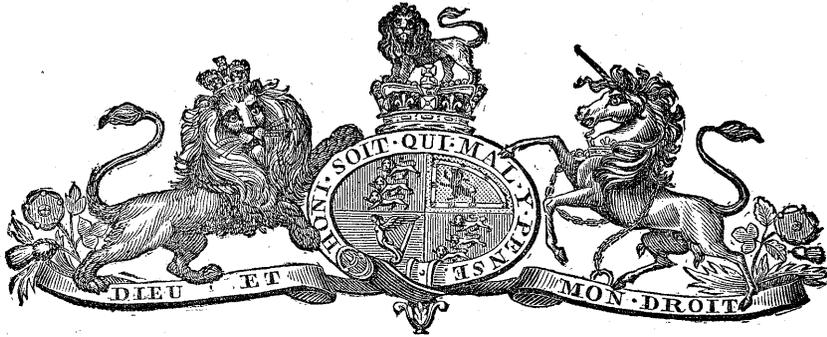


NEW ZEALAND.



TRICESIMO SEPTIMO

VICTORIÆ REGINÆ.

[*Local and Personal.*]

No. III.

ANALYSIS.

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Thames Gas Company.

Title.

AN ACT to authorize "The Thames Gas Company (Limited)" to break up Streets and Bridges, and to lay down and maintain Pipes Conduits and Service-pipes for supplying the Thames Gold Field and its Vicinity with Gas. [2nd October, 1873.]

Preamble.

WHEREAS a Joint Stock Company has been incorporated under the provisions of "The Joint Stock Companies Act, 1860," by the name of "The Thames Gas Company (Limited)," having for its object the production of gas and the supply thereof within the Towns of Grahamstown and Shortland and the Thames Gold Field: And whereas it is expedient that powers should be given to enable the said Company to carry out the object for which it was established:

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 Thames Gas Company's Act, 1873."

Interpretation.

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

The word "Company" shall mean "The Thames Gas Company (Limited)."

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

The word "street" shall include any square court or alley highway lane road thoroughfare wharf jetty dock and public passage or place.

The expression "gasworks" shall mean the gasworks belonging to the said Company and the works connected therewith.

The word "rent" shall include any reward or payment to be made to the said Company for a supply of gas.

The expression "Resident Magistrate" shall also mean two or more Justices of the Peace met and acting together.

The expression "Highway Board" shall mean any body or person for the time being having the control or management of the streets.

Power under superintendence to break up streets, &c., and open drains, &c.

3. The Company, under such superintendence as is hereinafter specified, may open and break up the soil and pavement of the several streets and bridges within the limits of this Act, and may open and break up any sewers drains or tunnels within or under such streets and bridges, and lay down and place pipes conduits service-pipes and other works other than for the manufacture of gas, and from time to time repair alter or remove any pipes conduits service-pipes or other works heretofore or hereafter to be laid down or placed, 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 Company shall from time to time deem necessary for supplying gas within the limits aforesaid, doing as little damage as may be in the execution of the powers hereby granted, and making compensation for any damage that may be done in the execution of such powers.

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4. Provided always that nothing herein shall authorize or empower the Company 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 or occupiers thereof; but the Company 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 hath heretofore been or hereafter may be lawfully laid down or placed by the Company, and may repair or alter any pipe or work so laid down and placed.

Not to enter on private lands without consent.

5. 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 which any pipe or other works shall have been laid down or placed with the consent of the owner or occupier thereof for the time being, at any time thereafter, if such owner or occupier for the time being shall deem it necessary or expedient, upon giving forty-eight hours' notice to the Company, at his own costs and charges, but under the superintendence of the Company, 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 to the Company, or for any hindrance or obstruction which may thereby be occasioned to the lighting of any public or private lamp.

Owners and occupiers of private lands may alter position of pipes.

6. Before the Company proceed to open or break up any street bridge sewer drain or tunnel, the Company shall give to the Highway Board or other person under whose control or management the same may be, or to their Clerk Surveyor or other officer, notice in writing of their intention to open or break up the same not less than forty-eight hours before beginning such work, except in cases of emergency arising from defects in any of the pipes or other works, and then as soon as is possible after the beginning of the work or the necessity for the same shall have arisen.

Before breaking up streets notice to be given.

