

New Zealand.



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1921-22, No. 17.—*Local and Personal.*

AN ACT to provide for the Establishment and Powers of an Electric-power Board for the Metropolitan Area and the Suburban Districts of Auckland.

[19th January, 1922.]

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 Auckland Electric-power Board Act, 1921-22. Short Title.

2. In this Act, if not inconsistent with the context,—

Interpretation.

“Board” means the Auckland Electric-power Board constituted under this Act:

“Clerk” means the Clerk for the time being of the Board:

“Constituent district” means any borough, town district, county, or road district situated within and forming part of the Auckland Electric-power District:

“City Council” means the Auckland City Council or the Corporation of the Mayor, Councillors, and Citizens of the City of Auckland, as the case may require:

“District” means the Auckland Electric-power District constituted under this Act and as altered or enlarged from time to time:

“Electric works” includes generating-works, transmission-lines, transformer-stations, and all other works hereby authorized to be acquired, constructed, carried out, or operated for or in connection with the production, transmission, or supply of electricity:

“Engineer” means the Engineer for the time being of the Board :

“Financial year” means a period of twelve months ending on the thirty-first day of March in any year :

“Minister” means the Minister of Public Works :

“Prescribed” means prescribed by this Act, or by by-laws or regulations made under this Act :

“Ratepayer” means a person whose name appears for the time being in the occupiers’ column in the valuation roll of a constituent district in respect of rateable property within that district.

The District.

Description of district.

3. (1.) The City of Auckland, together with the boroughs of Onehunga, Otahuhu, Mount Albert, Mount Eden, and Newmarket; the road districts of One Tree Hill and Mount Roskill; the town districts of Ellerslie, Papakura, Papatoetoe, and Manurewa; and the County of Manukau, shall for the purposes of this Act form one district, to be known as the Auckland Electric-power District.

(2.) The Governor-General may at any time and from time to time, by Proclamation published in the *Gazette* with the consent of the Board and of the local authority of the area concerned, alter the boundaries of the district by including therein any local district not now included therein, or by excluding therefrom any local district now included therein.

The Board.

Constitution of Board.

4. (1.) There shall be for the district an Electric-power Board constituted as hereinafter provided.

(2.) The said Board shall be a body corporate under the name of the Auckland Electric-power Board, and shall have perpetual succession and a common seal, with power to purchase, take, hold, deal with, and dispose of real and personal property, and to do and suffer all that bodies corporate may lawfully do and suffer.

Members of Board.

5. (1.) The Board shall consist of twelve members elected as hereinafter provided.

(2.) The members of the Board shall be elected by all the ratepayers of the district.

(3.) Every ratepayer shall have one vote only, even though he is a ratepayer of more than one constituent district.

(4.) Every such election shall be held under and subject to the provisions of the Local Elections and Polls Act, 1908, and the provisions of that Act, including the penal provisions thereof and the provisions relating to disputed elections, shall, so far as applicable and so far as consistent with this Act, apply accordingly; and the Board shall be deemed a local authority under that Act for all the purposes of this Act.

Ratepayers roll.

6. (1.) For the purposes of any election or poll under this Act the rolls of the ratepayers of the several constituent districts taken together shall be deemed to be the roll of the ratepayers of the district.

(2.) It shall be the duty of the Clerk of the local authority of each constituent district, whenever requested so to do by the Board, or by the City Council in the case of the first election, to supply to the

Board or the City Council, as the case may be, a certified roll of the ratepayers of such constituent district, together with as many copies thereof as the Board may require.

(3.) The Board shall pay the sum of one shilling for each such copy.

7. (1.) At any election or poll under this Act only persons whose names appear on the roll of ratepayers shall be entitled to vote. Election of members.

(2.) At any such election or poll the vote of any ratepayer may be recorded at any polling-place within any constituent district in which is situated rateable property in respect of which he is a ratepayer, or at any polling-place within or without the district which may be specially appointed as a polling-place at which may be recorded the votes of ratepayers irrespective of the location of the rateable property in respect of which they are entitled to vote.

(3.) For the purposes of any such election or poll the Returning Officer appointed by the local authority of a constituent district may be appointed a Returning Officer or Deputy Returning Officer of the Board for such constituent district.

8. (1.) The first election of members of the Board shall be held during the month of February in the year nineteen hundred and twenty-two, and the City Council shall make all necessary provision for the holding of such election. First election.

(2.) The expenses of such election shall be paid, in the first instance, by the City Council; but such expenses shall be refunded by the Board to the City Council upon demand.

(3.) The City Council shall make all necessary arrangements for the first meeting of the Board.

9. Each member of the Board shall come into office upon his election, and shall, unless his office sooner becomes vacant, hold office until the election of his successor. Members coming into office.

10. In the month of April in the year nineteen hundred and twenty-six, and in the month of April in every fourth year thereafter, a general election of members of the Board shall be held. Date of general election.

11. (1.) No person other than a ratepayer shall be capable of being elected or appointed as a member of the Board. Qualification of members.

(2.) The following persons shall be incapable of being elected to be members of the Board, that is to say:—

(a.) A minor:

(b.) An alien:

(c.) A person of unsound mind:

(d.) A bankrupt who has not obtained his order of discharge, or whose order of discharge is suspended for a term not yet expired or is subject to conditions not yet fulfilled:

(e.) A person convicted of any offence punishable by imprisonment, unless he has received a free pardon, or has served his sentence, or otherwise suffered the penalty imposed on him:

(f.) A person who holds any office or place of profit under or in the gift of the Board:

(g.) A person who is concerned or interested (otherwise than as a member of an incorporated company in which there are not less than twenty members, and of which he is neither a

director nor the general manager or manager) in any contract made by the Board (other than a contract relating to land entered upon or taken, or proposed to be entered upon or taken, for electric works under the authority of this Act) if the payment made or to be made in respect of any such contract exceeds five pounds in the case of a single contract, or ten pounds altogether in any financial year in the case of two or more contracts :

Provided that an interest in any loan raised by the Board (whether on security or otherwise), or in any newspaper in which the Board inserts advertisements, shall not constitute a disqualification under this section.

Extraordinary Vacancies.

Extraordinary
vacancies.

12. (1.) The office of a member shall become vacant if he—

- (a.) Dies ; or
- (b.) Resigns his office by writing under his hand delivered to the Clerk or Chairman of the Board, or is ousted of office ; or
- (c.) Becomes a bankrupt, or makes any composition with his creditors for less than twenty shillings in the pound, or makes an assignment of his estate for the benefit of his creditors ; or
- (d.) Becomes of unsound mind ; or
- (e.) Is convicted on an indictment, or is sentenced by the Supreme Court on a plea of Guilty to any charge of an indictable offence, or is sentenced by any Court for any offence to imprisonment without the option of a fine, or to reformatory detention under any Act ; or
- (f.) Is absent without leave from four consecutive meetings of the Board ; or
- (g.) Holds any office or place of profit under or in the gift of the Board ; or
- (h.) Is concerned or interested, whether directly or indirectly (otherwise than as a member of an incorporated company in which there are not less than twenty members, and of which he is neither a director nor the general manager or manager), in any contract made by the Board (other than a contract relating to land entered upon or taken, or proposed to be entered upon or taken, for electric works under the authority of this Act) if the payment made or to be made in respect of any such contract exceeds five pounds in the case of a single contract, or ten pounds altogether in any financial year in the case of two or more contracts :

Provided that an interest in any loan raised by the Board (whether on security or otherwise), or in any newspaper in which the Board inserts advertisements, shall not constitute a cause of forfeiture under this section ; or

- (i.) Is convicted of an offence against section twenty hereof.
- (2.) If any person does an act as a member after his office has become vacant under this section, he shall be liable on summary conviction to a fine of fifty pounds.
- (3.) If any member becomes concerned or interested in any contract made by the Board so as thereby to forfeit his office under

this section, he shall be liable on summary conviction to a fine of fifty pounds, and shall not be entitled to enforce that contract as against the Board; and all moneys paid to him by the Board in respect of the contract shall constitute a debt due by him to the Board, and shall be recoverable by action accordingly in any Court of competent jurisdiction.

(4.) Every member who knowingly takes part in the making by the Board of any contract in which any other member is so concerned or interested as thereby to forfeit his office under this section is liable on summary conviction to a fine of fifty pounds.

(5.) It shall be the duty of the Audit Office to institute proceedings for the recovery of any fine under this section, but nothing herein shall be so construed as to prevent such proceedings from being taken by any other person.

(6.) Any member who becomes concerned or interested in any contract made by the Board so as thereby to forfeit his office under this section shall be disqualified for three years after the date of that forfeiture from being elected or appointed as a member of the Board.

