

New Zealand.

ANALYSIS

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1927, No. 21.—*Local and Personal.*

Title.

AN ACT to amend the Christchurch Tramway District Act, 1920.
[30th November, 1927.]

Short Title.

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

1. This Act may be cited as the Christchurch Tramway District Amendment Act, 1927, and shall be read together with and deemed part of the Christchurch Tramway District Act, 1920 (hereinafter referred to as the principal Act).

Inquiry Commission,
and Renewal
Account.

2. (1) The Christchurch Tramway Board may from time to time appoint an Inquiry Commission, consisting of two Commissioners, to inquire into and report as to what annual sum, calculated with regard to the original cost of the undertaking of the Board, should be charged against the Board's Revenue Account and appropriated to a Renewal Account for the purpose of replacing the plant and works of the Board as the same shall become in whole or in part worn out, obsolete, or otherwise incapable of profitable use by the Board. The Commissioners in making such inquiry shall take into consideration the effect of the sinking fund; and the recommendation of the Commissioners may apply to the general undertaking of the Board, and to any undertakings of the Board in respect of which separate accounts may from time to time be kept by the Board, whether such separate accounts are kept by statutory direction or otherwise.

(2) The Board shall in every year charge the Revenue Account with and appropriate to a Renewal Account such sum as shall be fixed by the Board at its discretion from time to time, but having regard to any recommendation of the said Inquiry Commission. Until any such recommendation is made the Board shall be at liberty to act from time to time upon any report which may have been made by Commissioners appointed under section fifty-three of the principal Act.

(3) Sums appropriated to a Renewal Account may be used from time to time at the Board's discretion for the purpose of replacing or of renewing any part of the plant or works of the Board which in the opinion of the Board it would not be reasonable to charge against Revenue Account in respect of maintenance and repairs. The unexpended balance, if any, of the moneys appropriated to the Renewal Account shall be transferred by the Board annually to the Depreciation Account.

(4) The Depreciation Account as constituted immediately prior to the passing of this Act, together with all such moneys as may be transferred to such account as provided in the last preceding subsection, shall be and remain the Depreciation Account referred to in section fifty-five and the following sections of the principal Act.

(5) Where under sections three and five of the Christchurch Tramway District Amendment Act, 1926, or section nine of this Act any sums shall be paid into the Christchurch Tramway Sinking Fund, such sums so paid shall for the purpose of calculating the annual sum to be credited to Renewal Account under the provisions of this section be deducted from the total original cost of the undertaking.

(6) The foregoing subsections are in substitution for sections fifty-three and fifty-four of the principal Act and section six of the Christchurch Tramway District Amendment Act, 1926, which sections are accordingly hereby repealed.

(7) Section ten of the Christchurch Tramway District Amendment Act, 1926, is hereby repealed.

3. When any special-rating area consisting of some defined part of the district is hereafter created under the Local Bodies' Loans Act, 1926, in order that a tramway trackless trolley or motor-omnibus service under the Motor-omnibus Traffic Act, 1926, or any amendment thereof, may be installed or provided for the benefit of such defined part of the district, the Capital Account of the said special-rating area shall include the cost of the tracks, rolling-stock, and other property purchased or used for such service, and a proportion of the capital cost of power, plant, rolling-stock, buildings, and other assets in the use of which the special-rating area shares; such apportionment to be based on the number of miles run in respect of such special-rating area as compared with the number of miles run in respect of the rest of the district. The Revenue Account of the said special-rating area shall include such provision for depreciation or renewal as the Board shall from time to time fix as hereinbefore in this Act provided, and the payment of interest and sinking fund, all based upon the Capital Account of the special-rating area as hereinbefore defined. The Revenue Account shall also include all such operating charges as are usual and proper. If the revenue from tramway trackless trolley or motor-omnibus service installed or provided for the benefit of such

special-rating area is insufficient to meet all such charges, it shall be lawful for the Board by special order to make and levy a special rate annually on all rateable property within the said special-rating area sufficient to repay to the Board the amount of such deficiency.

Alteration of
street-levels.

4. (1) If the local authority having control of any road or street along which a tram-line of the Board is laid intends to alter the level of such road or street or any part thereof, such local authority shall give notice of its intention to the Board. In default of agreement between such local authority and the Board as to payment of the cost of any consequential alterations in the levels of the tram-line, the cost of such alterations shall be borne by such party as shall be determined by arbitrators appointed in manner provided by the Arbitration Act, 1908. Each party shall appoint an arbitrator with liberty to appoint an umpire, and this subsection shall be deemed to be a submission within the meaning of that Act.

(2) Before any new tram-line is laid by the Board on any road or street, or any section of any existing tram-line is completely renewed, the Board shall apply to the local authority having control of such road or street for the levels at which such tram-line or section thereof shall be laid, and such local authority shall provide the Board with such levels.

Building and leasing.

