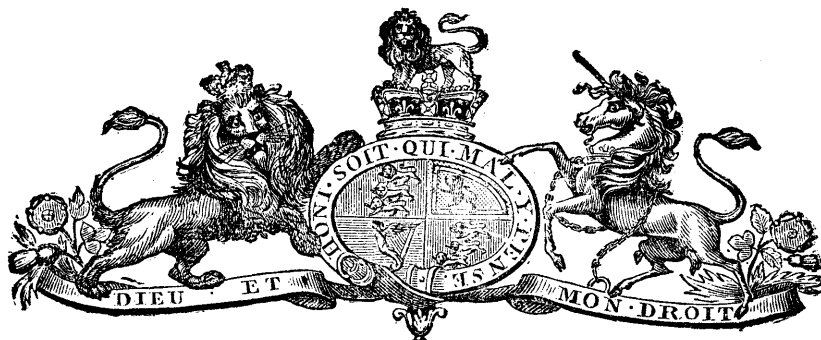


NEW ZEALAND.



TRICESIMO QUINTO

VICTORIÆ REGINÆ.

[Local and Personal.]

No. II.

ANALYSIS.

- | | |
|--|--|
| <p>Title
Preamble.
1. Short Title.
2. Interpretation.
3. Superintendent may construct Gasworks.
4. Power to break up streets and open drains.
5. Not to enter private land without consent.
6. Owners and occupiers of private lands may alter pipes.
7. Notice to be given to Board of Works before breaking up streets &c.
8. Streets &c. broken up to be reinstated.
9. Alteration of pipes on notice from Board of Works.
10. Board may act in default.
11. Power to contract for supplying gas &c.
12. Power to let meters.
13. Power to enter buildings for ascertaining quantities of gas consumed.
14. Recovery of rents due for gas.
15. Power to remove pipes.</p> | <p>16. Penalty for fraudulently using gas.
17. Penalty for damaging pipes.
18. Satisfaction for accidentally damaging pipes.
19. Power to contract for execution of works.
20. Charges for gas fixed by Superintendent and Executive Council.
21. How expenses to be paid.
22. Interest and sinking fund.
23. Separate account of all moneys received and paid under Act to be kept and audited.
24. Penalties how recovered.
25. Penalties to be sued for within six months.
26. Damages to be made good in addition to penalty.
27. Form of conviction.
28. In whose name proceedings may be taken.
29. Proceedings not to be quashed for want of form.
30. Copies of Act to be kept by Superintendent and deposited in certain places.
31. Nothing in this Act to exempt Superintendent from being indicted for a nuisance.
Schedule.</p> |
|--|--|

AN ACT to authorize the Superintendent of the Province of Nelson to break up Streets Roads and Bridges and to lay down and place Pipes Conduits and Service Pipes and to make and construct other Works for supplying the City of Nelson with Gas. [14th November 1871.]

WHEREAS it is expedient that provision should be made for authorizing the Superintendent of the Province of Nelson to supply the City of Nelson and the inhabitants thereof with gas and to construct the necessary works for that purpose and for other purposes relating thereto :

Nelson City Gas.

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. The Short Title of this Act shall be "The Nelson City Gas Act 1871."

Interpretation.

2. The following words and expressions in this Act shall have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction that is to say:—

Words importing the singular number only shall include the plural number and words importing the plural number only shall include the singular number.

Words importing the masculine gender shall include females.

The word "person" shall include corporation whether aggregate or sole.

The word "lands" shall include messuages lands tenements and hereditaments.

The word "Superintendent" shall include the Superintendent and Deputy Superintendent of the Province of Nelson for the time being.

The word "street" shall include any street court or alley highway lane road thoroughfare or public passage or place within the City of Nelson.

The expression "rent" shall include any reward or payment to be made to the Superintendent for a supply of gas.

The expression "two Justices" shall mean two or more Justices met and acting together or a Resident Magistrate.

Superintendent may construct gasworks.

3. It shall be lawful for the Superintendent to construct all such works as he shall think necessary or expedient for the manufacture of gas upon a certain parcel of land situated below high watermark at the Port of Nelson granted to the Superintendent of the Province of Nelson by a certain deed of grant bearing date on or about the ninth day of February one thousand eight hundred and fifty-six and thereon to manufacture gas and supply the same within the City of Nelson.