(7.) Any vacancy occurring under this section or under section sixteen hereof shall be deemed an extraordinary vacancy.

13. In the event of an extraordinary vacancy occurring within twelve months of the time fixed for the next general election of members of the Board the same may be filled by the Board, and in other cases the provisions of the Local Elections and Polls Act, 1908, relating to extraordinary vacancies shall apply. Filling extraordinary vacancy.

14. The constitution of the Board and the validity or legality of acts done by the Board shall not be affected by any error or defect in the election of any member of the Board, or by the fact that the full number of members has not been elected, or by the fact that any person acting as a member of the Board is disqualified or has vacated his seat. Validity of acts not affected by defects.

Ouster of Office.

15. (1.) Upon proof in the first instance by affidavit or otherwise that any member of the Board is or has become incapable under this Act of holding his office, any Magistrate's Court in the district may grant a summons calling upon the person holding such office to show cause why he should not be adjudged to be ousted of the same. Ouster of office.

(2.) If on the return of such summons it appears to the Court, on affidavit or oral evidence on oath, that such person is incapable under this Act of holding the said office, the Court may adjudge such person to be ousted of the same, and such person shall be ousted of such office accordingly.

(3.) In any such proceeding the Magistrate's Court may exercise all the powers and authorities which it may exercise in its ordinary jurisdiction in civil cases, and the procedure of such Court shall, so far as applicable, apply generally to proceedings had under this section.

(4.) No matter in relation to a disputed election shall be heard by the Magistrate's Court under this section.

(5.) No question which may be tried under this section shall be tried in the Supreme Court; and no proceedings in the Magistrate's Court hereunder shall be removable into the Supreme Court by certiorari or otherwise.

The Chairman.

Chairman of Board.

16. (1.) The Board shall at its first meeting, and thereafter at each annual meeting, elect one of its members to be Chairman of the Board.

(2.) At every meeting for the election of a Chairman the Clerk shall preside, and in any case of an equality of votes shall determine the election by lot in such manner as the Board directs.

(3.) The Chairman shall come into office on his election, and shall hold office until the election of his successor.

(4.) The Chairman may resign his office by writing under his hand delivered to the Clerk; and in such case, or in the case of his ceasing from any cause to be a member of the Board, his office shall become vacant, and the Clerk shall forthwith convene a meeting of the Board for the election of a fresh Chairman.

(5.) The Board may from time to time appoint one of its members to be Deputy Chairman either for a specified period or until the next annual meeting of the Board.

Remuneration of Chairman.

17. (1.) The Chairman may be paid out of the funds of the Board such annual allowance as may from time to time be fixed by the Board with the approval of the Minister, but no alteration in the amount of the allowance shall take effect during the term of office of the Chairman for the time being. The receipt of an allowance under this section shall not constitute a cause of forfeiture of office under section twelve hereof.

(2.) For the purpose of this section a person re-elected Chairman shall be deemed a new Chairman.

Proceedings of Board.

Majority of Board to determine questions.

18. (1.) All acts of the Board, and all questions coming or arising before the Board, may be done and decided by a majority of such members of the Board as are present and vote at a meeting held in pursuance of this Act or of any by-law made thereunder.

(2.) A meeting shall be duly constituted if a quorum is present thereat, whether voting or not.

(3.) At a meeting of the Board seven shall form a quorum.

(4.) The Chairman shall have a deliberative vote, and in any case in which the votes are equal shall have a casting-vote also.

(5.) Every question coming before the Board shall be decided by open voting.

Chairman or Deputy Chairman to preside at meetings.

19. (1.) The Chairman shall preside at every meeting of the Board at which he is present.

(2.) If the Chairman is absent from any meeting of the Board, then the Deputy Chairman, or in his absence such member as the members of the Board then present choose, shall be Chairman of that meeting.

Member not to vote on question in which he has pecuniary interest.

20. (1.) A member of the Board shall not vote on or take part in the discussion of any matter before the Board in which he or his partner in any business, calling, or undertaking has, directly or indirectly, any pecuniary interest otherwise than as an occupier or owner of rateable property, or as a member of an incorporated company in which there are not less than twenty members and of which he is neither a director nor the general manager.

(2.) A member who knowingly offends against this section is liable on summary conviction to a fine of fifty pounds.

(3.) It shall be the duty of the Audit Office to institute proceedings under this section, but nothing herein shall be so construed as to prevent such proceedings from being taken by any other person.

21. (1.) The Board shall hold such ordinary meetings at such times and at such places as it from time to time appoints. Ordinary meetings of Board.

(2.) The Chairman or the Clerk shall give notice in writing to each of the members of the time and place appointed from time to time for holding ordinary meetings, and the members shall attend such meetings without further notice of each meeting.

(3.) The Board shall hold an annual meeting in the month of May in each year at the office of the Board.

22. (1.) The Board may hold special meetings, and the Chairman or any three or more of the members may call a special meeting. Special meetings.

(2.) No special meeting shall be held unless at least three days' notice in writing thereof and of the business to be transacted thereat has been given to members, and no business shall be transacted at a special meeting unless notice thereof has been so given.

23. Any meeting of the Board may be adjourned to another day not later than seven days thereafter, and notice of such adjourned meeting shall be given to each member. Adjournment of meetings.

24. If a quorum is not present within half an hour of the time appointed for any meeting, the Chairman, or members, or member (if there is only one) present, or the Clerk, if no member is present, shall postpone such meeting either to a later hour on the same day or to the next day at the usual hour of meeting. No notice of any such postponement need be given. A postponed meeting may be adjourned, but not postponed. Postponement of meetings.

25. (1.) Meetings of the Board shall be open to the public, but the Board, for sufficient cause, of which it shall be the sole judge, may exclude strangers altogether from any meeting. Meetings to be open to public unless Board otherwise determines.

(2.) The Chairman at any meeting may order any constable or officer of the Board to exclude or remove any stranger from the meeting on account of noisy or disorderly conduct or intoxication.

26. (1.) No extraordinary business shall be transacted at any ordinary meeting of the Board unless due notice of such business has been given at a prior meeting, or forwarded to the Chairman or Clerk seven days at least before the meeting at which it is to be brought forward, and at least three days' notice in writing of such business has been sent out to each member. Extraordinary business.

(2.) Subject to the by-laws of the Board, the Chairman of the meeting shall determine what business shall be deemed to be extraordinary within the meaning of this section.

27. (1.) Any resolution of a meeting of the Board may (save as to anything theretofore lawfully done thereunder) be revoked or altered at the same meeting by the unanimous vote of the members present when it was passed, or by a resolution passed at a subsequent meeting of the Board. Revocation or alteration of resolutions.

(2.) Notice of such subsequent meeting and of the proposal to revoke or alter such resolution shall be given to each member three days at least before such subsequent meeting.

Proceedings not
invalidated by
failure to give
notice.

Minutes of
proceedings to be
kept.

28. No act or proceeding of the Board shall be invalidated in consequence of any failure to give to any member of the Board due notice of any meeting or of the business to be transacted thereat.

29. (1.) The Clerk shall keep the minutes of the proceedings of the Board in a book, in which he shall enter, subject to the directions of the Board, the names of the members attending each meeting and the names of the members voting on each question on which there is a division, and every resolution, order, or other proceeding of the Board, and any other matter directed by the Board to be entered upon the minutes.

(2.) The minutes of the proceedings of every meeting shall be read at the next ordinary meeting succeeding, and, if approved by the Board, or when amended as directed by the Board, shall be signed by the Chairman of such succeeding meeting.

(3.) The minutes of proceedings of any meeting of the Board kept as above provided, or an extract thereof certified as correct by the Chairman or Clerk, shall, unless the contrary is proved, be received as evidence of such proceedings and of the due convening and holding of the meeting; and the validity of all such proceedings shall be presumed unless the contrary is proved.

(4.) The minute-book of the Board shall be kept in the office of the Board, and shall be open for inspection without fee during all office hours by any member of the Board or by any creditor or ratepayer of the district.

Remuneration of
Board.

30. (1.) The Board may, out of the funds, pay to members such reasonable remuneration for their services as may be, or have been, prescribed by regulations under the Electric-power Boards Act, 1918, relating to remuneration of members of Electric-power Boards. The receipt of any payment under this section shall not constitute a cause of forfeiture of office under section twelve hereof.

(2.) There may be paid to the Chairman and to the members of the Board, out of the funds of the Board, all amounts actually and reasonably expended by them in attending meetings of the Board or of any committee thereof, or in transacting any business of the Board pursuant to a resolution of the Board.

Special Orders.

Special orders, how
made.

