

*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives,  
20th September, 1939.*

*Hon. Mr. Semple.*

## HUTT ROAD.

### ANALYSIS.

<p>Title. 1. Short Title. 2. Interpretation.</p>	<p>7. Repeal of special legislation. 8. Security of debenture-holders not affected.</p>
<p><b>PART I.</b> ABOLITION OF BOARD, AND INCIDENTAL PROVISIONS.</p>	
<p>3. Commencement of this Part. 4. Abolition of Wellington City and Suburban Highways Board of Control. 5. Hutt Road vested in appropriate authorities as an ordinary road or street. 6. Crown to indemnify Wellington City Council in respect of certain loans.</p>	<p><b>PART II.</b> TRANSITIONAL PROVISIONS. 9. Extending powers of Wellington City Council. 10. Refund by Wellington City Council of balance of maintenance-moneys contributed by local authorities. 11. Powers of Main Highways Board. Schedules.</p>

### A BILL INTITULED

- AN ACT to abolish the Wellington City and Suburban Highways Board of Control, to repeal certain Enactments making Special Provision for the Construction and Maintenance of the Hutt Road and certain other Roads and Streets situated in or near to the City of Wellington, and to make Provision for Matters incidental thereto. Title.
- 5**
- BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—
- 10**
1. This Act may be cited as the Hutt Road Act, Short Title.  
1939,

No. 42—2.

Interpretation.

2. In this Act, unless the context otherwise requires,—

1924 (Local),  
No. 23

“Board” means the Wellington City and Suburban Highways Board of Control established under section three of the Wellington City and Suburban Highways Construction and Hutt Road Amendment Act, 1924: 5

Cf. 1915,  
No. 30, s. 2

“Council” means the Wellington City Council:  
“Hutt Road” means the road or street constructed by the Minister of Railways under section four of the Hutt Railway and Road Improvement Act, 1903, and in that Act referred to as the new Hutt Road, as the same is shown on the plan marked S.O. 223/1 to 11, deposited in the office of the Chief Surveyor at Wellington. 10 15

1903, No. 85

## PART I.

## ABOLITION OF BOARD, AND INCIDENTAL PROVISIONS.

Commencement  
of this Part.

3. This Part of this Act shall come into force on the *first* day of *April*, nineteen hundred and *forty*. 20

Abolition of  
Wellington  
City and  
Suburban  
Highways  
Board of  
Control.

4. The Board is hereby abolished.

5. (1) The portion of the Hutt Road that is situated within the City of Wellington is hereby declared to be vested in fee-simple in the Corporation of the City of Wellington as a street. 25

Hutt Road  
vested in  
appropriate  
authorities as  
an ordinary  
road or street.

(2) The portion of the Hutt Road that is situated within the County of Makara is hereby declared to be vested in the Crown as a road.

(3) The portion of the Hutt Road that is situated within the Borough of Petone is hereby declared to be vested in fee-simple in the Corporation of the Borough of Petone as a street. 30

(4) All contracts of the Wellington City Council that relate to advertisements on the Hutt Road and are in existence at the commencement of this Part of this Act shall thereupon— 35

(a) In so far as they relate to any portion of the Hutt Road that is situated within the County of Makara, become contracts of the Crown; 01  
and 04

(b) In so far as they relate to any portion of the Hutt Road that is situated within the Borough of Petone, become contracts of the Petone Borough Council.

- 5     **6.** (1) The Council shall be kept indemnified by the Crown from all liability in respect of the loans specified in the *First* Schedule to this Act, being loans raised by the Council under the enactments repealed by this Act. Crown to indemnify Wellington City Council in respect of certain loans.
- 10    (2) There shall from time to time, without further appropriation than this section, be paid to the Council out of the Main Highways Account such amounts as may be required by the Council to pay the principal and interest, and the sinking-fund charges (if any), in  
15    respect of the said loans, and to defray the costs, charges, and expenses incurred in so doing.
- 20    (3) Where upon the maturity of any of the said loans the total sinking fund in respect thereof will not be sufficient to enable the Council to repay the  
25    loan and to defray the costs, charges, and expenses incurred in so doing, the amount required to be paid to the Council under the *last preceding* subsection to enable it to do so may be raised under section fourteen of the New Zealand Loans Act, 1932, as if the securities  
30    for that loan were securities charged upon the public revenues of New Zealand and issued under that Act. 1932, No. 23
- 35    (4) The Council shall forthwith remove all Sinking Fund Commissioners (other than the Public Trustee) appointed in respect of any of the said loans, and shall appoint the Public Trustee as Sinking Fund Commissioner in their place.
- 40    (5) All unexpended loan-moneys held by the Council at the commencement of this Part of this Act in respect of any of the said loans shall be forthwith  
45    paid by the Council to the Public Account to the credit of the Main Highways Account.
- 50    **7.** (1) The enactments specified in the *Second* Schedule to this Act are hereby repealed. Repeal of special legislation.
- 55    (2) No by-laws made by the Council shall apply after the commencement of this Part of this Act with respect to any portion of the Hutt Road that is situated outside the City of Wellington.
- 60    **8.** Nothing in this Act shall diminish, affect, or prejudice the security of the holders of any debentures  
65    issued in respect of any of the loans specified in the *First* Schedule to this Act. Security of debenture-holders not affected.

