

New Zealand.

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1927, No. 15.—*Local and Personal.*

Title.

AN ACT to amend the Petone and Lower Hutt Gas-lighting Act, 1922.
 [24th November, 1927.]

Preamble.

WHEREAS the Petone and Lower Hutt Gas-lighting Board is now advised to replace with modern machinery and plant the machinery and plant heretofore operated by the Board under the Petone and Lower Hutt Gas-lighting Act, 1922, the last-mentioned machinery and plant being of inadequate capacity and unfit for prolonged further use: And whereas an opportunity has occurred for the Board, in lieu of installing new machinery and plant, to enter into a contract with the Wellington Gas Company, Limited (a company duly incorporated under the provisions of the Companies Act, 1908), for the supply of gas in bulk to the Board, and it is expedient that the Board should be empowered to enter into such a contract: And whereas the extended borrowing-powers conferred upon the Board by the Petone and Lower Hutt Gas-lighting Amendment Act, 1926, have proved insufficient for the purpose of enabling the Board to extend the reticulation of its gas-mains so as properly to serve the district defined by the Petone and Lower Hutt Gas-lighting Act, 1922: And whereas it is desirable for the purpose of ensuring continuity of policy that two members of the Board should continue to hold office notwithstanding the time having arrived for an election:

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

Short Title.

1. This Act may be cited as the Petone and Lower Hutt Gas-lighting Amendment Act, 1927, and shall be read together with and

deemed part of the Petone and Lower Hutt Gas-lighting Act, 1922 (hereinafter referred to as the principal Act).

2. In this Act—

Interpretation.

“The Board” means the Petone and Lower Hutt Gas-lighting Board constituted under the principal Act :

“The company” means the Wellington Gas Company, Limited :

“Reticulation” includes the purchase, laying, and instalment of all plant necessary for the efficient or convenient distribution of gas to consumers, of appliances for heating, cooking, and lighting by gas, and generally all things necessary or usual for the purpose of extending or improving the distribution of gas to consumers or the connection of private premises with gas-mains :

“Special meeting” means a meeting called either in pursuance of a meeting of the Board, or of a requisition in writing delivered to the Secretary and signed by the Chairman or any three members, specifying the time and place at which such meeting is to be held and the business to be brought before the same :

“Special resolution” means a resolution passed at a special meeting and in course of dealing with business specified for such meeting.

3. (1) It shall be lawful for the Board and the company, without further authority than this Act, but after compliance with the requirements of this section, to enter into a contract for the supply of gas in bulk by the company to the Board at Petone, upon such terms as may be agreed upon.

Board may contract with Wellington Gas Company, Limited.

(2) A poll of the persons eligible to vote upon a loan proposal by the Board shall be taken upon a proposal to obtain gas in bulk from the company.

(3) The declaration of the Returning Officer that the proposal has been carried or lost shall be conclusive evidence of the result of the poll, and of the validity, regularity, and sufficiency of all proceedings in connection therewith, unless the poll is declared void under the provisions of section sixty-three of the Local Elections and Polls Act, 1925, upon a petition filed within fourteen days after such declaration.

(4) The poll shall be deemed to have been carried if the total number of valid votes recorded in favour of the proposal exceeds the total number of valid votes recorded against it.

(5) The separate rolls of the Petone Borough Council and the Lower Hutt Borough Council referred to in section fourteen of the principal Act shall be used at such poll, and it shall not be necessary to prepare any combined roll for the purpose of such poll.

(6) No such contract shall be entered into by the Board unless and until such poll has been carried :

Provided that nothing in this Act shall be deemed to make it obligatory upon the Board to take such poll (except as a condition precedent to its entering into any such contract) or to enter into any such contract after such poll has been carried.

(7) Except as hereby modified, the provisions of the Local Elections and Polls Act, 1925, shall apply to such poll and all proceedings in connection therewith.

Company may lay
mains, &c.

4. (1) For the purpose of such contract the company is hereby empowered to lay any and all gas-mains necessary for the purpose of delivering gas pursuant to such contract from the company's works at Miramar to a point within the Board's district to be agreed upon between the Board and the company, and for the purposes aforesaid to construct all necessary pumping-siphons, traps, manholes, and other incidental works.

(2) The provisions of the Wellington Gas Company's Act, 1870, shall, *mutatis mutandis*, apply to all such mains and works before, during, and after construction.

(3) All pumping-siphons, traps, or other works to which the company desires to have periodical access shall, if situated beneath any road or street, be covered with manholes or other appliances for rendering unnecessary the breaking-up of the contiguous surface of such road or street; and all such manholes or appliances shall be supplied and installed to the approval of the local or other authority having control of such road or street.

(4) The company may at any time open any such manhole or other appliance, and shall while the same remains open cause the opening to be properly barricaded and guarded, and shall cause a light or lights sufficient for the warning of passengers to be set up and maintained against every such barricade every night from daylight to daylight.

Contract may be
varied.

5. It shall be lawful for the company and the Board from time to time to agree to such modifications or additions of or to the said contract as may be found necessary to give full or more convenient effect thereto, and such modifications shall be deemed for all purposes to form part of the contract hereby authorized.

