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Mr. Hutchison

MUNICIPAL CORPORATIONS ACT 1876 AMENDMENT
(No. 2.)

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A BILL INTITULED

AN ACT to amend "The Municipal Corporations Act, 1876." Title.

WHEREAS it is expedient to amend "The Municipal Corporations Act, 1876," in manner following: Preamble.

5 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 Municipal Corporations Act 1876 Amendment Act, 1882 (No. 2)." Short Title.

10 2. In the construction of this Act the same meaning shall be given to words and phrases used therein as is given to the like words and phrases used in "The Municipal Corporations Act, 1876" (hereinafter called "the said Act"), unless the context or subject-matter shall require a different construction. Interpretation.

15 3. Notwithstanding anything contained in the said Act, or in any Act incorporated therewith to the contrary, the power thereby given to the Council of a borough to make and repeal by-laws shall extend to the making and repeal of by-laws relating to any matters whatsoever, Power of Council to make or repeal by-laws extended.

whether specifically mentioned in the said Act or in any Act incorporated therewith or not, which the Council of any borough shall from time to time think necessary for the good government, order, health, safety, benefit, advantage, or use of the borough; and such power shall extend to regulating the keeping and storage of any inflammable substance whatsoever which may, in the opinion of the Council, be calculated especially to increase danger in case of fire, and to providing for the destruction of swine, goats, and dogs found wandering at large in any place within the limits of the borough. 5

Power to light streets by electricity.

4. Notwithstanding anything contained in the said Act, or in any Act incorporated therewith to the contrary, the power given to the Council of a borough to provide for the lighting of the streets and public places of the borough shall extend to providing for such lighting by means of electricity or any other artificial light which the Council shall think fit; and the powers given by the said Act for and in relation to the construction and maintenance of works for lighting the said streets and public places with gas shall apply to the construction and maintenance of works for lighting the same with electricity or any other artificial light. 10 15

Waterworks constructed by Wellington City Council deemed to be constructed under "Municipal Corporations Act, 1876."

5. Notwithstanding anything to the contrary contained in "The Wellington Waterworks Act, 1871," all waterworks which shall heretofore have been or which may hereafter be made, constructed, and established by the Council of the City of Wellington for the supply of water to the inhabitants of the said city shall from henceforth be deemed to have been made, constructed, and established under the provisions of "The Municipal Corporations Act, 1876," and the provisions of the said Act relating to the supply of water, and the charges for the same and otherwise, shall be deemed from henceforth to apply to all such waterworks; and all by-laws heretofore made and deemed to be in force which would have been valid if made under the provisions aforesaid if the same had then been in force within the City of Wellington in relation to any then existing waterworks shall be deemed to be valid to all intents and purposes whatsoever. 20 25 30

Insurance companies carrying on business in any borough where waterworks are constructed at expense of borough shall deliver to clerk of Council an account of premiums.

6. Every person, body, or company carrying on the business of fire insurance within the limits of any borough supplied with water by means of waterworks constructed by and at the expense of such borough, and available for the extinction or prevention of fire, shall, on the first day of March in each year, commencing on the first day of March, one thousand eight hundred and eighty-three, deliver or cause to be delivered to the Clerk of the Council of such borough an account showing the amount of premiums receivable by such company in respect of fire insurance within such borough for the year next preceding each such first day of March; and every such person, body, or company which shall fail to deliver or cause to be delivered such account as aforesaid shall be liable to pay to the Council of such borough the sum of five hundred pounds, to be recovered by the Treasurer of such borough in any Court of competent jurisdiction. 35 40 45

Manager of insurance company shall prepare account and deliver same to Council.

7. It shall be the duty of the secretary, manager, or other person having in the month of February in each year the principal charge or management of the business of any such person, body, or company carrying on the business of fire insurance as aforesaid within any such 50

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borough as aforesaid, to prepare and deliver to the Council of such borough such account as aforesaid; and any secretary, manager, or other person failing to perform such duty shall, but without prejudice to the liability of such person, body, or company to the payment of the sum of five hundred pounds as aforesaid, be liable to a penalty not exceeding fifty pounds, to be recoverable in a summary way before any Justice of the Peace at the complaint of the Clerk of the Council of such borough.

8. Every such person, body, or company which shall have delivered or caused to be delivered any such account as aforesaid shall, on the first day of April in each year, pay to the Treasurer of such borough as aforesaid a sum equal to _____ per centum upon the total amount of premiums shown in such account as aforesaid as and for the use of or right to use the water supplied by means of such waterworks as aforesaid, which sum shall, in case of non-payment thereof on the first day of April in each year, be recoverable at the suit of the said Treasurer in any Court of competent jurisdiction.

Percentage payable by insurance companies for right of use of water.

9. Section one hundred and seventy-seven of the said Act is hereby repealed, but shall notwithstanding remain in force so far as relates to any lease granted or anything done or any right or privilege acquired under the authority of the said section before the passing of this Act.

Section 177 of said Act repealed.

10. The Council may let by way of lease any lands or buildings the property of the Corporation, whether affected by the provisions of any special Act or otherwise, provided the following conditions be observed:—

Council may lease lands or buildings, the property of the Corporation, on certain conditions.

(1.) That every such lease shall be made to take effect in possession within one year next after the making thereof, and shall be for a term of years not exceeding, for an agricultural lease, twenty-one years, but renewable in perpetuity; for a mining lease or a lease of water, a way-leave, water-leave, or other right or easement, forty years; for a building-lease, ninety-nine years; and for a repairing lease, sixty years.

(2.) On every such lease there shall be reserved the best rent or reservation in the nature of rent, either uniform or not, that can be reasonably obtained, to be made payable half-yearly or oftener, without taking any fine or other benefit in the nature of a fine.

(3.) Every such lease shall be by deed, and every lessee shall execute a counterpart thereof, and every such lease shall contain a condition for re-entry on non-payment of the rent for a period not less than twenty-eight days after it becomes due.

(4.) Subject and without prejudice to the provisions of any special Act in that behalf, no lands or buildings appropriated to the use or enjoyment of the inhabitants of the borough or as grounds for recreation shall be let under this section, but the Council may let the pasturage of such last-mentioned grounds for any period not exceeding one year, so, nevertheless, that the public shall not be in anywise restricted in the use and enjoyment of such grounds.

Leases shall contain such other conditions as the Council shall think fit.

Leases may be surrendered.

Preliminary contracts.

11. Subject and in addition to the conditions hereinbefore contained, every such lease shall contain such covenants, stipulations, and conditions as the Council shall think fit.

12. Any lease, whether under the said Act, or any Act repealed by the said Act, or under any special Act relating to lands or hereditaments vested in the Corporation, or under this Act, may be surrendered either for the purpose of obtaining a new and fresh lease of all or any part of the hereditaments demised thereby or not; and the power to grant leases conferred by this Act shall extend to authorize the grant of new leases of the whole or any part of the hereditaments comprised in the surrendered leases. **5**

13. The power to grant leases conferred by this Act shall extend to authorize preliminary contracts to grant any such leases, and any of the terms of such contracts may be varied in the leases. **10**