Power to break up streets and open drains.

4. The Superintendent may also open and break up the soil and pavement of the several streets and bridges within the City of Nelson and may open and break up any sewers drains or tunnels within or under such streets and bridges and lay down and place within the same limits pipes conduits service-pipes and other works and from time to time repair alter or remove the same and also make any sewers that may be necessary for carrying off the washings and waste liquids which may arise in the making of the gas and for the purposes aforesaid may remove and use all earth and materials in and under such streets and bridges and may in such streets erect any pillars lamps and other works and do all other acts which the Superintendent shall from time to time deem necessary for supplying gas within the City of Nelson doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the execution of such powers.

Not to enter private land without consent.

5. Provided that nothing herein contained shall authorize or empower the Superintendent to lay down or place any pipe or other works into through or against any buildings or in any land not dedicated to public use without the consent of the owners and occupiers thereof except that the Superintendent may at any time enter upon and lay or place any new pipe in the place of an existing pipe in any land wherein any pipe shall have been already laid down or placed by the Superintendent in pursuance of this Act or any other

Nelson City Gas.

Act of the General Assembly of New Zealand and may repair or alter any pipe so laid down.

6. Provided further that it shall be lawful for any owner or occupier of any building or land not dedicated to public use into through or against or in which any pipe or other works shall have been laid down or placed with such consent as aforesaid at any time thereafter if such owners or occupiers shall deem it necessary or expedient upon giving forty-eight hours' notice to the Superintendent at his own costs and charges but under the directions of the Superintendent to alter and vary the position of such pipe or other works and to relay and replace the same so that full compensation be made for any damage done thereby or for any hindrance which may thereby be occasioned to the lighting of any public or private lamp.

Owners and occupiers of private lands may alter pipes.

7. Before the Superintendent proceed to open or break up any street bridge sewer drain or tunnel he shall give to the Nelson Board of Works or other persons under whose control or management the portion so opened or broken up may be or to their Surveyor or other officer notice in writing of the intention of the Superintendent to open or break up the same not less than forty-eight hours before such works shall be begun except in cases of emergency.

Notice to be given to Board of Works before breaking up streets &c.

8. When the Superintendent opens or breaks up the road or pavement of any street or bridge or sewer drain or tunnel he shall with all reasonable speed complete the work for which the same shall be broken up and fill in the ground and reinstate and make good the bead or pavement or the sewer drain or tunnel so opened or broken up and carry away the rubbish occasioned thereby.

Streets &c. broken up to be reinstated.

9. The Board of Works for the City of Nelson if they deem it necessary to raise sink or otherwise alter the situation of any gas-pipes or other gasworks laid in any of the streets may from time to time by notice in writing require the Superintendent to cause forthwith or as soon as conveniently may be any such pipes or works to be raised sunk or otherwise altered in position in such manner as the said Board shall direct Provided that such alterations be not such as permanently to injure such works or to prevent the gas from flowing as freely and conveniently as before and the expenses attending such sinking raising or altering and full compensation to all persons for every damage done thereby shall be paid by the Board of Works.

Alteration of pipes on notice from Board of Works.

10. If the Superintendent do not proceed forthwith or as soon as conveniently may be after the receipt of such notice to cause the same to be raised sunk or altered in such manner as the Board of Works may require they may cause such pipes or works to be raised sunk or altered as they think necessary provided that such works be not permanently injured or the gas prevented from flowing as freely and conveniently as before.

Board may act in default.

11. The Superintendent may from time to time enter into any contract with any person for lighting or supplying with gas any public or private buildings or for providing any person with pipes burners meters and lamps and for the repairs thereof and may also from time to time enter into any contract with the Board of Works or other persons having the control of the streets within the City of Nelson for lighting the same or any of them with gas and for providing such Board or persons with lamps lamp-posts burners and pipes for such purpose and for the repairs thereof in such manner and upon such terms as shall be agreed upon between the Superintendent and the said Board or other persons.

Power to contract for supplying gas &c.

12. The Superintendent may let for hire any meter for ascertaining the quantity of gas consumed or supplied and any fittings for the gas for such remuneration in money as shall be agreed upon between

Power to let meters.

