

TASMANIA.

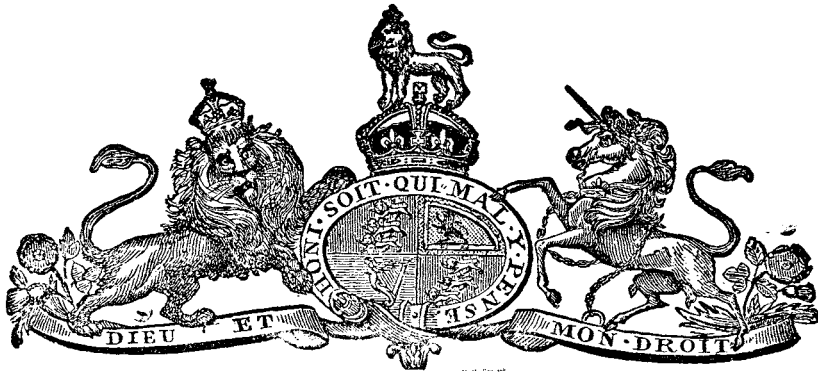
THE LOVETT LIGHTING ACT, 1923.

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TASMANIA.



1923.

ANNO TERTIO DECIMO

GEORGII V. REGIS.

No. 56.

AN ACT to further amend "The Lovett Lighting Act, 1914." [12 April, 1923.] ^{A.D.} 1923.

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1—(1) This Act may be cited as "The Lovett Lighting Act, 1923." Short title.
 (2) "The Lovett Lighting Act, 1914," is herein referred to as the Principal Act.
 Principal Act. 5 Geo. V. No. 6.

2 In this Act—

"Installation," when used with reference to any premises, Interpretation.
 means the provision, and fixing to or upon such premises,
 of all such works as are necessary or convenient for enabling
 electrical energy to be available or used thereon, and
 "Installed" when so used has a corresponding meaning :

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“Premises” means any house, building, or land :

“Special Rate” means the special rate referred to in Section Thirteen of this Act.

Powers of Council to be additional to its powers under the Principal Act.

3 The powers of the Council under this Act shall be in addition to, and not in substitution for, the powers conferred on the Council under the Principal Act.

Power of Council to Enter into Agreement for Purchase of Electrical Energy.

Council may enter into agreement with Hydro-Electric Department for purchase of electric energy.

4—(1) It shall be lawful for the Council from time to time to enter into an agreement with the Minister, or other authority for the time being administering the affairs of the Hydro-Electric Department of the State, for the purchase by the Council from such Minister, or other authority as aforesaid, for the purposes of this Act, or the Principal Act, of electrical energy in bulk upon such terms and conditions in all respects as shall be mutually agreed upon between the parties to such agreement.

Poll already taken to be sufficient compliance with the law.

(2) The poll of the electors within the light district, taken on the Twenty-fifth day of November, One thousand nine hundred and twenty-two, shall be deemed to be a sufficient compliance with any law requiring a poll of such electors to be taken before the entering into of any such agreement as aforesaid, for the purpose of ascertaining whether the Council should be permitted to enter into such agreement.

Power to Instal Premises.

Council may carry out installation of premises.

5—(1) It shall be lawful for the Council to carry out the installation of any premises at, or upon which electrical energy may be supplied under this or the Principal Act, and the owner or occupier of which requires that such electrical energy shall be so supplied.

Works used in installations to be the property of the Council.

(2) All works used by the Council in the installation of any such premises shall be and remain the property of the Council.

Power to cut off supply on non-payment of charges.

6 If any person shall neglect or refuse to pay any charge due from him to the Council for or in respect of or in connection with the installation or supply of electrical energy to any premises, the Council may cut off such supply, and for that purpose may cut or disconnect any electric line by means of which electrical energy may be so supplied, and may discontinue the supply of electrical energy to such premises.

Power to remove works.

7 In the event of the discontinuance by the Council of the supply of electrical energy to any premises, whether such discontinuance be under the provisions of the immediately preceding section, or otherwise howsoever, any person acting under the authority of the Council may at all reasonable times enter any such premises and remove all works installed by the Council thereon under this Act or otherwise,

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and if anyone hinders such person from so entering or effecting such removal, he shall be guilty of an offence under this Act, and shall be liable to a penalty not exceeding Five Pounds. A.D. 1923. —

8 In the installation by the Council, under the provisions of this Act, of any premises, or in the removal therefrom by the Council, under the provisions of this or the Principal Act, of any works, the Council shall cause as little damage as possible to be done to such premises, but the Council shall not be liable to pay compensation to the owner or occupier of such premises for any damage occasioned thereto by such installation or removal if such damage was necessarily incidental to the carrying out of such installation or removal, and no greater than the circumstances required. Council to do as little damage as possible.

Power to Borrow.

9 It shall be lawful for the Council, on behalf of the Corporation, without having previously passed any special resolution for the purpose, to raise by way of loan, under the provisions of "The Local Bodies Loans Act," by the sale of debentures secured on the special rate, any sum or sums of money not exceeding in the whole the sum of Three thousand Pounds, for the purpose of defraying the costs and expenses of and incidental to the preparation, and passing, and the carrying out of the provisions of this Act— Power to borrow under "The Local Bodies Loans Act." 45 Vict. No. 16.

