

CHRISTCHURCH-LYTTELTON ROAD TUNNEL AUTHORITY DISSOLUTION BILL

EXPLANATORY NOTE

Clause 1 relates to the Short Title and date of commencement. The date of commencement is 1 April 1979.

Clause 2 defines various terms used in the Bill.

Clause 3 dissolves the Christchurch-Lyttelton Road Tunnel Authority and abolishes tolls for the use of the Christchurch-Lyttelton Road Tunnel.

Clause 4 vests the Tunnel Authority's assets and liabilities in the Crown.

Clause 5 provides for continuance of proceedings by or against the Road Tunnel Authority.

Clause 6: Subclause (1) declares the tunnel and the approaches to be a public highway.

Subclauses (2) and (3) provide for the National Roads Board to be responsible for the costs of operating and maintaining the tunnel.

Clause 7 authorises the Lyttelton Harbour Board to provide, in respect of the tunnel, electrical, mechanical, and ventilation maintenance services, subject to such apportionment of costs and expenses as may be agreed upon between the Harbour Board and the National Roads Board.

Clause 8 provides for the continuance in force of the tunnel bylaws.

Clause 9 repeals the Christchurch-Lyttelton Road Tunnel Act 1956.

Hon. W. L. Young

**CHRISTCHURCH-LYTTELTON ROAD TUNNEL
AUTHORITY DISSOLUTION**

ANALYSIS

Title	5. Continuance of proceedings
1. Short Title and commencement	6. Tunnel to be public highway, etc.
2. Interpretation	7. Authorising Lyttelton Harbour Board to provide services
3. Dissolution of Authority and abolition of tolls	8. Saving of bylaws and bylaw-making powers
4. Vesting of assets and liabilities of Authority in Crown	9. Repeal

A BILL INTITULED

An Act to abolish tolls for use of the Christchurch-Lyttelton Road Tunnel and to dissolve the Christchurch-Lyttelton Road Tunnel Authority

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

10 **1. Short Title and commencement**—(1) This Act may be cited as the Christchurch-Lyttelton Road Tunnel Authority Dissolution Act 1978.

(2) This Act shall come into force on the 1st day of April 1979.

15 **2. Interpretation**—In this Act, unless the context otherwise requires,—
“Authority” means the Christchurch-Lyttelton Road Tunnel Authority established under section 3 of the Christchurch-Lyttelton Road Tunnel Act 1956:

*Christchurch-Lyttelton Road Tunnel
Authority Dissolution*

“Board” means the National Roads Board constituted under the National Roads Act 1953:

“Tunnel” means the Christchurch-Lyttelton Road Tunnel constructed under the authority of the Christchurch-Lyttelton Road Tunnel Act 1956. 5

3. Dissolution of Authority and abolition of tolls—(1) The Christchurch-Lyttelton Road Tunnel Authority is hereby dissolved.

(2) All tolls prescribed in respect of the use of the Christchurch-Lyttelton Road Tunnel are hereby abolished. 10

4. Vesting of assets and liabilities of Authority in Crown—

(1) On the commencement of this section—

(a) All real property, including the tunnel, belonging to the Authority, and all rights and obligations attaching thereto is hereby vested in the Crown: 15

(b) All other assets, and debts, loan charges, liabilities, and obligations of any nature, whether present or contingent, belonging to or subsisting immediately before the date of commencement of this Act in the name of or on behalf of the Authority shall become the assets, debts, loan charges, liabilities, and obligations of the Crown. 20

(2) The District Land Registrar, on receiving a written request from the Minister of Works and Development, incorporating a reference to this section, shall without fee 25 make such entries in his registers and on any outstanding documents of title and generally do all such things as may be necessary to give effect to the provisions of subsection (1) of this section in respect of land and interests in land specified in the request. 30

(3) All references to the Authority in any security or other document whatever which is subsisting immediately before the date of commencement of this section, or in any notice or other communication served, given, or sent before, on, or after that date in relation to any such security or other 35 document shall, unless the context otherwise requires, be read as references to the Crown.

5 **5. Continuance of proceedings**—(1) All proceedings pending by or against the Authority on the date of commencement of this Act in respect of its undertaking or functions may, if arising out of any matter specified in section 4 of this Act, be carried on, completed, and enforced by or against the Crown or, if arising out of any other matter, may be carried on, completed, and enforced by or against the Board on behalf of the Crown.

10 (2) Any proceedings resulting from any matter arising before the date of commencement of this Act but not commenced before that date may be commenced, carried on, completed and enforced—

(a) By or against the Crown, if the proceedings relate to any matter specified in section 4 of this Act:

15 (b) By or against the Board on behalf of the Crown, if they relate to any other matter specified in the Christchurch-Lyttelton Road Tunnel Act 1956.

20 **6. Tunnel to be public highway, etc.**—(1) The tunnel and the approaches thereto are hereby declared to be a public highway.

(2) Subject to sections 4 and 7 of this Act, there shall be payable, out of the National Roads Fund, all costs in respect of the operation and maintenance of the said public highway.

(3) Subject to sections 4 and 7 of this Act—

25 (a) All money payable to the Authority shall become payable to the Board and become part of the National Roads Fund:

30 (b) The benefit of any contract or undertaking entered into by or on behalf of the Authority shall be deemed to be assigned to the Board on behalf of the Crown.

35 **7. Authorising Lyttelton Harbour Board to provide services**—Subject to such apportionment of costs and expenses and to such other conditions as may be agreed upon between the Lyttelton Harbour Board and the National Roads Board, that Harbour Board is hereby authorised to provide, in respect of the tunnel, electrical, mechanical, and ventilation maintenance services.

8. Saving of bylaws and bylaw-making powers—(1) Notwithstanding the repeal of the Christchurch-Lyttelton Road Tunnel Act 1956 but subject to section 3 (2) of this Act, all bylaws made by the Authority under the Christchurch-Lyttelton Road Tunnel Act 1956, shall become bylaws of the Board, and may be revoked or altered by the Board, but until so revoked every such bylaw shall remain in force. 5

(2) The Board may from time to time, in respect of the tunnel, make, revoke, or alter any bylaw which the Authority could have made, revoked, or altered under the Christchurch-Lyttelton Road Tunnel Act 1956. 10

(3) The making, revocation, or alteration of any such bylaw shall be by resolution of the Board and be done in the same manner as the Board may make, revoke, and alter bylaws under the National Roads Act 1953. 15

(4) For the purposes of the Transport Act 1962, every bylaw for the time being in force under this section shall be deemed to be in force under section 72 of that Act.

(5) Every person who acts in contravention of or fails to comply with any bylaw for the time being in force under this section commits an offence and shall be liable on summary conviction to a fine not exceeding \$200 and, if the offence is a continuing one, to a further fine not exceeding \$10 for every day or part of a day during which the offence has continued. 20

9. Repeal—The Christchurch-Lyttelton Road Tunnel Act 1956 is hereby repealed. 25