## PART II.

## TRANSITIONAL PROVISIONS.

Extending  
powers of  
Wellington  
City Council.  
1915, No. 30

**9.** (1) For the purposes of section six of the Hutt Road Act, 1915, all moneys expended by the Council with the consent of the Board at any time before the commencement of Part I of this Act in providing lighting and a central kerbing or division for the portion of the Hutt Road that is situated within the City of Wellington, and in completing the railway overbridge at Thorndon and the approaches thereto shall be deemed to be part of the expenditure of the Council in maintaining the Hutt Road. 5 10

1924 (Local),  
No. 23

(2) Any expenditure of the Council in maintaining the Hutt Road (including any expenditure incurred in accordance with subsection *one* of this section) may, with the consent of the Board, be made out of moneys paid to the Council by other local authorities under section seven of the Wellington City and Suburban Highways Construction and Hutt Road Amendment Act, 1924, as contributions in respect of other roads and streets. 15 20

Refund by  
Wellington  
City Council  
of balance of  
maintenance-  
moneys  
contributed  
by local  
authorities.  
1915, No. 30  
1924 (Local),  
No. 23

**10.** The unexpended balance, as at the date of the commencement of Part I of this Act, of the moneys paid to the Council by other local authorities under section six of the Hutt Road Act, 1915, as contributions to the cost of the maintenance of the Hutt Road or under section seven of the Wellington City and Suburban Highways Construction and Hutt Road Amendment Act, 1924, as contributions in respect of other roads and streets shall forthwith after that date be refunded by the Council to those local authorities in such proportions as the Board determines. 25 30

Powers of  
Main Highways  
Board.

1936, No. 39

**11.** All expenditure incurred and all acts done by the Main Highways Board before the commencement of Part I of this Act (whether before or after the passing of this Act) in relation to the portion of the Hutt Road that is situated within the County of Makara shall be deemed to be and to have always been as valid and lawful as if that portion of the Hutt Road had been duly declared to be a main highway and had been duly classified under section four of the Main Highways Amendment Act, 1936, as a State highway. 35 40

## SCHEDULES.

Schedules.

## FIRST SCHEDULE.

LOANS IN RESPECT OF WHICH THE WELLINGTON CITY COUNCIL IS INDEMNIFIED BY THE CROWN.	£
Wellington City and Suburban Highways Loan, 1924	130,000
Wellington City and Suburban Highways Loan (No. 1), 1928 .. .. .	65,400
Wellington City and Suburban Highways Loan (No. 2), 1928 .. .. .	5,000
Wellington City and Suburban Highways Loan 1930 Conversion Loan (No. 4), 1934 .. .. .	20,520
Wellington City-Hutt Road Construction Renewal Loan, 1934 .. .. .	34,500
Wellington City and Suburban Highways Loan 1928 Conversion Loan (No. 2), 1935 .. .. .	20,600

## SECOND SCHEDULE.

## ENACTMENTS REPEALED.

- 1903, No. 85.—The Hutt Railway and Road Improvement Act, 1903.
- 1905, No. 34.—The Hutt Railway and Road Improvement Act, 1905.
- 1907, No. 26.—The Hutt Railway and Road Improvement Act, 1907.
- 1910, No. 10.—The Hutt Railway and Road Improvement Act, 1910.
- 1915, No. 30.—The Hutt Road Act, 1915.
- 1916, No. 18.—The Appropriation Act, 1916: Section 30.
- 1917, No. 23.—The Hutt Road Amendment Act, 1917.
- 1919, No. 25.—The Hutt Railway and Road Improvement Amendment Act, 1919.
- 1922 (Local), No. 1.—The Hutt Road Amendment Act, 1922.
- 1924 (Local), No. 23.—The Wellington City and Suburban Highways Construction and Hutt Road Amendment Act, 1924.
- 1926, No. 43.—The Main Highways Amendment Act, 1926: Section 6.
- 1927, No. 74.—The Finance Act, 1927 (No. 2): Section 33.
- 1927, (Local), No. 16.—The Wellington City and Suburban Highways Construction and Hutt Road Amendment Act, 1927.
- 1929, No. 29.—The Finance Act, 1929: Paragraphs (a), (b), and (c) of section 5.
- 1929 (Local), No. 4.—The Wellington City and Suburban Highways Construction and Hutt Road Amendment Act, 1929.
- 1930 (Local), No. 18.—The Wellington City and Suburban Highways Construction and Hutt Road Amendment Act, 1930.
- 1931, No. 43.—The Local Legislation Act, 1931: Section 8.
- 1932 (Local), No. 4.—The Wellington City Empowering and Amendment Act, 1932: Section 3.