31. (1.) The power given by this or any other Act to the Board to do anything by special order shall be exercised only as follows:—

- (a.) Notice of the intention to move the resolution to do such thing shall be given as for extraordinary business, and the resolution shall be passed at the meeting for which the notice was given;
- (b.) The resolution shall be confirmed at a subsequent meeting held not sooner than the twenty-eighth day and not later than the fifty-sixth day after the first meeting;
- (c.) Public notice of the time and place fixed for the subsequent meeting, and of the resolution, shall be given once in each of the four weeks immediately preceding the day on which the subsequent meeting is to be held;
- (d.) In publicly notifying the resolution it shall be sufficient to set forth the object, purport, or general effect thereof if a copy

of the resolution is deposited at the public office of the Board and is open to the inspection of the public for at least seven days immediately preceding the day appointed for the holding of the subsequent meeting.

(2.) A special order may (save as to anything theretofore lawfully done thereunder) be revoked or altered by a subsequent special order.

(3.) A document purporting to be a copy of any special order, sealed with the common seal of the Board, shall be received as evidence for all purposes of the special order, of which such document purports to be a copy, having been duly made in accordance with this Act, unless the contrary is proved.

(4.) A special order shall not be quashed by any proceedings in any Court or otherwise, unless such proceedings are commenced within six months from the making of the special order.

Regulation of Procedure.

32. The Board may, subject to the provisions of this Act, make by-laws or pass resolutions— Board may make by-laws.

(a.) Regulating the proceedings of the Board and the conduct of meetings thereof respectively :

(b.) Regulating the adjournment of meetings of the Board :

(c.) Directing notices of meetings to be given, and prescribing the form and mode and time of service thereof :

(d.) Regulating debates :

(e.) Providing for the custody of documents and the custody and use of the common seal, and prescribing the mode and form of attestation thereof :

Provided that no by-law or resolution made or passed under this paragraph shall affect any person acting in good faith, and taking or to take any estate, interest, or advantage under any document having or about to have the common seal affixed thereto :

(f.) Prescribing the duties of officers and servants :

(g.) Prescribing forms of, and in connection with, any proceedings of the Board :

(h.) Concerning anything incidental to any of the matters herein-before referred to.

Public Office.

33. The Board may from time to time provide public offices within the district with fitting furniture for the same for holding its meetings and transacting its business, and for the use of its officers, and for any other purposes ; and may purchase or take on lease land or buildings for such purposes, or may cause buildings to be erected on any land belonging to or leased to the Board, or any such building to be added to or improved. Offices of Board

Officers.

34. (1.) The Board may by resolution from time to time appoint fit persons to be Clerk, Treasurer, Engineer, Surveyor, Manager, and all such other officers and servants as it thinks necessary to assist in the execution of this Act ; and may pay such persons such salaries and allowances out of the funds of the Board as it thinks fit. Appointment of officers of Board

(2.) No member of the Board shall be capable of holding any such office, unless without remuneration.

(3.) One person may hold two or more of such offices.

Acting officers.

35. During the absence from duty of any officer of the Board by reason of illness, leave of absence, or other cause, the duties and powers of such officer may be performed and exercised by an acting officer appointed by the Board; and any such appointment may be either general or for some occasion only.

Finance.

Borrowing-powers
of Board.

36. (1.) The Board may from time to time borrow such sums as are necessary for the undertaking authorized pursuant to this Act.

(2.) Such sums shall be borrowed in the manner prescribed by the Local Bodies' Loans Act, 1913, all the provisions of which Act shall accordingly extend and apply as if the Board were a local authority and the district a district within the meaning of that Act, subject always to the provisions of this Act, provided that no joint loan shall be raised except with the consent of the Governor-General in Council.

Local authority
may make advance
for preliminary
expenses.

37. The local authority of any constituent district may, out of its general fund, contribute, by way of advance, such sum as it thinks fit, not exceeding in any case the sum of five hundred pounds, towards the expenses of the investigation of matters incidental to the supply of electric power in the constituent districts or any of them, and in connection with and incidental to the constitution of the district and the election of the Board, including the cost of promoting and passing this Act, and towards any expenses that may be incurred by the Board before the end of the financial year in which it is constituted. All moneys advanced by a local authority under this section shall be repayable by the Board on demand, and shall be recoverable by the local authority as a debt due to it by the Board.

Estimated income
and expenditure of
Board.

38. (1.) The Board shall during the month of April in every year, or as soon thereafter as may be, make an estimate—

(a.) Of the amount of its expenditure during the financial year; and

(b.) Of the amount of its income during the same year.

(2.) In this section the term "expenditure" includes any deficiency in the revenues of the Board during the preceding or any former financial year, but does not include capital expenditure; and the term "income" includes moneys in the hands of the Board at the commencement of the financial year, but does not include capital moneys.

Board may levy
rate for excess of
expenditure.

39. In any year in which the amount of the estimated expenditure exceeds the amount of the estimated income the amount of the excess may be raised by a uniform rate, which may be levied either on the annual capital or unimproved value of all rateable property within the district as the Board may determine.

Rates, how made.
Collection of rates.

40. The Board may make and levy rates by resolution.

41. (1.) Before making and levying any rate the Board shall by resolution determine whether the rate, when made and levied, shall be collected by the Board or by the local authorities of the constituent districts on behalf of the Board.

(2.) Any resolution under this section may be in like manner rescinded at any time before the collection of the rate.

42. (1.) If the Board determines that any rate shall be collected by the Board itself, it shall cause a valuation roll and a rate-book to be provided, and, subject to the provisions of this Act, the provisions of the Rating Act, 1908, and the Valuation of Land Act, 1908, shall apply accordingly.

Collection of rates
by Board.

(2.) For the purposes of this section the several valuation rolls and rate-books in force in the several constituent districts, taken together, or so much of those rolls and rate-books as relates to lands within the district, may be deemed to be the valuation roll and rate-book respectively of the district.

(3.) It shall be the duty of the Clerk of the local authority of each constituent district, whenever requested so to do by the Board, to supply to the Board a certified copy of the valuation roll and rate-book of the constituent district so far as it relates to lands within the district.

(4.) The cost of preparing such certified copy of the valuation roll and rate-book shall be paid by the Board.

43. (1.) When the Board has made and levied any general, separate, or special rate it may cause a copy of the resolution making and levying such rate to be forwarded to the local authority of the constituent district within which such rate has been made and levied.

Rates may be
collected by local
authority.

(2.) Every such local authority shall forthwith proceed to collect such rate in such manner as nearly as may be, and with such powers, and the rate shall be payable by and recoverable from such persons and in such manner in every respect, as if such rate had been validly made and levied by such local authority.

(3.) All such rates shall be held by every such local authority as trustee for the Board, and shall be handed over to such Board as collected:

Provided that the local authority may deduct from the proceeds of any such rate an amount, not exceeding five per centum thereof, in respect of the cost of collecting the rate and as remuneration for the services of its officers, and the amount so deducted shall be paid into the general fund of the local authority.

44. If the local authority of any constituent district, or any officer or servant of such local authority, fails to take the steps required by law to be taken for the collection or recovery of any rate pursuant to section forty-three hereof, the amount of such rate, or of any part thereof uncollected or unrecovered owing to such failure, shall be deemed to be a debt owing by the local authority to the Board, and may be recovered by action by the Board from that local authority accordingly.

Liability of local
authority for failing
to collect rates.

45. The Valuer-General shall, at the request of the Board, and on payment of such fees as the Governor-General in Council may from time to time prescribe, supply to the Board a statement showing the total value of all the rateable property within each constituent district and such other particulars as the Board may require for the purpose of making and levying any rate.

Valuer-General to
supply statements
for rateable values.

46. (1.) The Board may, in anticipation of its income, from time to time borrow moneys from its bankers by way of overdraft or from any corporation or person by way of temporary loan, but not exceeding at any time the amount of the estimated income for the current financial year less the amount of moneys in the hands of the Board at the commencement of the year (if any).

Board may borrow
moneys by way of
overdraft.

(2.) The Board may for the purpose of providing for the cost of survey and other preliminary works and the expenses of administration, before borrowing moneys by special loan pursuant to section thirty-six hereof, notwithstanding that an Order in Council under section fifty-one of this Act may not have been issued, make and levy a uniform rate over the whole of the district.

(3.) The Board may pledge such rate as security for moneys borrowed from its bankers.

Board may establish special funds.

47. (1.) The Board may appropriate in any year any moneys standing to the credit of the Power Fund Account, and not appropriated for any special purpose, towards the creation of a special fund to provide for the following contingencies:—

- (a.) Destruction of or injury to any of the property of the Board:
- (b.) Depreciation in the value of any of the property of the Board:
- (c.) Claims which may be made upon the Board by employees or other persons:
- (d.) The lack or insufficiency of any sinking fund of any loan, or the depreciation of any of the investments thereof:
- (e.) Any other losses or expenditure.