5. Section fifty of the principal Act is hereby amended by adding thereto the following paragraph:—

“(d) Erect or add to any building upon the land of the Board at Cathedral Square, Christchurch, being the lands comprised in certificates of title, Volume 185, folio 61, and Volume 240, folio 244, and from time to time grant leases of the whole or any part of such land or buildings. And the Board shall in respect of the whole or any part of such land or buildings have the same powers of leasing as are conferred on a Borough Council by the Municipal Corporations Act, 1920, in respect of lands and buildings vested in the Corporation of the borough.”

Modification of
Motor-omnibus
Traffic Act, 1926.

6. (1) The provisions of section ten of the Motor-omnibus Traffic Act, 1926, shall not require or entitle the licensing authority to prescribe the time-tables to be observed by any motor-omnibus services of the Board, or the fares to be charged on such motor-omnibus services, to any further extent than the Governor-General in Council prescribes the time-tables and fares of tramway services carried on by the Board; but the Board shall from time to time notify the licensing authority of the time-tables and fares fixed by the Board.

(2) Notwithstanding anything to the contrary in the Motor-omnibus Traffic Act, 1926, it shall not be necessary for the Board to obtain any license or permission from the licensing authority to run motor-omnibuses for the purpose of supplementing its tramway service or motor-omnibus service upon tram routes or the Board's authorized bus routes:

Provided that only licensed omnibuses shall be used for the above-mentioned purpose.

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Authorizing Board
to raise loan by
special order and
repay General
Account for certain
omnibuses.

7. Whereas the Board, having been required under the provisions of the Motor-omnibus Traffic Act, 1926, by certain motor-omnibus proprietors to purchase certain motor-omnibuses and other property, paid in connection with the same the sum of seven thousand two hundred

and fifty pounds out of its General Account: And whereas the Board proposes by special order to borrow the sum of seven thousand two hundred and fifty pounds for the purpose of repaying to the said General Account the moneys so paid thereout: And whereas doubts have arisen as to the power and authority of the Board to borrow such sum and to repay to its General Account the moneys already paid thereout as aforesaid, and it is desired to authorize such proceedings: Be it therefore enacted as follows:—

The Board may by special order, and without taking the steps prescribed by sections nine to thirteen of the Local Bodies' Loans Act, 1926, borrow the sum of seven thousand two hundred and fifty pounds, and pay such sum into its General Account in repayment of the moneys already paid thereout as aforesaid.

8. If the Board acquires by purchase any motor-omnibus undertaking existing within the Christchurch Tramway District at the date of this Act the Board may pay for the same out of its General Account; or may by special order, and without taking the steps prescribed by sections nine to thirteen of the Local Bodies' Loans Act, 1926, borrow such amount as may be required for that purpose; or the Board may pay for the same in the first instance out of its General Account, and thereafter by special order, and without taking the steps prescribed by sections nine to thirteen of the Local Bodies' Loans Act, 1926, borrow such amount as may have been so paid out of its General Account and repay such amount into the General Account.

Purchase of motor-omnibus undertakings.

9. Where under the provisions of section sixty-two of the principal Act any surplus is in whole or in part employed in writing down the value of any motor-omnibuses purchased or otherwise acquired by the Board, or any other asset of the Board, the Board may pay into the Christchurch Tramway Sinking Fund such surplus or part thereof respectively, and thereupon the provisions of subsection five of section two of this Act and section eight of the Christchurch Tramway District Amendment Act, 1926, shall apply in respect of any sum so paid into such sinking fund.

Amount written off motor-omnibuses, &c., may be paid into sinking fund

10. (1) Subsection one of section fifteen of the principal Act is hereby amended by adding thereto the following proviso:—

“Provided that for the purposes of a general election the roll shall be deemed to be closed at five o'clock in the afternoon of the fourteenth day preceding the day appointed for that election.”

Section 15 of principal Act, with reference to closing of roll, amended.

(2) Subsection two of section fifteen of the principal Act is hereby repealed, and the following substituted therefor:—

“(2) Except pursuant to appeal under section fourteen hereof in cases where the appeal was pending at the time when the roll was closed, or for the purpose of complying with a claim for enrolment, or of an application for the alteration of an entry in the roll, delivered to the Board before the closing of the roll, no alteration or addition shall be made in or to the electors roll for the district while it is closed as aforesaid.”

11. The Governor-General may from time to time make such regulations as he thinks fit as to rolls for any elections or polls, and in so doing may authorize the Board to use as parts of the Board's roll the rolls or any part or parts of the rolls of any of the local bodies whose districts are within or partly within the Christchurch Tramway District,

Regulations.

without it being necessary for the Board to prepare any new lists of electors for the areas covered by such rolls or parts of rolls, and may authorize such local bodies to include in their rolls such information as he may think desirable for such purpose.

Preparation of
electoral roll.

12. (1) Subsection three of section nine of the principal Act is hereby repealed, and the following substituted therefor:—

“(3) Such list shall indicate the particular subdistrict in respect of which each elector is entitled to vote.”

(2) The regulations made under the principal Act on the twenty-ninth day of August, nineteen hundred and twenty-seven, and gazetted on the first day of September, nineteen hundred and twenty-seven, are hereby validated.
