall not be required for the purposes of the last-mentioned Act, and to transfer all such moneys to the separate account hereinafter mentioned; and such moneys shall thereafter be deemed to be moneys borrowed by the Council under and for the purposes of this Act:

Provided always that nothing in this section contained shall be deemed to affect in any way whatever the security given by the city in respect of any loan-money borrowed by the city under the authority of the last-named Act.

How money
borrowed may be
expended.

4. Moneys borrowed by the Council under this Act shall be expended in connecting any lands, buildings, or premises within the city with the electrical supply of the city or in enabling or assisting any owner of any such lands, buildings, or premises to connect the same with the said electrical supply, and in providing, fixing, furnishing, or repairing electrical wiring, fittings, appliances, apparatus, and *electrical* conveniences for use in connection with any such lands, buildings, or premises as the Council may consider necessary or expedient.

Power to Council
to do necessary
work.

5. The Council, at its discretion, may from time to time either contract with other persons to supply such materials, wiring, fittings, appliances, apparatus, and *electrical* conveniences as aforesaid, or to do any work authorized by this Act, or the Council may itself purchase such materials and things and do such work; and the Council may from time to time advance and lend moneys to the owner of any land, building, or premises within the city for the purpose of enabling him to procure such materials and things and do such work. All such work shall be done under the supervision and to the satisfaction of the Electrical Engineer for the time being of the Council and in accordance with the by-laws for the time being of the Council.

Council may claim
or work done by
member of its staff.

6. In cases where any member of the Council's staff is employed in drawing any specification, or in making plans, or inspecting any material or work, or in doing any such work or otherwise in connection therewith, reasonable charges may be made by the Council in respect thereof.

Council to determine
what moneys owing
or work done.

7. The sum of all moneys advanced, lent, or paid to or for or on account of any owner for any purposes authorized by this Act, together with the cost of all materials provided and used and for all work and labour done by the Council in or upon or in connection with any land, building, or premises under the authority of this Act, and together with interest on such sum at a rate not exceeding six pounds per centum per annum from the date of supplying the said materials or of completing the said work, shall be made up and determined by the Council, which determination, in the absence of fraud or mistake, shall be final and conclusive; and the Council may, by order or certificate in the form in the Schedule of this Act, or as near thereto as conveniently may be, declare what such moneys and costs amount to; and may direct the whole or any part thereof to be

due and payable in one sum and immediately, or at some future date, or by equal monthly, quarterly, or half-yearly instalments extending over any period, not exceeding in the whole five years from the date of such moneys and cost having been so made up and determined as aforesaid.

8. The moneys so advanced and the cost of any materials provided or work done in or upon any land, buildings, or premises under the authority of this Act as so made up and determined by the Council as aforesaid, together with interest thereon at a rate not to exceed six pounds per centum per annum from the date on which such moneys and costs are so made up and determined, shall constitute a debt owing to the Council by the owner of such premises, and may be recovered against any such owner, his executors, administrators, and assigns in any Court of competent jurisdiction.

Owners liable for work done to premises.

9. (1.) Upon receiving any such before-mentioned order or certificate under the seal of the Council, certifying as to the amount due in respect of moneys so advanced or paid, or the cost of any work done or materials provided in respect of any land, buildings, or premises under the authority of this Act, it shall be the duty of the District Land Registrar or the Registrar of Deeds (as the case may be) for the time being of the Canterbury District to register without fee such order or certificate against the lands, buildings, and premises therein described.

Order for moneys owing may be registered against land.

(2.) Upon the registration of any such order or certificate the amount therein shown to be due to the Council shall become and be a charge upon such land, buildings, and premises, and the rights, easements, members, and appurtenances thereto belonging and appertaining; but such charge shall be subject to all mortgages, incumbrances, liens, and interests theretofore duly registered in respect of any such land, building, and premises; and payment of any moneys or any instalments due, owing, and payable to the Council under any such order or certificate may be enforced against the said land and any estate or interest therein in the same manner as and by any of the modes in which any person being a mortgagee or incumbrancer of the said land might upon default enforce payment of the amount due under a mortgage or incumbrance duly registered against the said land, subject, nevertheless, to such prior mortgages, incumbrances, liens, and interests (if any) as aforesaid.

10. In every case where any money shall have been advanced by the Council as aforesaid the entire electric installation in respect of which such advances have been made, and all appliances, fittings, materials, and things appertaining to or included in such installation (whether such appliances, materials, fittings, and things shall have been affixed to the freehold or not, and whether the same shall have been supplied by the Council or not), shall be and shall for all purposes be deemed to be the property of the Council so long as the moneys so advanced by the Council or any part thereof or the interest thereon or any part of such interest shall remain unpaid.

Fittings, &c., to remain the property of the Council while moneys owing.

11. Every person who, without permission of the Council, removes and every person who wilfully destroys, injures, damages, stops, obstructs, or otherwise interferes with such installation or any appliances, fittings, materials, or things forming part of such installation is liable to a fine not exceeding fifty pounds:

Penalty.

New.

Provided that extensions and additions to such installations may be carried out by any qualified person, subject to the approval of the Council and to the by-laws, if any, of the Council relating to the supply of electricity.

Security for money borrowed under the Act.

12. The repayment of all principal moneys borrowed or intended to be borrowed by the Council under the authority of this Act, with interest and charges thereon, shall be secured in manner provided in the Local Bodies' Loans Act, 1908, and any Act amending the same.

Loan-moneys to be kept in separate account.

13. All moneys received by the Council (whether on account of the said loan or loans or for or on account of any advances made, or work done, or material provided by the Council under the authority of this Act, or for interest thereon) shall be paid into a separate account, to be opened and kept with the bankers of the Council; and it shall be lawful for the Council from time to time, and as often as it may consider advisable, to apply and expend such moneys in manner before mentioned or in payment of principal moneys or interest and charges in respect of any such loan, and, at its discretion, either to pay or make up any deficiency in either principal or interest moneys from time to time accruing due and payable in respect of any such loan with moneys drawn from the General Revenue Account of the city.

When it is optional for Council to collect rate.

14. If and for so long as all principal moneys and interest accruing due and payable from time to time in respect of any such loan are duly and punctually paid and satisfied, it shall not be obligatory upon the Council to collect any rate under the authority of this Act.

Schedule.

SCHEDULE.

CHRISTCHURCH CITY COUNCIL.

In the matter of the Christchurch Electrical Supply Empowering Act, 1913.

PURSUANT to the above-mentioned Act the Christchurch City Council hereby certifies and declares that the sum of £ is due and owing to the Council for moneys advanced and paid [or for work and labour done and materials provided] under the authority of the said Act in respect of the land, buildings, and premises described in the schedule hereto at the request of the owner thereof for the time being; and the said Council doth order that the said sum shall be payable in one sum and immediately [or that the said sum shall fall due and be payable by equal payments of £ each extending over a period of years, together with interest thereon calculated from the day of the date hereof at the rate of £ per centum per annum, the first of such payments to fall due and be payable on the day of , 19]. And the said Council requires this certificate to be registered as a charge against the said land, building, and premises pursuant to the provisions of the said Act.

SCHEDULE.

All that parcel of land , as the same is delineated in the plan drawn in the margin hereof, and thereon coloured green, together with the rights, easements, members, and appurtenances thereto belonging and appertaining.

Given under the seal of the Christchurch City Council, and by the authority of the same, this day of , 19 .