(2.) The Board may invest all moneys so appropriated, and the interest and profits accruing therefrom, in such securities as it from time to time determines, or in the Board's undertaking.

(3.) The Board may at any time, and from time to time, repay into the Power Fund Account the whole or any part of the moneys so appropriated or invested and the accumulations thereof, except in the case of moneys set apart for the contingencies mentioned in paragraph (b) of subsection one hereof.

Power Fund Account.

48. (1.) All moneys belonging to the Board shall be paid into such bank as the Board from time to time appoints to an account to be called the Power Fund Account.

(2.) No money shall be drawn out of the bank except pursuant to a resolution of the Board, and all moneys shall be paid by the Board in cash or by cheque signed by any two of such of the members as the Board from time to time authorizes to sign cheques, and countersigned by an officer appointed by the Board for the purpose.

Board to keep proper accounts.

49. (1.) The Board shall cause books to be provided and kept, and true and regular accounts to be entered therein in the form prescribed by regulations, of all sums received and paid by the Board, and of the several purposes for which such sums were received and paid.

(2.) Such books shall at all reasonable times be open for the inspection of any member of the Board and any debenture-holder or creditor of the Board.

Balance-sheets and audit.

50. (1.) The Board shall, not later than the month of May in every financial year, cause its accounts for the preceding financial year to be balanced, and a true statement and account to be prepared, in the form prescribed by regulations—

- (a.) Of all contracts entered into during the financial year;
 - (b.) Of all moneys received or expended during that year;
 - (c.) Of the income and expenditure of the Board for that year;
- and

(d.) Of all assets and liabilities of the Board at the end of that year.

(2.) All such accounts shall be audited by the Audit Office, which for that purpose shall have and may exercise all such powers as it has under the Public Revenues Act, 1910, in respect of public moneys.

Construction and Purchase of Electric Works.

51. (1.) Subject to the express provisions of this Act, it shall not be lawful for the Board to purchase or commence the construction of electric works, or to enter into any contract, matter, or thing authorized by this Act to be done in or about the purchase or construction of electric works, unless and until an Order has been granted by the Governor-General in Council authorizing the purchase or construction of such electric works, subject to such conditions (if any) as may be imposed by such Order.

Powers of Board to construct works, &c.

(2.) The issue of an Order in Council shall be conclusive proof for all purposes that all proceedings, matters, and things required by this Act prior to the issue of such Order in Council have been duly taken, done, and fulfilled.

(3.) For the purposes of this section the Governor-General may authorize the purchase by the Board of any electric works the property of the local authority of any constituent district, and thereupon that authority shall have power to sell any such electric works to the Board, subject to such conditions (if any) as may be imposed by the Governor-General by Order in Council, anything to the contrary in its local governing Act or in any other Act notwithstanding.

(4.) Notwithstanding anything in this section the Board, before obtaining the Order referred to in this section, may take all necessary preliminary steps for the future construction and purchase of electric works.

(5.) The electric works constructed or acquired under this Act shall be subject to the provisions of Part XII of the Public Works Act, 1908, section five of the Public Works Amendment Act, 1908, and sections two, three, four, five, and six of the Public Works Amendment Act, 1911, provided that such provisions shall be read subject always to the express provisions of this Act.

52. (1.) On the issue of an Order in Council as aforesaid, authorizing the construction or purchase of electric works, the Board shall have power to purchase, construct, and maintain any electric works; and may enter into contracts with any person or body for the purchase, construction, or maintenance of the electric works, or for any other purpose authorized by this Act or by any Order in Council made thereunder, or for furnishing materials, or for any other things necessary for the purposes of this Act.

Power to purchase electric works.

(2.) The Board may enter into any such contract with the Minister, and the Minister is hereby authorized to make any such contract with the Board, for the construction or maintenance of electric works by the Department of Public Works at the cost and charges of the Board, or for any such purpose or matter as is referred to in subsection one hereof.

53. (1.) The Board shall purchase from the City Council, and the City Council shall sell to the Board, the properties and assets

Board to purchase properties and assets from Auckland City Council.

mentioned in the agreement set out in the Schedule hereto and therein and hereinafter referred to as the city power plant, and the Board shall supply to the City Council, and the City Council shall take, the electricity required by the City Council for its electric-tramway system upon and subject in each case to the terms and conditions contained in the said agreement, but with such modifications (if any) as may from time to time be agreed on between the Board and the City Council; and such agreement shall be executed by the parties immediately upon the constitution of the Board. No stamp duty or other duty shall be chargeable upon any conveyance, transfer, or other assurance executed in pursuance of the provisions of this subsection.

(2.) It shall not be incumbent upon the City Council after the thirty-first day of March, nineteen hundred and twenty-two, to make any further payments by way of sinking fund in respect of any of its loans mentioned in the said agreement (other than the loan of five hundred thousand pounds mentioned in clause 4 thereof), but the sinking funds in respect of such loans now held by the Auckland City Sinking Funds Commissioners and all accumulations thereof shall be retained by such Commissioners until the maturity of the respective loans, and, after payment of the loans in respect of which they were created respectively, such sinking funds may be used by the City Council as part of its general funds. The debentures by the said agreement provided to be issued by the Board to the City Council in respect of each such loan, and the proceeds of such debentures, shall be available for the same purposes and in the same manner as the said sinking funds in respect of that loan as additional provision for payment of such loan on maturity.

(3.) The Board and the City Council respectively are hereby authorized and empowered to enter into the said agreement, and to do and execute all acts, deeds, matters, and things necessary to carry into effect the provisions of the said agreement, and all moneys paid to the City Council thereunder shall be available and may be used by it as part of its general funds. The provisions of the Local Bodies' Loans Act, 1913, shall apply to the loans and debentures to be raised and issued by the Board in terms of the said agreement as if the same had been raised and issued under that Act, subject always to the special provisions of this Act.

(4.) The Board may, without taking any poll, raise a special loan to pay or provide for any moneys which under the said agreement it is required to pay to the City Council, and the Board may also in the same manner raise a special loan for a sum not exceeding fifty thousand pounds for or towards the completion of the work for which the above-mentioned loan of five hundred thousand pounds was raised by the City Council.

Board to have sole and exclusive right to construct electric works.

54. (1.) Upon the Board taking over the Electricity Department of the City Council, being part of the city power plant, there shall be vested in the Board, subject to the provisions of this Act, the sole and exclusive right to acquire, construct, maintain, or operate within the district electric works for the sale or distribution of electricity, and no person other than the Board shall be entitled to obtain a license for the construction or maintenance of electric lines within the district except as in this Act provided:

Provided that nothing herein contained shall prevent any person from generating electricity, other than by water-power, and transmitting electricity along any electric line which is not laid or placed, or is not intended to be used, laid, or placed, beyond the limits of the premises in which the electricity is generated for the purposes of that line.

(2.) In the construction and maintenance of any electric works the Board shall be subject to the same conditions and regulations as if the same were being constructed and maintained under and by virtue of a license issued under section two of the Public Works Amendment Act, 1911, and shall deposit all such plans as may from time to time be required by the Minister.

(3.) Nothing herein contained shall prejudice or affect the right of His Majesty or the Government, or any Minister of the Crown, to construct, maintain, or operate electric works, or to supply electricity within the district.

(4.) The Board shall not, without the consent of the Minister of Public Works, erect any electric lines along the routes of the Government main trunk transmission-lines.

(5.) Nothing in this Act shall affect the rights or powers of the City Council under or by virtue of any Order in Council now issued or hereafter to be issued in respect of its electric-tramway system, or its right to maintain and operate the tramway power-house until taken over by the Board.

55. (1.) The Board may, and shall, if so required by the local authority of any constituent district, by notice in writing delivered to the Mayor of the City of Auckland within thirty days from the passing of this Act, authorize the local authority of any constituent district to carry out the electrical reticulation of such district, and such reticulation shall be carried out so as to meet the requirements of the Board.

Local authority
may do its own
reticulation.

(2.) In such case such local authority shall obtain a license from the Minister under section two of the Public Works Amendment Act, 1911, authorizing such local authority to carry out and maintain such reticulation and to sell and deal with the electricity obtained by it from the Board.

(3.) Such local authority shall make provision to the satisfaction of the Board for the installation by the Board of a meter or meters for measuring the supply of electricity to the district of such local authority, and such local authority shall be charged with and pay for the electricity supplied by the Board to such local district.