Nelson City Gas.

the Superintendent and any person to whom the same may be so let and such remuneration shall be recoverable in the same manner as the rents or sums due for gas and such meters and fittings shall not be subject to distress for rent of the premises where the same may be used nor be taken in execution under any process or proceeding of a Court of Law or Equity or in Bankruptcy against the person in whose possession the same may be.

Power to enter buildings for ascertaining quantities of gas consumed.

13. The Clerk Collector Engineer or other officer duly appointed for the purpose by the Superintendent may at all reasonable times enter any dwelling or place lighted with gas supplied by the Superintendent in order to inspect the meters fittings and works for regulating the supply of gas and for the purpose of ascertaining the quantity of gas consumed or supplied and if any person hinder such officer as aforesaid from entering and making such inspection as aforesaid at any reasonable time he shall for every such offence forfeit a sum not exceeding five pounds.

Recovery of rents due for gas.

14. If any person supplied with gas neglect to pay the rent due for the same the Superintendent may stop the gas from entering the premises of such person by cutting off the service-pipe or by such means as he shall think fit and recover the rent due from such person together with the expense of cutting off the gas and the costs of recovering the rent by action in any Court of Law of competent jurisdiction.

Power to remove pipes.

15. In all cases in which the Superintendent is authorized to cut off and take away the supply of gas from any house building or premises under the provisions of this Act the Superintendent his agents or workmen after giving twenty-four hours' previous notice in writing to the occupier or if no occupier then after leaving such notice on any portion of the premises may enter into the same between the hours of nine in the forenoon and five in the afternoon and remove and carry away any pipe meter fittings or other works the property of the Superintendent.

Penalty for fraudulently using gas.

16. Every person who shall lay or cause to be laid any pipe to communicate with any pipe belonging to the Superintendent without his consent or shall fraudulently injure any such meter as aforesaid or who in case the gas supplied is not ascertained by meter shall use any burner other than such as has been supplied or approved of by the Superintendent or of larger dimensions than he has contracted to pay for or shall keep the lights burning for a longer time than he has contracted to pay for or who shall otherwise improperly use or burn such gas or shall supply any other person with any part of the gas supplied to him by the Superintendent shall forfeit to the Superintendent the sum of five pounds for every such offence and also the sum of forty shillings for every day such pipe shall so remain or such works or such burners shall be so used or such excess be so committed or continued or such supply furnished and the Superintendent may take off the gas from the house and premises of the person so offending notwithstanding any contract which may have been previously entered into.

Penalty for damaging pipes.

17. Every person who shall wilfully disconnect remove destroy or damage any pipe pillar post plug lamp meter or other work belonging to the Superintendent or under his control or constructed under the authority of this Act for supplying gas or who shall wilfully extinguish any of the public lamps or lights or waste or improperly use any of the gas supplied by the Superintendent shall for each such offence forfeit to the Superintendent any sum not exceeding five pounds in addition to the amount of damage done.

Satisfaction for accidentally damaging pipes.

18. Every person who shall carelessly or accidentally break throw down or damage any pipe pillar post or lamp belonging to the Superin-

Nelson City Gas.

tendent or under his control shall pay such sum of money by way of satisfaction to the Superintendent for the damage done not exceeding ten pounds as any two Justices shall think reasonable.

19. The Superintendent may from time to time enter into any contracts with any persons for the construction execution or carrying out of all or any of the works authorized by this Act and for the supply of coals and other materials and may appoint and employ such surveyors engineers clerks collectors and workmen as he may deem necessary and may remove such officers and workmen and may appoint others in their stead and may pay such officers and workmen such remuneration as he shall deem reasonable.

Power to contract for execution of works.

20. The amount to be charged for gas supplied under the authority of this Act shall from time to time be fixed by the Superintendent and Executive Council of the Province of Nelson Provided that the profits of the undertaking shall not exceed twenty pounds per centum per annum on the sum expended upon the same And if it shall appear at any time that the profits have exceeded such twenty pounds per centum per annum for the whole time since the passing of this Act a rateable reduction shall be made by the Superintendent in the price of the gas supplied by him so that such rates when reduced shall produce a profit not exceeding that herein above prescribed.

