

155-3

Mr. Macandrew.

OTAGO HARBOUR BRIDGE.

[LOCAL BILL.]

ANALYSIS.

Title.	14. Bridge in whom vested.
Preamble.	15. Bridge deemed to be a road.
1. Short Title.	16. Loan deemed to be a joint debt.
2. Interpretation.	17. Bridge exempt from rates.
3. Bridge across Otago Harbour may be constructed.	18. Tolls.
4. Plans and specifications to be prepared.	19. Parts of "The Public Works Act, 1882," to apply to tolls.
5. And deposited.	20. Board may grant license to any person in lieu of charging toll.
6. And be approved by the Harbour Engineer.	21. Uses to which bridge may be put.
7. Borrowing powers.	22. Tolls, &c., to form part of security for loans.
8. Rating powers.	23. Tramway.
9. Rate, how levied.	24. Board may make agreement for construction of tramway in lieu of construction of bridge.
10. Validation of rate.	25. Acts incorporated.
11. Fine for default in payment of rate.	
12. Rate to be an annually recurring rate.	
13. Rate may be altered.	

A BILL INTITULED

AN ACT to authorize the Construction and Maintenance of a Bridge across the Otago Harbour. Title.

5 WHEREAS the local bodies herein named are desirous of constructing and maintaining a bridge across the Otago Harbour with the object of bringing the road districts herein named more conveniently into communication with the City of Dunedin; and whereas it is desirable to give effect to such desire: Preamble.

10 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 Otago Harbour Bridge Act, 1886." Short Title.

15 2. In the interpretation of this Act the following expressions shall, unless the context shall require otherwise, have the meanings annexed thereto:— Interpretation.

“The road district” shall mean “The Peninsula Road District,” or “The Portobello Road District” as constituted by “The Portobello Road Board Enabling Act, 1882,” as the case may be:

“The Board” shall mean the governing body of either such district, and shall include the corporation of the inhabitants of the road district represented by such Board:

“The county” shall mean the Peninsula County.

Bridge across Otago Harbour may be constructed.

3. It shall be lawful for either the Peninsula or Portobello Road Board, or both, to construct and maintain a bridge or causeway and road (hereinafter called “the said bridge”), extending from the City of Dunedin across the Otago Harbour to a point or points in the Peninsula County. 10

Plans and specifications to be prepared.

4. Before proceeding to commence the said bridge the Board shall cause a map or maps and plan or plans showing as nearly as may be where it is intended that the same shall be built or constructed, and especially the intending starting-points thereof both in the Peninsula County and in or near the City of Dunedin, and also the nature of the intended structure, together with a specification briefly describing the nature and character of the proposed work and the material thereof: Provided that the said maps, plans, and specifications may refer the one to the other or others, and shall be sufficient if they together contain the aforesaid particulars. 15 20

And deposited.

5. The said map or maps, and plan or plans, and specification shall, before they may be approved in manner hereinafter authorized, lie in the office at Dunedin of the Otago Harbour Board for the space of three weeks, and once at least during each of the said three weeks a notice shall be inserted by the Board in two daily newspapers published in Dunedin, stating that the same have been so lodged and are open for inspection. 25 30

And be approved by the Harbour Engineer.

6. Thereafter, if the engineer for the said Otago Harbour Board shall approve of the said map or maps, and plan or plans, and specification, he shall note his approval thereon, and shall deliver to the Board a certificate that he has approved of the same, and such certificate shall be conclusive evidence of such approval, and that the provisions of section *four* hereof have been complied with, and that all conditions have been fulfilled entitling the Board to commence and prosecute the said work. 35

Borrowing powers.

7. It shall be lawful for the Board, and it is hereby authorized, to raise and borrow from time to time, for the purposes of the said bridge and of matters connected with the construction and maintenance thereof, such sum or sums as shall be by it deemed to be necessary therefor, not exceeding in the whole the sum of thirty thousand pounds: Provided that no greater rate of interest than per centum per annum shall be paid upon any such sum so borrowed. 40 45

Rating powers.

8. The Board may make and levy a special rate upon all rateable property in the district over which it has authority not exceeding three farthings in the pound of the rateable value of all such property in such district, and the proceeds of such rate, after providing for the expense of making and collecting the same, shall be applied towards the payment of the annual charges to accrue in respect of the loan or loans to be raised under this Act, and of a sinking fund equal to one per centum per annum upon the amount of such loan or loans. 50

1585

9. Such rate shall be levied and recovered in manner prescribed by "The Rating Act, 1882." Rate, how levied.

5 10. No rate made under the provisions of this Act shall be capable of being set aside or of being quashed by any proceeding in any Court or otherwise; and no defect in the same or in the making of the same, or in the jurisdiction, authority, or procedure of the body making the same, or of the qualification or due election of any member thereof, shall be set up as a defence to any action which may be brought to recover the same. Validation of rate.

10 11. In any action for the recovery of such rate under the provisions of section twenty-six of "The Rating Act, 1882," the Board shall recover ten per centum upon the amount of such rate in addition to the amount which the person liable has failed to pay, and, after such person shall have failed for more than one year after demand made to pay the amount for which he is liable, the Board shall in like manner recover a further amount equal to ten per centum upon such amount in addition to the said ten per centum: Provided that the Court may reduce or disallow either or both of the said additional amounts if the defendant had fair grounds for resisting the claim. Fine for default in payment of rate.