56. (1.) Any surveyor, or engineer, or other officer appointed by the Board may from time to time enter upon any land within the district, with such assistants as he thinks fit, for the purpose of making any survey or inspection for the proposed work and undertakings of the Board; and may fix, or set up thereon, survey pegs, marks, or poles, and dig or bore into such land so as to ascertain the nature of the soil and set out the lines of any works thereon.

Board may make
survey or inspection.

(2.) In all cases notice shall be given to the owner or occupier of the land to be entered upon before such entry is made, and the surveyor, engineer, or other officer shall, when required to do so, produce to the owner or occupier of any land the written authority of the Clerk or Chairman of the Board to make the survey.

(3.) In case any damage is done by the surveyor, engineer, or other officer in the exercise of the powers hereby conferred upon him the Board shall be liable to make good the same; and the amount thereof shall be ascertained in the mode hereinafter provided as to the assessment of compensation for land taken or affected by the electric works.

Board may hold and occupy land and exercise incidental powers.

57. (1.) Subject to the provisions of this Act, the Board may exercise all or any of the powers conferred by this Act for the purchase or construction of any electric works, and may enter upon or cause to be entered upon all lands which it is authorized to use or acquire under this Act for the purpose of making such surveys as may be necessary, and, subject as aforesaid, may take and hold all the lands required for the electric works, and may from time to time temporarily occupy and use such lands as may be necessary on either side of the electric works during the construction thereof or for the purposes of the maintenance thereof.

(2.) The Board shall be a local authority for all the purposes of the Public Works Act, 1908; and the electric works constructed, purchased, or taken over, and all works which the Board is authorized by this Act to undertake, shall be deemed to be public works within the meaning of that Act.

General powers of Board with respect to electric works.

58. Subject to the conditions herein specified, the Board may do the following things in respect of any electric works authorized to be constructed or acquired under this Act:—

- (a.) May erect generating-works, transmission-lines, transformer-stations, and all other works authorized by this Act on, over, or under any land necessary for the construction thereof, on the sites and the routes defined in any plans prepared or deposited as required by any Act or within a distance of one hundred yards on either side thereof, and for this purpose may construct works of every description and of every material necessary to the working thereof;
- (b.) May do all things necessary to secure the rights of and to utilize any water intended or required to be used for the generation of electric power;
- (c.) May purchase, either for cash or on such terms as it may deem fit, or lease on such terms as may be expedient, such coal or other fuel-bearing lands as may be necessary for the proper working of the undertaking; and may do all things necessary by mining, quarrying, or otherwise to raise any fuel required for generating the electric power;
- (d.) May purchase electric energy in bulk from the Minister, or from any local authority, company, or person authorized to sell the same;
- (e.) May erect transformer-stations in such places as may be found necessary for the distribution of the electric energy generated or purchased by the Board;
- (f.) May erect a transmission-line or transmission-lines along, on over, or under any road or tramway or public reserve, and may alter the level of any road or tramway for such purpose;
- (g.) May erect a transmission-line or transmission-lines across any river or stream, but so as not to impede the navigation on any navigable river, except as may be provided by a special Act;

- (h.) May alter the course or level of any river not navigable, or of any stream, watercourse, ditch, or drain ;
- (i.) May make and maintain drains or conduits on or under any land adjacent to, and for the purpose of carrying water from off, the works and undertakings of the Board ;
- (j.) May remove or alter any drain or sewer or any pipes or other material for the supply of water or gas belonging to any body or person within or beyond the limits of the operation of the Board ;
- (k.) May erect works and install all needful machinery and plant for the utilization and proper treatment of the by-products of coal or other fuel used in the generation of electric power, and may employ chemists or other specialists, either permanently or temporarily, for research and advice thereon ;
- (l.) May sell or otherwise dispose of tar, gas, coke, or other by-products of coal or other fuel (if any) used in the generation of electric power or otherwise ;
- (m.) May provide all such buildings, engines, stations, machinery, piers, wharves, roads, bridges, approaches, and other works in connection with the undertaking of the Board as may be thought necessary ;
- (n.) May enter into contracts with local authorities, persons, public and private companies, and others for the supply to them of electric power in bulk, and such local authorities, public and private companies, and others may distribute such power to consumers either as agents of the Board or on their own behalf on such terms and conditions as may be agreed upon ;
- (o.) May sell electric energy to any local authority or to consumers generally within the district, in bulk or otherwise, at such prices and on such terms and conditions as it deems fit ;
- (p.) May construct all roads, bridges, tramways, or other means of access and transit necessary for the construction and maintenance of the electric works ; and
- (q.) Generally may do all acts necessary for constructing, maintaining, altering, repairing, and using the works and all the other undertakings of the Board.

59. Nothing in this Act shall prevent the Board from acquiring land outside the district and erecting buildings and generating-plant thereon, or from applying for or obtaining licenses for the erection and maintenance of electric lines or other electric works, or for the use of water for generating electricity outside the district, or from supplying electric energy to consumers (whether local authorities or otherwise) outside the district if it shall think fit so to do.

Powers of Board
outside district.

60. (1.) Where it is found necessary for the construction of electric works to alter any road, tramway, watercourse, sewer, or drain, or any other public work, or any water-pipe or gas-pipe for the supply of water or gas belonging to a local authority or private person or a company, such alterations shall be made in such a manner as to interfere as little as possible with the works so altered, and so as to afford to the public and to every person entitled to use the same an equal use and convenience as before such alteration.

Alteration of
roads, &c., by
Board.

(2.) Before commencing any such alteration the Board shall cause a plan thereof to be prepared and to be submitted to the local authority under whose control the work proposed to be altered is, or to the owner of such sewer, drain, water-pipe, or gas-pipe, or other work, as the case may be; and, if such local authority or owner objects to the proposed alteration, the Board shall appoint a competent engineer to confer with such local authority or owner and to agree with it or him as to the manner in which such alteration shall be made.

(3.) If no agreement can be come to between the parties, the matter shall be referred to a Stipendiary Magistrate, who shall make such order therein as he thinks fit, and the alteration shall be made in accordance with such order.

Temporary occupation and use of land for construction purposes.

61. Subject to the conditions hereinafter provided, the Board may temporarily occupy and use any lands for the purpose of constructing or repairing the electric works, and may do the following things thereon:—

- (a.) May take therefrom stone, gravel, earth, and other materials:
- (b.) May deposit thereon any such material:
- (c.) May form and use temporary roads thereon:
- (d.) May manufacture bricks or other materials thereon:
- (e.) May erect workshops, sheds, and other buildings of a temporary nature thereon.

Notice to be given to occupier of intention to occupy lands.

62. (1.) The engineer or other person having charge of the electric works shall, before occupying or using any land as herein provided, except in the case of accident to the electric works requiring immediate repair, give to the owner or occupier thereof not less than twenty-one days' notice in writing, and shall state in such notice the use proposed to be made of such land.

(2.) The said owner or occupier may within ten days after receiving such notice, and after giving notice to the said engineer or other person of his intention so to do, apply to any Justice, who may thereupon summon such engineer or other person to appear before a Stipendiary Magistrate at a time and place to be named in the summons.

(3.) If it appears to the Magistrate that the use proposed to be made of the said land is unreasonable and unnecessary, or that other neighbouring lands are more fitting to be used for the purpose proposed, the Magistrate may, by writing under his hand, order that the land in question shall not be occupied or used in the manner proposed.

(4.) If it appears to the Magistrate that the use proposed to be made of the said land is reasonable and necessary, he may in like manner order that the said land may be occupied and used, or material taken therefrom, in such manner and to such extent only and subject to such limitations and restrictions as he thinks fit; and all persons concerned shall be bound by any such order.

Board may be required to take land occupied.

63. The owner of any land temporarily occupied as aforesaid may at any time during such occupation by notice in writing to the Board require the Board to take the land.

Governor-General may authorize inspection of works and require alterations or additions thereto.

64. During the construction of the electric works and the execution of the works connected therewith, and after the completion thereof, the Governor-General shall be at liberty to direct any engineer or other person to inspect the works, transmission-lines, and other works of the Board, and upon or after such inspection may require that such

additions, alterations, or repairs shall be made by the Board as, in the opinion of the Governor-General, are necessary or desirable for the utility and safety of the undertaking and the public. All such additions, alterations, or repairs shall be made in a manner to be approved by an officer appointed for the purpose by the Minister.

65. If it is found that any land owned by the Board is not required for the purposes of the electric works, the Board may, with the consent of the Minister, cause the same to be sold, or may cause such land to be leased for any term not exceeding fifty years, at such rent, and upon such terms and conditions, as the Board thinks fit.

Disposal of lands taken, but not required.

