

Mr. Howard.

CHRISTCHURCH TRAMWAY DISTRICT AMENDMENT.

[LOCAL BILL.]

ANALYSIS.

- Title.
- 1. Short Title.
- 2. Claims against Board.

- 3. Authorizing Board to grant free passes to members of Board and other local authorities.

A BILL INTITULED

AN ACT to amend the Christchurch Tramway District Act, 1920. Title.

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

5 1. This Act may be cited as the Christchurch Tramway District Amendment Act, 1928, and shall be read together with and deemed part of the Christchurch Tramway District Act, 1920 (hereinafter referred to as the principal Act). Short Title.

10 2. (1) No action or proceeding shall lie against the Board, or any member or officer of the Board or of any committee appointed by the Board, or other person acting under the authority or in the execution or intended execution or in pursuance of ~~this~~ *the principal Act*, for any alleged irregularity, or trespass, or nuisance, or negligence, or any act or omission whatever, unless notice in writing specifying the cause of the action or proceeding, and the name and residence of the intending plaintiff or prosecutor, and of his solicitor or agent in the matter, is given by the intending plaintiff or prosecutor to the intended defendant *one month* at least before the commencement of the action or proceeding. Claims against Board.

20 (2) Every such action or proceeding shall be commenced within *six* months next after the act or thing complained of is done or omitted, or, in case of a continuation of damage, within *three* months next after the doing of such damage has ceased, and not afterwards.

25 (3) Every such action or proceeding shall be laid and tried in the place where the cause of action or material part thereof arose, and not elsewhere.

(4) In any such action or proceeding the defendant may plead generally that the act or thing complained of was done or omitted under the authority or in the execution or intended execution or in pursuance of ~~this~~ *the principal* Act, and may give all special matter in evidence.

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(5) On the trial or hearing of any such action or proceeding the plaintiff or prosecutor shall not be permitted to go into evidence of any cause or ground thereof not stated in ~~this~~ *the notice of action*.

(6) The plaintiff in any such action shall not succeed if tender of sufficient amends is made by the defendant within *one* month after the giving of the notice of action; and in case no tender has been made the defendant may, in accordance with the practice of the Court in which the action is brought, or by leave of the Court, at any time pay into the Court such sum of money as he thinks fit; whereupon such proceeding and order shall be had and made in and by the Court as may be had and made on the payment of money into Court in an ordinary action.

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(7) In cases of injury to the person the person injured shall permit himself to be examined by any medical practitioner appointed by the Board, and in every case the property injured, and all accounts and vouchers in respect of the injury (whether to person or property), may be examined by any person appointed by the Board or the Chairman thereof.

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(8) In cases of injury to the person (whether resulting in death or not) the Court may, before or at the trial, waive the non-compliance or insufficient compliance with subsections *one* and *two* hereof, if satisfied that there was reasonable excuse, and on such terms as the Court thinks fit.

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(9) In cases of injury to the person (whether resulting in death or not) the maximum sum recoverable in each action shall in no case exceed *two* thousand pounds.

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(10) The Board may make special arrangements with any person or any public or private company, or with any Government Department, for insuring the Board against all or any of its liabilities *arising out of any action or proceeding brought pursuant to this section*.

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(11) This section is in substitution for section fifty-one of the principal Act, and that section is hereby accordingly repealed.

Authorizing Board to grant free passes to members of Board and other local authorities.

3. It shall be, and be deemed at all times heretofore to have been, lawful for the Board to permit the Chairman or any member of the Board, and the Mayor or Chairman, as the case may be, or any member of any local authority whose district is within or partly within the Christchurch Tramway District, to travel without charge on any tramway or other service established for the conveyance of passengers and conducted by the Board.

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New.

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Contributions from other local authorities.

3A. It shall be lawful for any local authority whose district is within or partly within the Christchurch Tramway District to contribute to the Board, out of moneys payable to such local authority under the Main Highways Act, 1922, or its amendments, or the Motor-spirits Taxation Act, 1927, such proportion as may be fixed by Order in Council of the cost of construction, reconstruction, maintenance, or repair of any part of a road or street which the Board is required to maintain,

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New.

where such road or street is a main highway or a road or street forming a continuation of a main highway :

5 Provided that, for the purpose of determining, in the event of disagreement, what proportion of such cost should be contributed by any local authority, the Governor-Council may direct any Magistrate or other person to be a Commissioner to inquire into and report to him on the matter, and such Commissioner shall have all the powers of a Commission appointed by the Governor in Council under the Com-
10 missions of Inquiry Act, 1908.

10 3B. (1) All persons shall be incapable of being elected to be or of being members of the Board who would, if the Board were a Municipal Corporation, be incapable of being elected to be or of being Councillors or Mayor under the provisions of the Municipal Corporations Act, 1920,
15 or any amendment thereof for the time being in force.

(2) Section twenty-two of the principal Act is hereby repealed.

20 3c. Section twenty-eight of the principal Act is hereby amended by omitting the words "servants and workmen," and substituting the words "and servants as are required for the carrying-out of the provisions of this Act."

Disqualification of members.

Section 28 of principal Act amended.