7. No street bridge sewer drain or tunnel shall, except in cases of emergency, be opened or broken up except under the superintendence of an officer appointed by the Highway Board for that purpose, and according to such plans as shall be approved by such officer, or in case of any difficulty respecting such plans then according to such plans as shall be determined by a Resident Magistrate; and such Resident Magistrate may, on the application of such Highway Board or other person having the control or management of any street bridge sewer drain or tunnel, or their officer, require the Company to make such temporary or other works as such Resident Magistrate may think necessary for guarding against any interruption of the drainage during the execution of any works which interfere with any such street bridge sewer drain or tunnel: Provided always that if the Highway Board or other person having such control or management as aforesaid, and their officer, fail to attend at the time fixed for the opening or breaking up of any such street bridge sewer drain or tunnel, after having had such notice of the Company's intention as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the Company may perform the work specified in such notice without the superintendence of such persons or their officer.

Streets &c. not to be broken up except under superintendence of persons having control of same.

If persons having control fail to superintend, Company may perform the work without them.

8. When the Company open or break up the road or pavement of any street or bridge, or any sewer drain or tunnel, they shall with all convenient speed complete the work for which the same shall be broken up, and fill in the ground, and reinstate and make good the road or pavement or the sewer drain or tunnel so opened or broken up, and carry away the rubbish occasioned thereby, and shall at all times whilst any such road or pavement shall be so opened or broken up

Streets broken up to be reinstated without delay.

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cause the same to be fenced and guarded, and shall cause a light sufficient for the warning of passengers to be set up and maintained against or near such road or pavement when the same shall be open or broken up, every night during which the same shall be continued open or broken up, and shall keep the road or pavement which has been so broken up in good repair for three months after replacing and making good the same and for such further time (if any), not being more than twelve months in the whole, as the soil so broken up shall continue to subside.

Penalty for delay in reinstating streets, &c.

9. If the Company open or break up any street or bridge or any sewer drain or tunnel without such notice as aforesaid, or in a manner different from that which shall have been approved of or determined as aforesaid, or without making such temporary or other works as aforesaid when so required, except in the cases in which the Company are hereby authorized to perform such works without any superintendence or notice, or if the Company make any unnecessary delay in completing any such work or in filling in the ground or reinstating or making good the road or pavement, or the sewer drain or tunnel so opened or broken up, or in carrying away the rubbish occasioned thereby, or if they neglect to cause the place where such road or pavement has been broken up to be fenced guarded and lighted, or neglect to keep the road or pavement in repair for the space of three months next after the same is made good or such further time as aforesaid, they shall forfeit to the persons having the control or management of the street bridge sewer drain or tunnel in respect of which such default is made a sum not exceeding five pounds for each day during which any such default delay or omission as aforesaid shall continue after they shall have received notice thereof.

In cases of delay, persons having control &c. may reinstate and recover expenses.

10. If any such delay or omission as aforesaid take place, the Highway Board or other person having the control or management of the street bridge sewer drain or tunnel in respect of which such delay or omission shall take place may cause the work so delayed or omitted to be executed, and the expense of executing the same shall be repaid to such Highway Board or other person by the Company; and such expenses may be recovered in the same manner as damages are recovered by an action or plaint in any Court of law of competent jurisdiction.

Alteration of pipes on notice from Highway Board.

11. The Highway Board, if they deem it necessary to raise sink or otherwise alter the situation of any gas-pipes or other works laid in any of the streets, may from time to time, by notice in writing, require the Company 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 Highway Board directs: Provided that such alteration 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 raising sinking or altering, and full compensation for every damage done thereby, shall be paid by the Highway Board as well to the Company as to all other persons.

Highway Board may act on default.

12. If the Company 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 Highway Board require, such Highway Board may themselves cause such pipes or works to be raised sunk or altered as they think fit: Provided that such works be not permanently injured thereby, or the gas prevented from flowing as freely and conveniently as before.

The majority of the inhabitants of any district may require the Company to extend their gas-pipes.

13. The inhabitants of any district within the limits of this Act may require the Company to extend their gas-pipes to any distance within the said limits, being not less than one mile in a continuous line, if they shall so desire, and a majority of the said inhabitants, being

Thames Gas Company.

ratepayers, shall sign a memorial addressed to the Company requiring them to make such extensions, and shall show to the satisfaction of a Resident Magistrate that the net profits of the Company to arise from such extension will not be less than fifteen pounds per centum per annum on the cost of such extension as aforesaid, and in a reasonable proportion of the cost of the works connected therewith; and such Resident Magistrate may, upon being satisfied thereon, make an order requiring the Company to commence and prosecute the works necessary for such extension from a time to be mentioned in such order, and the Company shall from such time use all due diligence in the prosecution of such works in compliance with the said order.