66. Every person having any estate or interest in any land taken under the authority of this Act, or injuriously affected thereby, or suffering any damage from the exercise of any of the powers hereby given, shall be entitled to full compensation for the same from the Board. Such compensation may be claimed, and shall be determined, in the manner provided by the Public Works Act, 1908.

Compensation for lands taken or injuriously affected.

Power of Purchase by the Governor-General.

67. The Governor-General shall be entitled at any time after the date on which the electric works have been completed or acquired, upon giving twelve months' notice in writing to the Board, to purchase the electric works at a price to be determined by arbitration, the award being that of three arbitrators or any two of them, one arbitrator being appointed by the Governor-General, another by the Board, and a third arbitrator by the two other arbitrators.

Governor-General may acquire works.

68. (1.) On payment of the compensation to be determined as provided in the last preceding section the Board shall convey, assign, and transfer to His Majesty the whole of the electric works and everything appurtenant thereto, free from all encumbrances.

On payment of compensation Board to convey works, &c., to His Majesty.

(2.) The Governor-General shall take over the liability of the Board in respect of any contracts then subsisting relating to or dependent upon the electric works, including particularly the contract for the supply of electricity to the City Council mentioned in section fifty-three hereof.

69. (1.) No compensation whatever shall be paid for the goodwill of the electric works, but the arbitrators, in determining the price to be paid to the Board, shall take as a basis of the valuation the cost of other similar electric works at the time when the works forming the subject of the arbitration were constructed or acquired, as the case may be.

No compensation payable for goodwill.

(2.) The arbitrators shall also take into consideration the depreciation in the electric works, including therein any onerous or burdensome provisions respecting the use of the electric works, or any easements, rights, or privileges in connection therewith.

70. (1.) If such power of purchase is exercised by the Governor-General as aforesaid between the periods hereinafter respectively mentioned after the electric works have been completed or acquired, there shall be added to the amount of compensation, to be ascertained as before provided, the percentage hereinafter mentioned, that is to say,—

Additional compensation to be paid in certain cases.

Ten years and not exceeding fourteen years, five per centum :

Fourteen years and not exceeding twenty-one years, ten per centum.

(2.) The amount of such percentage, as the case may require, shall be ascertained by the arbitrators, and shall be deemed to be and shall be paid as part of the compensation.

Compensation to be
in full satisfaction
of Board's claims.

71. (1.) The compensation so ascertained as aforesaid shall be accepted by the Board in full satisfaction of all claims and demands in respect of the purchase of the electric works, and all rights, powers, and privileges of the Board in respect thereof, and shall be paid out of moneys appropriated for that purpose by Parliament.

(2.) Until Parliament has appropriated money for such purpose, no agreement made by the Governor-General to purchase any electric works constructed or purchased under this Act shall be binding on the Governor-General or the Government.

Control of works
acquired by Crown.

72. All electric works purchased by the Governor-General under the provisions of this Act shall be and become subject to all laws, by-laws, and regulations in force at the time of such purchase in respect of any similar Government undertaking.

Debenture-holders
not required to
accept repayment
in advance.

73. Nothing in this Act shall be deemed to authorize the Governor-General on purchasing any electric works under the authority of this Act to require any person holding a debenture to receive payment of the principal moneys secured thereby unless and until the time prescribed therein for repayment has arrived.

Receiver to give
notice to Governor-
General of intention
to sell Board's
property.

74. No receiver shall sell or make application to a Judge of the Supreme Court for an order to sell any portion of the Board's property charged by any debenture, unless and until he has first given notice in writing to the Governor-General of his intention to sell or to apply for such an order, and unless the Governor-General, within three months next after the receipt of such notice, either fails to give to such receiver notice of his intention to purchase, or gives to such receiver notice in writing that it is his intention not to purchase.

Provisions to apply
where Governor-
General purchases
works charged with
moneys borrowed
by Board.

75. (1.) If the Governor-General exercises the power of purchase conferred by this Act, and the electric works or any part thereof purchased is then charged with any moneys borrowed by the Board, and the moneys charged are less than the price determined by arbitration as aforesaid, the moneys to be paid to the Board shall be the difference between the moneys charged and the price so to be determined.

(2.) If the moneys charged are more than the price so determined, the Board shall pay to the Governor-General the difference between the price so determined and the money charged.

(3.) If the money charged, or any part thereof, bears interest at a higher rate than five and one-half per centum per annum, the arbitrators, when determining the price to be paid for the purchase, shall ascertain what (if any) is a proper sum to be allowed to the Governor-General as a rebate in respect of any interest on the amount charged in excess of five and one-half per centum per annum; and the amount so ascertained (if any) shall be added to the principal money so charged, and as between the Governor-General and the Board shall be deemed an amount charged upon the electric works.

(4.) If after having paid or liquidated all moneys borrowed and other debts or charges which may have been owing against and in connection with the electric works purchased and taken over by the Governor-General the Board has a sum of money or securities for

money remaining in hand, it shall hand over such remaining money or securities to the local authorities of the constituent districts in proportion to the rateable value of all rateable property within each district.

By-laws.

76. Subject to the provisions of this Act, the Board may from time to time make by-laws in respect of any electric works for the following purposes, that is to say:— By-laws of Board.

- (a.) Regulating the use and management of any electric works so as to secure the safety of persons from injury by reason of such use :
- (b.) Protecting electric works or other property belonging to the Board from damage or injury :
- (c.) The more effectually carrying-out any of the objects of this Act.

77. (1.) By-laws under the last preceding section shall be made in the manner and subject to the conditions following, that is to say:— Method of making by-laws.

- (a.) They shall be made by special order :

Provided that in publicly notifying the resolution making such order it shall not be necessary to set forth the whole of the proposed by-law if the object or purport of the same is stated, and if a copy of the proposed by-law is deposited at the office of the Board and is open to the inspection of the public during office hours for at least seven days immediately preceding the meeting at which the said resolution is to be confirmed :

- (b.) They may be amended before the confirmation of the resolution making the same :
- (c.) They shall have the common seal of the Board affixed thereto :
- (d.) They shall come into force on a day to be fixed at the meeting held for the confirmation of the resolution, which day shall not be earlier than seven clear days after the date of that meeting.

(2.) A copy of any such by-laws sealed with the common seal of the Board shall be received as evidence of the same having been duly made as provided by this Act unless contrary is proved.

(3.) The Board shall cause printed copies of all such by-laws to be kept at the office of the Board and to be sold at a reasonable charge to any person applying for the same.

(4.) Any by-laws made by the Board shall, where necessary, override by-laws made by any local authority relating to matters provided for in this Act.

78. (1.) Every person who commits a breach of any by-law made under this Act is liable to a fine of fifty pounds ; and where the breach is a continuing one, then to a further fine of five pounds for every day or part of a day during which such breach continues. Penalties for breach of by-laws.

(2.) The Board may, after conviction for the continuing breach of any by-law, apply to the Supreme Court for an injunction to restrain further continuance of such breach by the person so convicted.

(3.) The continued existence in a state contrary to any by-laws of any work or thing shall be deemed a continuing offence within the meaning of this section.

Miscellaneous Provisions.

Contracts of Board,
how made.

79. (1.) Any contract which, if made between private persons, must be by deed shall, if made by the Board, be in writing under the seal of the Board.

(2.) Any contract which, if made between private persons, must be in writing signed by the parties to be charged therewith may, if made by the Board, be in writing signed on behalf of the Board by some person duly authorized in that behalf.

(3.) Any contract which, if made between private persons, may be made verbally without writing may be similarly made by or on behalf of the Board.

Judge or Magistrate
being a ratepayer
not thereby
interested in
proceedings.

80. No Judge, Magistrate, or Justice shall be deemed to be interested in any case in which he is acting judicially solely on the ground that he is a ratepayer.

Service of process
on Board.

81. Any summons, writ, or other legal proceedings requiring to be served on the Board may be served by being left at the office of the Board or given personally to the Clerk thereof.

Governor-General
may assume
possession and
control of works if
inexcusable delay.

82. (1.) In the event of any unreasonable or inexcusable delay by the Board in the prosecution of the electric works authorized by this Act, or if, after the completion of the said electric works in whole or in part so that the whole or any complete part or section of such electric works may be used for the purposes of supplying electric power, the Board fails for the space of twenty-one clear days, without reasonable excuse, to supply such power, the Governor-General may take possession and assume the management of the electric works, and, if he thinks fit, complete the same and supply the electric power, charging the Board with all outlay and expenditure which may be incurred, and crediting the Board with all earnings and receipts.