20 12. Every special rate made and levied under the provisions hereof shall be an annually recurring rate, and shall be payable at such intervals as the special order directs, and shall be levied year by year without further proceeding by the Board until the loan in respect of which such rate was made is paid off. Rate to be an annually recurring rate.

25 13. The Board may from time to time amend a special rate by increasing or diminishing the same if necessary, so that the annual produce thereof shall suffice to produce the interest and sinking fund on account of the loan secured thereon; but no special rate shall be diminished under the powers herein contained unless the Auditor-General shall, previously to such reduction, approve thereof; and such reduction shall only continue for so long a period as such Auditor-General shall approve. Rate may be altered.

30 14. The said bridge and every part thereof shall from time to time as the same is constructed become part of the Peninsula County and of the Portobello Road District, and the same shall, subject to the rights of the other local bodies, be vested in the Portobello Road Corporation, and shall be under the control of the Portobello Road Board. Bridge in whom vested.

35 40 15. The said bridge shall be deemed to be a road within the meaning of "The Public Works Act, 1882," "The Counties Act, 1876," "The Police Offences Act, 1884," and all Acts and Ordinances relating to roads and offences on roads. Bridge deemed to be a road.

45 50 16. The loan or loans hereby authorized to be raised shall, as between the Boards and the lender or lenders, be deemed to be the joint debt of both the said Boards, whichever shall actually undertake the construction of the said bridge, and whether one or both shall contract for the said loan or loans, and as between the said Boards shall, and the interest payable thereon shall, be borne in the same proportion which the rateable value of the rateable property in each road district from time to time bears to the rateable value of the rateable property in both road districts; and the said Boards shall contribute towards all interest and charges, and shall be entitled to participate in all profits. Loan deemed to be joint debt.

in the like proportion; and each of the said Boards shall indemnify the other in respect of any liability incurred by such other, or in respect of any contract or obligation connected with the objects of this Act, so that all obligations and liabilities shall be borne in the proportion above referred to.

Bridge exempt from rates.

17. The said bridge and every part thereof, and every building, erection, and place used or connected therewith, shall be exempt from all city, borough, county, road, harbour, and other rates.

Tolls.

18. The Board shall have power to collect tolls for and in respect of the following matters and things, and all powers hereby conferred shall be in addition to powers conferred by "The Public Works Act, 1882:"—

- (1.) From foot-passengers using the said bridge;
- (2.) In respect of all vehicles passing over the same;
- (3.) In respect of all horsemen or riders passing over the same;
- (4.) In respect of all animals led, driven, or carried over the same;
- (5.) In respect of all passengers in public conveyances passing over the same;
- (6.) In respect of all bicycles, tricycles, or similar machines used on the same.

Parts of "The Public Works Act, 1882," to apply to tolls.

19. So much of Part V. of "The Public Works Act, 1882," as relates to tolls shall apply to the said bridge, but subsections four, five, six, seven, and eight of section one hundred and seven shall not apply, and section one hundred and fourteen shall be read as if the Otago Harbour and the said bridge or causeway had been named therein, and sections one hundred and sixteen, one hundred and seventeen, and one hundred and twenty shall not apply.

Board may grant license to any person in lieu of charging toll.

20. In lieu of such tolls the Board may, for consideration to be from time to time fixed or agreed upon, agree with any person to grant him a license for any period, not being longer than twelve months, to give free passage to a certain specified vehicle used by himself or his agents, or to himself alone passing with or without vehicle, horse, bicycle, or tricycle, and any such license granted to the proprietor of any public conveyance shall state whether the Board reserves the right to claim tolls in respect of passengers.

Uses to which bridge may be put.

21. The Board shall have power to establish upon or against or near the said bridge, and grant permits for, and make suitable charges for, the use of—

- (1.) Mooring-places for boats and small craft;
- (2.) Davits;
- (3.) Boat-sheds and boat-houses;
- (4.) Baths and bathing-houses;
- (5.) Fishing-stations:

and generally to grant licenses to use the said bridge or causeway, and any part thereof, for any purpose not inconsistent with its use as a public highway.

Tolls, &c., to form part of security for loans.

22. All tolls, fees, dues, and other moneys receivable under the foregoing powers shall form part of the security for the said loan or loans.

Tramway.

23. The Board may construct, or contract for the construction of, and may work or contract respecting the working of, a tramway to and upon the said bridge, and may make agreements with any other

15-5-4

local body for the continuation thereof, and may use thereon or permit the use thereon of any such motive-power as it shall think fit.

24. The Board may, in lieu of constructing the said bridge, in exercise of the powers conferred by section *three* hereof, make an agreement for the construction thereof with any person or persons or body corporate in the same manner as is prescribed by "The Tramways Act, 1872," with reference to tramways, and in that case the said Act shall be incorporated with this Act, and the said bridge shall be deemed to be a tramway within the meaning of the said Act, and such person or persons or body corporate shall be deemed to be promoters within the meaning of the said Act.

Board may make agreement for construction of tramway in lieu of construction of bridge.

25. The provisions of "The Counties Act, 1876," "The Public Works Act, 1882," "The Tramways Act, 1872," "The Road Boards Act, 1882," and all amendments of any of the said Acts, and all Acts passed or to be passed in substitution or part substitution therefor, are incorporated herewith.

Acts incorporated.