Provided however that—

Proviso.

i. In the application of "The Local Bodies Loans Act," and its amendments, to the loan hereby authorised, and to the proceedings to be taken by the Council in connection therewith, the following enactments shall not have effect:—

(a) Sections Five and Six, and Sections Fourteen to Twenty-six inclusive, of "The Local Bodies Loans Act";

(b) Sections One to Four inclusive of "The Local Bodies Loans Amendment Act"; and 46 Vic. No. 14.

(c) "The Local Bodies Loans Act, 1896": 60 Vic No. 4.

ii. The form of debenture prescribed by "The Local Bodies Loans Act" may, in the case of any debenture issued in pursuance of this Act, be varied as may be necessitated by the provisions of this Act, and it shall not be necessary in any debenture so issued to refer to the publication of any notice in the "Gazette":

iii. Notwithstanding anything contained in Section Thirty-five of "The Local Bodies Loans Act," the holders of any debentures issued in respect of the loan authorised by this Act shall have priority over the holders of any debentures to be issued in respect of any loan to be subsequently raised on the security of the special rate:

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- iv. No debentures to be issued in pursuance of this Act shall be charged on any revenues of the Council other than the special rate :
- v. Notwithstanding anything contained in Section Twenty-eight of "The Local Bodies Loans Act," the yearly sum to be invested by the Council for the formation of the sinking fund in respect of the moneys to be secured by any debentures to be issued in pursuance of this Act, shall be Two Pounds per centum of the amount of such moneys, or such other sum per centum, not being less than Two Pounds, as the Council may determine.

Interest on debentures not to exceed Seven per cent.

10 The rate of interest to be payable in respect of the moneys to be secured by any debentures to be issued in pursuance of this Act shall not exceed Seven Pounds per centum per annum.

Stock forming part of sinking fund may be ordered to be transferred to receiver.
46 Vict. No. 14.

11 In the event of a receiver being appointed under Section Five of "The Local Bodies Loans Amendment Act," on the petition of the holder or holders of any debenture or debentures issued in pursuance of this Act, the Supreme Court may order that all stock, forming part of the sinking fund formed to liquidate the loan secured by any such debenture or debentures, be transferred into the name of the receiver so appointed.

Non-application of Section 8 of 54 Vict. No. 30 and Section 20 of 12 Geo. V. No. 23 to the special rate.

12 Nothing contained in Section Eight of "The Local Public Works Loans Act, 1890," or in Section Twenty of "The State Loans to Local Bodies Act, 1921," shall apply to the special rate.

Power to levy Special Rate.

Council may levy special rate.

13 The Council may, once in every year, make and levy, in addition to any rate authorised by the Principal Act, a special rate upon the annual value of all properties within the light district, as shown by the assessment roll in force for the time being, for the purpose of providing for the payment of interest, and any moneys required for a sinking fund in respect of any sum or sums of money borrowed in pursuance of this Act under "The Local Bodies Loans Act," and for the payment of any costs or expenses incurred in carrying out the objects of this or the Principal Act: Provided that such rate shall not in any year exceed the sum of One Shilling in the Pound on such annual value as aforesaid.

45 Vict. No. 16.

6 Ed. VII. No. 31.

Such special rate shall be payable by all persons who would be liable to be rated in respect of properties in the light district, if such rate had been a general rate under "The Local Government Act, 1906," and shall be made, levied, and recoverable in the same manner as any such general rate.

Section 45 of the Principal Act to apply to special rate.

14 The provisions of Section Forty-five of the Principal Act shall apply as well in respect of the special rate as in respect of the light rate referred to in that section.

*Lovett Lighting.**Power to make By-laws.*

A.D. 1923.

15 The Council may make by-laws for all or any of the following purposes :—

By-laws.

- i. For fixing special charges for the supply of electrical energy at or upon premises which have been installed by the Council, and any such special charge may include a charge for or in respect of such installation, and for the use of the works provided therefor :
- ii. Providing that electrical energy shall, notwithstanding anything in the Principal Act to the contrary, only be supplied at or upon premises which have been installed by the Council :
- iii. Providing that any such by-law as is referred to in Paragraph ii. of this section shall not operate in respect of premises installed otherwise than by the Council before the commencement of this Act.

Amendments of Principal Act.

16 The definition of "Works" in Section Four of the Principal Act is hereby amended by deleting the word "and" in the Tenth line of the said definition, and substituting the word "or" therefor.

Amendment of Section 4 of the Principal Act.

17 Section Twenty-seven of the Principal Act is hereby amended by deleting all the words of the said section after the word "If" in the First line thereof down to and including the word "District" in the Third line of the said section.

Amendment of Section 27 of the Principal Act.

18 Section Thirty-one of the Principal Act is hereby amended by expunging the first Three lines of the said section.

Amendment of Section 31 of the Principal Act.