Borrowing-powers of
Board extended.

6. (1) Notwithstanding anything to the contrary in any Act, it shall be lawful for the Board from time to time, by special resolution, to borrow for purposes of reticulation such sums, and upon such terms as to interest, security, and provision for repayment, as shall from time to time be approved by the Local Government Loans Board, without taking the steps prescribed by sections nine to thirteen of the Local Bodies' Loans Act, 1926.

(2) Before making application to the Local Government Loans Board for authority to borrow any sum for purposes of reticulation the Board shall cause to be published once in each week in two successive weeks, in two newspapers circulating within the Board's district as defined by the principal Act, a notice setting forth the fact that the Board intends to consider, at a meeting the date, time, and place of which shall be stated in such notice, a motion to apply to the Local Government Loans Board for authority to raise a loan, and also—

(a) The sum proposed to be borrowed for purposes of reticulation:

(b) The locality and extent of the proposed work, with the other purposes (if any) upon which the loan-moneys are to be expended:

(c) The proposed security and provision for repayment of the loan:

(d) The fact that the Board is not required to hold a poll of ratepayers before proceeding to raise the loan :

(e) The place or places at which objections in writing will be received, and a day (not earlier than twenty-eight days after the first publication of the notice) before which such objections are required to be lodged.

(3) The Board shall when making application to the Local Government Loans Board submit a list of the names and addresses of all ratepayers who have objected in writing to the proposed loan, with a note of the reasons (if any) given by each objecting ratepayer, and shall also submit a summary of all oral objections received at the meeting to consider the motion to apply.

(4) No such application shall be made to the Local Government Loans Board until the expiration of thirty days after the first publication of the notice aforesaid.

(5) The provisions of the Local Government Loans Board Act, 1926, with regard to applications to the Local Government Loans Board shall apply to applications by the Board under this Act.

7. Nothing hereinbefore contained shall in any way limit the borrowing or rating powers of the Board under any other Act for the time being in force. Saving of existing borrowing-powers.

8. (1) Notwithstanding anything contained in the Petone and Lower Hutt Gas-lighting Amendment Act, 1926, it shall be lawful at any time after the commencement of this Act for the Board (subject to the provisions of the Local Government Loans Board Act, 1926) to raise a loan or loans for the purpose of extinguishing the Board's overdraft existing at the commencement of this Act, whether incurred under the Petone and Lower Hutt Gas-lighting Amendment Act, 1926, or otherwise. This Act applied to existing overdraft.

Refer: S 77 1928 No. 48

(2) Any such loan or loans shall be borrowed under authority of this Act in the manner and subject to the conditions hereinbefore set forth.

9. If at any time after proceedings have been taken or commenced for raising a loan under this Act it is discovered that any of the proceedings were irregular or defective, or if doubt arises as to the regularity or sufficiency of any necessary proceeding, the Governor-General, if satisfied that the ratepayers have not thereby been misled, may, by Order in Council gazetted, validate such proceedings, and thereupon neither the validity or sufficiency of the proceedings, nor the validity of the security for the loan, shall be questioned upon the ground of such irregularity or defect. Validation of irregularities.

10. The Board may in every financial year, out of its General Account or Fund, expend for purposes not authorized by any Act or law for the time being in force any sum or sums not amounting in the whole to more than twenty-five pounds. Unauthorized expenditure.

11. (1) The Board shall consist of seven members.

Substitution for section 5 of principal Act.

(2) Whenever there shall be a general election of Councillors in each borough, the electors of each borough shall elect two members of the Board, and one of the members previously elected by the electors of each borough respectively shall remain in office, and the four newly elected members, with the two members remaining in office, shall

proceed to appoint a seventh member, who, in the event of their being unable to agree, shall be appointed by the Governor-General in Council.

(3) The two members to remain in office at the next ensuing election shall be chosen by lot, and at every subsequent election the two members to remain in office shall be the member elected by the electors of the Borough of Petone and the member elected by the electors of the Borough of Lower Hutt who has held office for a shorter period than the other members elected by the same borough; and as between two or more such members who have held office for an equal period the matter shall be determined by lot.

(4) For the purposes of this section the length of time a member has held office shall be reckoned as an unbroken period from his election or appointment until the next ensuing occasion upon which he is defeated as a candidate for election, or resigns, vacates, or is ousted from office; and shall after any such occasion be so reckoned from his next election or appointment, and so on.

(5) The appointed member shall be deemed to vacate and shall vacate office only upon the appointment of his successor.

(6) This section is in substitution for section five of the principal Act, and that section is hereby repealed accordingly.

Bailment of
appliances.

12. (1) It shall be lawful for the Board to bail or let on hire-purchase to any consumer any appliances for heating, cooking, or lighting by gas.

(2) All contracts for the bailment or letting on hire-purchase to consumers of appliances for heating, cooking, or lighting by gas heretofore made or entered into by the Board are hereby validated and declared to have been lawfully made and entered into.

(3) No such appliance shall be deemed to be within the possession, order, or disposition of any bailee within the meaning of the Bankruptcy Act, 1908.