(2.) In any such case there shall be paid by the Board to the Governor-General, and by the Governor-General to the Board, the balance from time to time found to be due from the one to the other of them, the accounts being computed and rendered at intervals of not less than six months; or the Governor-General may restore the possession of the electric works to the Board, or waive any breach in any contract as aforesaid, on such terms and conditions as he thinks fit.

Appeal to Supreme
Court from
exercise of powers
of Governor-General.

83. (1.) If the Governor-General exercises the powers vested in him by the last preceding section, the Board may apply to the Supreme Court as hereinafter provided.

(2.) Every such application shall be heard and determined by a Judge of the Supreme Court in a summary way; and such application shall be limited to the question whether there has been such unreasonable or inexcusable delay, or such failure to supply power as aforesaid, as to justify the exercise of such powers by the Governor-General of any of them.

(3.) The Judge shall, in such manner as he thinks fit, hear and receive evidence, either oral or by affidavit, as to the matters upon which his decision is sought; and any order made by the Judge shall set forth whether in his opinion the power conferred by the last preceding section was rightly exercised; and every such order shall be final and conclusive on the Governor-General and the Board.

(4.) In all other respects the procedure and practice in force for the time being in the Supreme Court shall apply to all proceedings authorized by this provision.

84. If the Board, for the space of one year after the Governor-General has taken possession as aforesaid, fails to repay all sums of public money which have been expended in or towards completing the electric works and the equipment thereof, and all sums of public money which have been expended on the repair or management of the electric works or in connection therewith in excess of the receipts therefrom, it shall be lawful for the Governor-General, at any time after the expiration of that year, to give three months' notice to the Board that he intends to permanently retain the electric works as Government property.

Governor-General may permanently retain works so taken possession of.

85. On the publication of an Order in Council at any time after the expiration of the said three months to the effect that possession has been taken as aforesaid and will be permanently retained by the Government, the said electric works, and all plant, equipment, and appurtenances belonging thereto, shall, unless a satisfactory arrangement is in the meantime made between the Government and the Board, become and be absolutely vested in His Majesty without any conveyance or transfer whatsoever.

Works to be vested in His Majesty.

86. Subject to the approval of the Governor-General in Council, the Board and any other Electric-power Board may link up their respective transmission-lines for greater security against interruption in the supply, or may amalgamate their undertakings, or make such other arrangements as such Boards may deem expedient.

Amalgamation of works with other Boards.

87. The provisions of section ninety-five of the Trustee Act, 1908, shall, both in respect of trusts heretofore and hereafter created, apply to all bonds, debentures, or other securities issued or to be issued by the Board, and forming the whole or any portion or portions of any loan which may be raised by the Board under the authority of any enactment.

Trustee Act, 1908, to apply.

88. The Board may install motors, electric wires, electric lamps, and other fittings and equipment in public or private buildings, works, dwellings, and other places, and charge rent for the use thereof, or may accept payment therefor by instalments.

Board may install motors, &c., in buildings.

89. Where in exercise of the powers conferred on it by the foregoing section the Board has installed any motor, electric wires, electric lamps, or other fittings or equipment on any land, or in any building thereon, the cost of any such motor, electric wires, electric lamps, and other fittings and equipment, and of the installation thereof, or any rent payable for the use of any such fittings or equipment, shall be a charge on such land, and may be recovered as rates are recovered under the Rating Act, 1908, and the provisions of that Act as to the recovery of rates shall apply accordingly. Add s.s. (2) (3) & (4)

Cost of installation recoverable as a rate.

90. The Board may purchase motors, fittings, machinery, and all other equipments for the use of electric energy as applied to industrial, domestic, and other purposes; and may sell for either cash or on terms, or lease, with or without purchasing clauses, such motors, fittings, machinery, and equipments to users of electric power; and generally may do all things which in the judgment of the Board may promote the use of electric energy within the district.

Take in addition 1926 Inset

Board may purchase and sell electric fittings and equipment.

Authorizing
payment of certain
expenses out of
loan-moneys.

91. The Board may, out of any loan or other capital moneys, pay—

- (a.) Any expenses incurred by any local authority or individual in connection with and preliminary to the constitution of the Board, including particularly the expenses mentioned in sections eight and thirty-seven hereof :
- (b.) The costs, charges, and expenses of transferring to and vesting in the Board the city power plant, and of preparing and perfecting the debentures and security in connection therewith :
- (c.) The interest or interest and sinking fund of any loan during the period of the construction of any works for which the loan was raised.

Penalties for
causing damage to
electric works.

92. Every person who damages electric works, appliances, or conveniences erected, constructed, or used under this Act shall be liable for the amount of such damage, to be recovered by any person authorized in that behalf by the Board, in any Court of competent jurisdiction, and, if such damage is done wilfully, shall be liable in addition to a fine not exceeding five hundred pounds.

Penalties for
obstructing officers
and workmen of
Board.

93. Every person who wilfully obstructs any engineer, surveyor, overseer, workman, or other person in the performance of any duty, or in doing any work which he has lawful authority to do under or by virtue of the provisions of this Act, is liable to a fine not exceeding fifty pounds.

Recovery of fines.

94. All fines recoverable under the provisions of this Act, or any by-laws or regulations made thereunder, may be recovered in a summary way, and when recovered shall be the property of the Board.

Notice to be given
of intention to
commence actions.

95. (1.) No action shall be commenced against the Board or any member thereof, or other person acting under the authority, or in the execution or intended execution, or in pursuance of this Act, for any alleged irregularity, or trespass, or nuisance, or negligence, or for any act or omission whatever, until the expiry of one month after notice in writing specifying the cause of action, the Court in which the action is intended to be commenced, and the name and residence of the plaintiff and of his solicitor or agent in the matter has been given by the plaintiff to the defendant.

(2.) Every such action shall be commenced within six months next after the cause of action first arose, whether the cause of action is continuing or not.

Regulations.

96. The Governor-General may from time to time, by Order in Council, make regulations for effectually carrying out any of the provisions of this Act in respect whereof the Board is not by this Act empowered to make by-laws or regulations, and also providing for and regulating any matter in respect whereof any power, authority, or discretion is by this Act conferred on the Governor-General.

Protection of
Board against
claims by
consumers.

97. No person who is a consumer of electric energy supplied by the Board or by a local authority, as the case may be, shall have any claim against the Board or such local authority in the event of any failure of the supply of any such energy through accident, strike or labour disturbance, drought, or other unavoidable cause.

Board may
establish or assist
industries
dependent on
electric energy.

98. With the consent of the Governor-General in Council the Board may, within the district, establish or assist in the establishment of electro-chemical, electro-metallurgical, or other industries which may

be dependent upon or more effectually prosecuted by the use of electric energy, and may do all things which it deems necessary to encourage such industries within the district.

99. It shall be lawful for the Governor-General to extend the time allowed or fix a later date for the doing of any act, matter, or thing herein provided for, notwithstanding that the time may have elapsed or the day passed within or on which the same ought to have been done, and to adopt, or cause to be adopted, such measures as may be necessary to remove any obstacle of a technical or formal nature by which the carrying-out of the provisions of this Act may be impeded, and to supply any deficiency which may require to be supplied in order to enable the said provisions to be carried out.

Governor-General
may extend time
and supply
deficiencies

100. If any tree growing on any land causes or is likely to cause damage to an electric line to which this Act relates, the Board may give notice to the owner or occupier of that land to remove the said tree or any part thereof, and if the owner or occupier fails to comply with the terms of such notice within the time specified therein (being not less than seven days) the Board, or its agent, may enter upon that land and remove the tree or any part thereof, but so that no unnecessary damage is done or incurred thereby.

Board may cause
trees to be removed.

101. Notwithstanding anything contained in section one hundred and twenty-one of the Harbours Act, 1908, it shall be lawful for the Auckland Harbour Board to lease to the Board, without putting the same up to public auction or tender, Lots 2 to 9 (inclusive) of Block XXI of the said Harbour Board's subdivision of reclaimed land at Mechanics Bay, fronting Allenby Street in the City of Auckland, for any term not exceeding fifty years, and at such rental and upon such terms and conditions as may be agreed on between the said Harbour Board and the Board.

Power for Auckland
Harbour Board to
lease to Power
Board.

102. The charges for electrical energy shall not exceed one shilling per unit for lighting, and sixpence per unit for motor-power, heating, or cooking purposes:

Charges for
electrical energy.

Provided that "lighting purposes" shall include the operation of motor-generators for lighting purposes; and provided further that if accounts are paid within fourteen days after due date the charges shall not exceed ninepence per unit for lighting purposes and fourpence halfpenny per unit for motor-power, cooking, or heating purposes. In the case of wholesale supply the charges shall not exceed twelve pounds per horse-power per annum. "Wholesale supply" for this purpose shall be held to be a supply in respect of which the consumer shall guarantee to pay.