Charges for gas fixed by Superintendent and Executive Council.

21. All expenses incurred incident to the passing of this Act and the construction of the works the manufacture of gas and other purposes hereby authorized shall be paid by the Superintendent from time to time by warrant under his hand out of any moneys which may be received under or by virtue of this Act or which may be borrowed or received for such purposes under the authority of any Act which may be passed by the General Assembly of New Zealand or by the Superintendent and Provincial Council of the Province of Nelson.

How expenses to be paid.

22. The Superintendent may also from time to time by warrant under his hand pay out of any moneys which may be received as aforesaid any interest and sinking fund which may become due or payable upon any money borrowed for the purposes of this Act.

Interest and sinking fund.

23. A separate account shall be kept of all moneys received and paid under the authority and for the purposes of this Act, and shall be audited by the Provincial Auditor in the same manner as the Provincial Accounts.

Separate account of all moneys received and paid under Act to be kept and audited.

24. All fines penalties forfeitures or sums of money which under or by virtue of this Act shall be authorized or directed to be imposed on any person shall and may be recovered in a summary way before any two Justices of the Peace in manner provided by "The Justices of the Peace Act 1866" so far as the same relates to summary convictions or by any Act repealing or amending the same or for the like purposes.

Penalties how recovered.

25. No person shall be liable to the payment of any penalty or forfeiture imposed by or by virtue of this Act unless the complaint respecting such offence shall have been made before two Justices within six calendar months next after the commission of such offence.

Penalties to be sued for within six months.

26. If through any act neglect or default on account whereof any person shall have incurred any penalty imposed by or by virtue of this Act any damage to the property of the Superintendent shall have been committed by such person he shall be liable to make good such damage as well as to pay such penalty and the amount of such damage shall in case of dispute be determined by the Justices by whom the party incurring such penalty shall have been convicted and shall be leviable by distress and sale as in the case of judgment by two Justices.

Damages to be made good in addition to penalty.

27. The Justices before whom any person shall be convicted of

Form of conviction.

Nelson City Gas.

any offence against this Act may cause the conviction to be drawn up according to the form in the Schedule to this Act annexed.

In whose name proceedings may be taken.

28. All proceedings under this Act for the recovery of any rents damages or penalties may be had and taken in the name of the Superintendent or of any Clerk or Collector and shall not abate by reason of the death resignation or removal of any such Superintendent Clerk or Collector.

Proceedings not to be quashed for want of form.

29. No proceedings in pursuance of this Act shall be quashed or vacated for want of form.

Copies of Act to be kept by Superintendent and deposited in certain places.

30. The Superintendent shall at all times after the expiration of six calendar months from the passing of this Act or any future Act amending or repealing the same keep at the Superintendent's office a copy of this Act and of any future Act printed under the authority of the Government of New Zealand and shall also within the space of such six calendar months deposit in the office of the Registrar of the Supreme Court of New Zealand in the Nelson District thereof and in the office of the Clerk to the Resident Magistrate at the City of Nelson and in the office of the Board of Works a copy of this Act and of such future Act so printed as aforesaid and the copies so deposited and kept shall be open to inspection by all persons interested at all reasonable hours in the day.

Nothing in this Act to exempt Superintendent from being indicted for a nuisance.

31. Nothing in this Act contained shall prevent the Superintendent from being liable to an indictment for nuisance or any other legal processes to which he may be liable in consequence of making or supplying gas.

Schedule.

SCHEDULE.

SCHEDULE REFERRED TO IN THE FOREGOING ACT.

Province of Nelson, New Zealand, }
to wit.

BE it remembered that on the day of in the year of our Lord one thousand eight hundred and A.B. is convicted before C.D. and E.F. two of Her Majesty's Justices of the Peace for the Colony of New Zealand (*or* before G.H. Resident Magistrate) [*Here describe the offence generally and the time and place when and where committed*] contrary to "The Nelson City Gas Act 1871."

Given under our hands and seals [*or* my hand and seal] the day and year first above written.

C.D. (Seal.)

E.F. (Seal.)

or

G.H. (Seal.)

WELLINGTON, NEW ZEALAND :

Printed under the authority of the New Zealand Government, by GEORGE DIDSBURY, Government Printer.