

No. XVI.

An Act to amend the Municipalities Act of 1867, to enable Municipalities to lease and acquire lands and to erect baths thereon or thereover, and to lease and acquire baths already erected; to validate the acts of municipal councils which have already erected, leased, or acquired baths beyond the bounds of their municipalities; and for other purposes. [7th October, 1896.]

MUNICIPAL BATHS.

WHILEAS it is expedient that councils of municipalities should have power to take on lease, purchase, or otherwise acquire land situated outside of but adjoining to or abutting upon their boundaries, and forming part of their shores, foreshores, bays, inlets, or other water frontages, and to construct thereon or thereover baths, dressing-rooms, and other erections and improvements, and to lease, purchase, or acquire baths already erected within or adjoining the boundaries of such municipalities, and to exercise all other the powers intended to be conferred: And whereas it is desirable to validate the acts of municipal councils which have already erected, leased, purchased, or acquired baths beyond the boundaries of their respective municipalities, or entered into contracts to erect, lease, or acquire baths beyond or adjoining such boundaries: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Preamble.

1. This Act may be cited as the "Municipal Baths Act of 1896," and shall be read with and as forming part of the Municipalities Act of 1867, hereinafter termed the Principal Act.

Short title.

Municipal Baths.

Power for municipalities to acquire lands and erect baths, &c.

2. It shall be lawful for the council of any municipality from time to time to purchase, take on lease, or otherwise acquire from the Government of New South Wales, or from any person or persons, lands situated outside but adjoining to, or abutting upon the boundaries of such municipality, and forming any part of its shores, foreshores, bays, inlets, or other water frontages thereof, and, subject to the provisions of any Local Harbour Trust Act now or hereafter enacted, to erect, build, and construct thereon or thereover baths, with all necessary or convenient roads, ways, sea-walls, and approaches thereto, and all necessary or convenient dressing-rooms, booths, sheds, conveniences, offices, and buildings, and from time to time to effect all necessary or advisable repairs, amendments, alterations, additions, and improvements thereto; and also to take on lease, purchase, or acquire, for any term, estate or interest from the said Government, or any local harbour trust, or from any person or persons, all or any baths erected within or adjoining to the boundaries of such municipality, and from time to time to effect all necessary repairs, amendments, alterations, additions, and improvements thereto: Provided that before any such baths shall be erected, built, constructed, or extended, a plan and specification thereof shall be prepared and submitted to, and approved of, by the Minister for Lands for the time being of the Colony of New South Wales, whose approval must also first be obtained before any of the works referred to in this section can be carried out by any municipal council whose municipality is situated outside the jurisdiction of any harbour trust.

Power to apply rates towards purposes set out in preceding sections.

3. It shall be lawful for the council of any municipality to use and apply the rates and income of such municipality for and towards all or any of the works set out or referred to in the preceding section in the same manner as if the said lands had been within the limits or boundaries within which such rates and income are raised by such municipality.

Power to borrow money for purposes in second section.

4. The council of any municipality may, in addition to the powers conferred by the one hundred and ninetieth section of the Principal Act, borrow and use all moneys which may be necessary for the purpose of effecting and carrying out the works and purposes set out or referred to in the second section of this Act, in the same manner as if all the said works and purposes had been expressly included in the said Principal Act, and in addition to the securities referred to in the one hundred and ninety-first section of the last-mentioned Act, it shall be lawful for such council to mortgage such bath or baths or any of them as may have been leased, purchased, acquired, or erected by them, and the tolls, rents, rates, dues, and charges arising therefrom, or all the estate, right, title, or interest of the said municipality therein, or any less estate or interest; and all the rights, powers, and remedies given to mortgagors and mortgagees by the Principal Act shall extend to any securities effected under the powers conferred by this Act.

Power to make by-laws and regulations.

5. It shall be lawful for the council of any municipality, from time to time, to make, alter, add to, repeal, and amend all necessary regulations and by-laws for the purpose of regulating and controlling the use of the said baths, dressing-rooms, and other erections leased, purchased, acquired, or erected as aforesaid by such council, or already in the possession of the municipality; and such council may establish, levy, and impose, and may recover in any court of competent jurisdiction, tolls, rents, rates, dues, and charges upon users or occupiers of the said baths, dressing-rooms, booths, sheds, conveniences, offices, or buildings, and may erect gates, bars, and other works necessary for the collection of such tolls, rents, rates, dues, and charges; and may make by-laws for the proper management and collection of such tolls, rents,

Public Officers' Fees.

rents, rates, dues, and charges as in manner provided for by and consistent with sections one hundred and fifty-seven, one hundred and fifty-eight, and one hundred and fifty-nine of the Principal Act; and all penalties may be recovered and enforced in the manner provided by the Acts eleventh and twelfth Victoria, chapter two, and the Acts of Parliament amending same.

6. It shall be lawful for the council of any municipality, from time to time, to let and demise, or otherwise grant or permit, to any person or persons, the use or occupation of all or any of the said baths, or any portion or portions thereof which may have been leased, purchased, or acquired, or erected by such municipality aforesaid, for such time, upon such terms, and subject to such conditions, stipulations, and agreements as the council may deem advisable. But no such lease, demise, grant, or permission shall be for any term exceeding seven years, nor, if the said baths be constructed on or over land held by such municipality on lease, or for a limited time, for any term exceeding the term of the said lease, or the said limited time. Power to let baths.

7. All baths with sheds, conveniences, offices, and buildings, at any time heretofore leased, purchased, acquired, or erected by the council of any municipality or borough out of the funds of the municipality, upon or over any lands situated outside of but adjoining to or abutting upon the boundaries of any such municipality or borough, and forming any part of its shores, foreshores, bays, inlets, or other water frontages shall be deemed to have been duly and lawfully leased, purchased, acquired, or erected, and all contracts entered into by the council of any municipality prior to the passing of this Act for the lease, purchase, acquisition, or erection of any such baths with sheds, conveniences, offices, and buildings as aforesaid shall be deemed good and valid contracts, notwithstanding that the erections so contracted for are upon or over land situated outside of but adjoining to or abutting upon the boundaries of such municipality. Baths, &c., heretofore leased, acquired, or erected by Council, deemed to have been lawfully leased, &c., and contracts entered into deemed valid.