SCHEDULE.

(c.) As to the balance of the purchase-money, by payment in cash on or before the 1st day of April, 1924, with interest in the meantime at 6½ per centum per annum, payable yearly as from the 1st day of April, 1922; and the payment thereof shall be properly secured in the meantime by mortgage or charge over the Electricity Department, to be prepared by the City Council at the expense of the Board, and to contain the provisions hereby authorized, and such further provisions as are incidental thereto or are usually inserted in similar documents in Auckland.

4. The City Council shall pay over to the Board the balance in its hands in respect of the loan of £500,000 recently raised by it and known as the Electric-power Loan, 1921, and the Board shall issue to the City Council debentures for £500,000 upon the terms of the debentures issued by the City Council in respect of the said loan and maturing concurrently therewith. Such debentures shall be secured by a special rate levied by the Board upon the whole of the rateable property in its district, of an amount sufficient to provide, if necessary, 15 per centum more than the interest, sinking fund, and other annual charges in respect of the loan. The sinking fund to be provided by the Board in respect of the said loan shall be not less than $2\frac{1}{2}$ per centum per annum upon the full amount of the loan, and shall be paid by the Board each year to the City Council for payment by it to the Public Trustee as Sinking Fund Commissioner; but such sinking fund and the interest thereon shall, if and when received by the City Council, be applied in or towards payment of the moneys owing by the Board to the City Council, and secured by the debentures in this clause mentioned, and the surplus (if any) shall be paid to the Board. The City Council shall pay the interest and sinking fund payable in respect of the said loan up to the 16th day of March, 1922, and the sum so paid by the City Council, less the amounts earned or received by the City Council by way of interest, commission, or saving of exchange in respect of the said loan—which shall be credited or allowed to the Board—shall be considered as an advance by the City Council to the Board, and shall be added to and deemed to form part of the amount of purchase-money payable on the 1st day of April, 1924, and shall bear interest and be secured accordingly.

5. Where the City Council has pledged any of the city power plant as security for any special loan, such security shall remain unaffected by the sale and purchase herein provided for; but the City Council shall, subject to the performance by the Board of its obligations to the City Council hereunder, indemnify the Board in respect of any such special loan.

6. The Board shall take over the Electricity Department as from the commencement of business on the 1st day of April, 1922, and the tramway power-house on or before the 1st day of April, 1924, and all necessary adjustments shall be made up to the respective dates of so taking over, including an adjustment of accounts for current supplied, and for this purpose meters shall be read as usual.

7. The City Council shall retain and collect the book debts of the Electricity Department, and shall pay and discharge the ordinary trading debts of such department as at the date of taking over, and estimated to amount to about £10,000, but not including debts representing capital expenditure payable out of the Electric-power Loan, 1921.

8. The City Council shall pay over to the Board, to be held by it upon the terms upon which the City Council held the same, the contractors' and customers' deposits held by it in connection with the Electricity Department.

9. The Board shall take over and indemnify the City Council in respect of all contracts and engagements entered into by the City Council in relation to the Electricity Department or the tramway power-house respectively, and uncompleted or outstanding on the respective dates of taking over.

10. The debentures provided for in this agreement shall be prepared by and at the cost and expense in all things of the Board, including all necessary perusal fees on behalf of the City Council.

11. Until the Board shall take over the city power plant in terms hereof the City Council shall continue the efficient administration of the same, and shall diligently prosecute the extensions of the system and enlargements of the station already authorized, and do all things possible to maintain the machinery and plant generally in good order.

12. The Board shall as from the 1st day of April, 1922, supply to the City Council, and the City Council shall purchase and take from the Board, electricity for its electric-tramway system as follows:—

- (a.) Until the Board shall take over the tramway power-house such electricity as the City Council may require to purchase from the Board; and
- (b.) As from the taking-over by the Board of the tramway power-house, and at all times thereafter, all the electricity required or used by the City Council for or in connection with its electric-tramway system.

Such electricity shall be supplied as and when required by the City Council, and delivered at the tramway power-house and (or) the substations at Hobson Street, Epsom, and Kingsland, and shall be measured at low-tension switchboards.

13. The price to be paid by the City Council to the Board for such electricity shall be as follows :—

(a.) Until the Board shall take over the tramway power-house the same price as is being charged by the City Electricity Department to the City Tramways Department on the 31st day of March, 1922, subject to such percentage increases or decreases as the Board may from time to time make in its charges to ordinary consumers.

(b.) As from the taking-over by the Board of the tramway power-house the price for the first year shall be 1·35d. net per unit, plus 0·015d. per unit for every 1s. per ton over 20s. per ton in the actual cost of all the coal used by the Board in the production of electricity during that year, and thereafter the price per unit per annum shall be a sum equal to the actual cost per unit to the Board of the supply of electric current for tramway purposes during each year as and when delivered at low-tension switchboards, such actual cost to be calculated and ascertained in accordance with the usual and proper commercial practice in similar undertakings; but no amount shall be charged or allowed for sinking fund or return of capital other than usual and proper depreciation, and in no case shall such actual cost exceed the average actual cost per unit to the Board for electric current delivered during such year to all its customers, including the City Council. The Board shall, in the first instance, render its accounts quarterly upon the basis of 1·35d. per unit, and the City Council shall pay upon that basis; but an adjustment shall be made at the end of each year, and the price ascertained in accordance with this clause, and the difference shall thereupon be paid by the City Council or the Board, as the case may be.

14. The Board shall keep proper books and records upon a good and sufficient system, so that the calculations herein provided for may be correctly made and easily verified, and the City Council shall at all reasonable times have full and free access to such books and records by its servants or appointees, and shall be at liberty to make copies of or take extracts from the same.

15. The Board shall not be liable for any failure or deficiency in the supply of electricity caused wholly by strikes, lockouts, or other causes beyond its control, but the Board shall at all times take all reasonable steps and use all reasonable means to ensure a continuous supply of electricity to the City Council, and to minimise the risk of such failure or deficiency and the loss or delay arising therefrom.

In witness whereof the parties hereto have executed these presents.

THE SCHEDULE.

Electricity Department Lands.

(a.) All that piece of land, containing 3 acres 2 roods 25·68 perches, more or less, being part of the land in the Auckland Harbour which has been reclaimed from the sea, being the residue of the land comprised in certificate of title, Volume 159, folio 66.

(b.) All that piece of land, being Lots 2, 4, and 6, shown on a plan deposited in the Land Transfer Office, at Auckland, under No. 3478, which said piece of land is part of Allotment 17 of Section 5 of the Suburbs of Auckland.

(c.) All that piece of land at the corner of Seacombe's Road and Gillies Avenue, being part of Allotment 34 of Section 6 of the Suburbs of Auckland.

(d.) All that piece of land, being Lot 17 of the subdivision of Lots 19 and others of Allotment 30 and Lots 29 and others of Allotment 42 of Section 8 of the Suburbs of Auckland.

Tramway Power-house Lands.

(a.) Firstly : All that piece or parcel of land in the Provincial District of Auckland, being Allotment 23 and part of Allotment 22 of Section 25 of the City of Auckland, which said piece of land is the whole of the land comprised in certificate of title, Volume 99, folio 191.

Secondly : All those pieces or parcels of land, being Lots 8, 9, 10, 11, 12, and 13 on deposited plan No. 503, showing the subdivision of Allotment 22 of Section 25 of the City of Auckland, which said piece of land is the whole of the land comprised in certificate of title, Volume 89, folio 151.

Thirdly : All that piece or parcel of land shown on deposited plan No. 8909, which said piece of land is portion of Allotments 21 and 22 of Section 25 of the City of Auckland, and is all the land in certificate of title, Volume 231, folio 99.

Fourthly : All that piece or parcel of land, being Lot 2 on deposited plan No. 9506, which said piece of land comprises portions of Allotments 21 and 22 of Section 25 of the City of Auckland, and is the whole of the land in certificate of title, Volume 231, folio 100.

(b.) All that the unexpired portion of the term of fifty years from the 10th day of June, 1914, in that piece or parcel of land situated in the Provincial District of Auckland, being Lots 7, 8, and 9 of Block XIX of a reclamation by the Auckland Harbour Board from the Auckland Harbour in Freeman's Bay, but subject, however, as to the said Lot 7 to a certain deed of sublease made between the Auckland Electric Tramways Company (Limited), of the one part, and Charles Seagar, therein described, of the other part.

(c.) All that piece of land with a frontage to Green Lane, Epsom, being part of Allotment 20 of Section 11 of the Suburbs of Auckland.