14. If the Company shall refuse or neglect to comply with such order, the Company shall forfeit a sum not exceeding five pounds, to be recoverable with costs in any Court of competent jurisdiction, for each day during which they shall refuse or neglect to comply with such order from the time when notice of such neglect or refusal shall have been served on the Company by any of such inhabitants, being ratepayers as aforesaid, unless it shall appear to such Court that the delay arose from circumstances beyond the control of the Company.

Penalty on Company for refusing or neglecting to do so.

15. The Company may from time to time enter into any contract for lighting or supplying with gas any public or private buildings, or 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 Highway Board, or other person having the control of any streets, for lighting the same or any of them with gas, and providing such Highway Board or other person 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 on between the Company and the said Highway Board or other person.

Power of Company to contract for lighting.

16. The Company 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 on between the Company 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 to the Company for gas; and such meters and fittings shall not be subject to distress for rent of the premises wherein the same may be used, nor to be taken in execution of any process of a Court of Law or Equity or in Bankruptcy against the person in whose possession the same may be.

Company may let meters.

17. The Clerk, Engineer, or other person duly appointed for the purpose by the Company, may at all reasonable times enter any building or place lighted with gas supplied by the Company 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 hinders such officer or person as aforesaid from entering and making inspection as aforesaid at any reasonable time, he shall for every such offence forfeit to the Company a sum not exceeding five pounds.

Officers of Company may enter buildings for ascertaining quantities of gas consumed.

18. If any person supplied with gas by the Company neglect to pay the rent due for the same, the Company may stop the gas from entering the premises of such person by cutting off the service-pipe or by such measures as the Company shall think fit, and may recover the rent due from such person, together with the expense of cutting off the gas, and the cost of recovering the rent by action in any Court of competent jurisdiction.

Recovery of rent due for gas.

19. Notice to the Company from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing, and be left at the registered office for the time being of the Company or

Notice of discontinuance.

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at the office of the Company's Manager at the Company's works at the Thames.

Power to take away pipes, &c., when supply of gas discontinued.

20. In all cases in which the Company are authorized to cut off and take away the supply of gas from any house or building or premises under the provisions of this Act, the Company, their agents or workmen, after giving twenty-four hours' previous notice to the occupier, may enter into any such house building or premises between the hours of nine in the forenoon and four in the afternoon, and remove and carry away any pipe meter fittings or other works the property of the Company.

Penalty for fraudulently using the gas of the Company.

21. Every person who shall lay or cause to be laid any pipe to communicate with any pipe belonging to the Company without their consent, or shall fraudulently alter or injure any such meter as aforesaid or part thereof, or shall fraudulently wilfully or knowingly prevent such meter from duly registering the quantity of gas supplied, or who, in case the gas supplied by the Company is not ascertained by meter, shall use any burner other than such as has been provided or approved of by the Company 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 Company, shall forfeit to the Company 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 burner shall be so used, or such excess be so committed or continued, or such supply furnished; and the Company 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.

Notice to Company of intended connection or disconnection of meter.

22. Before any person connects or disconnects any meter through which any of the gas of the Company is intended to be or has been registered, he shall give not less than twenty-four hours' notice in writing to the Company of his intention to do so; and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

Incoming tenant consuming gas without notice liable for arrears.

23. When any consumer leaves the premises where gas has been supplied to him without paying to the Company the gas-rent due from him, the Company shall be entitled to require from the next tenant payment of the arrears accruing since the meter shall have been last taken by the Company and left unpaid by the former tenant, if such next tenant shall consume any gas of the Company without having first given to the Company twenty-four hours' notice of his intention to do so; and if such notice shall be given, such incoming tenant shall not be liable for such arrears as aforesaid.

Penalty for wilfully damaging pipes.

24. Every person who shall wilfully disconnect remove destroy or damage any pipe pillar post plug lamp or other work of the Company 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 Company, shall for every such offence forfeit to the Company any sum not exceeding five pounds in addition to the amount of damage done.

Satisfaction for accidentally damaging pipes.

25. Every person who shall carelessly or accidentally break throw down or damage any pipe pillar post plug or lamp belonging to the Company or under their control shall pay such sum of money by way of satisfaction to the Company for the damage done, not exceeding ten pounds, as any Resident Magistrate shall deem reasonable.

Penalty for suffering pipes, &c., to be out of repair.

26. Every person supplied with gas by the Company who wilfully suffers any pipe meter or other gas-fitting to be out of repair, so that the gas supplied to him is wasted, shall for every such offence forfeit