

# New Zealand.

ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

No. 43.

## ANALYSIS.

Title.	affecting lands of the Crown being highways
Preamble.	and beds of rivers.
1. Short Title.	3. Ordinances to be reserved.
2. Laws may be passed by Provincial Councils	4. Former Acts and Ordinances to be valid.

## **AN ACT to enable Provincial Legislatures** Title. **to make Laws affecting Public Roads** **and Watercourses.**

*[Reserved for the signification of Her Majesty's pleasure.]*

**W**HEREAS by the nineteenth section of "The Constitution Act" Preamble.  
it is enacted amongst other things that it shall not be lawful for the  
Superintendent and Provincial Council of any Province to make or  
ordain any Law or Ordinance for the purpose of affecting lands of the  
Crown and whereas it is expedient that such restriction should not  
extend to public streets roads highways or thoroughfares nor to the  
beds of rivers streams creeks and other waters

BE IT THEREFORE ENACTED by the General Assembly of New Zealand  
in Parliament assembled and by the authority of the same as follows—

I. The Short Title of this Act shall be "The Provincial Councils' Short Title.  
Powers Extension Act 1865."

II. It shall be lawful for the Superintendent and Provincial Council Laws may be passed  
by Provincial Councils  
affecting lands of  
the Crown being high-  
ways and beds of  
rivers.  
of any Province notwithstanding the restriction contained in the tenth  
sub-section of the nineteenth section of "The Constitution Act" to ordain  
or pass any Law or Ordinance which but for such restriction so contained  
in the said sub-section might have been ordained or passed by such  
Superintendent and Council affecting any part of the Waste Lands of  
the Crown within such Province which now is or hereafter shall be a  
public street road highway or thoroughfare or a drain for the outfall  
of water or which is the bed of any creek stream river pond or lake  
Provided that nothing herein contained shall or shall be deemed to  
empower any Superintendent and Provincial Council to ordain or pass  
any Law or Ordinance except so far as such Superintendent and Council  
may be restrained from ordaining or passing by such sub-section  
aforesaid and that as to all other restrictions on the legislative powers  
of Superintendents and Provincial Councils existing at the time of the  
coming into operation of this Act the same shall remain in full force  
Provided further that nothing herein contained shall be deemed to  
empower any Superintendent and Provincial Council to pass or ordain  
any Law or Ordinance affecting lands to which the title of the Aboriginal  
Native owners has never been extinguished.

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*Provincial Councils' Powers Extension.*

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Ordinances to be re-  
served.

III. Every Act or Ordinance passed by any Superintendent and Provincial Council under the authority of this Act shall be reserved for the signification of the Governor's pleasure thereon and shall have no force or effect until the confirmation by the Governor of the same shall have been signified by proclamation in the *New Zealand Gazette*.

Former Acts and  
Ordinances to be  
valid.

IV. All provisions of any Acts or Ordinances passed by any Superintendent and Provincial Council which would have been legal and valid if this Act had been in force at the time of the passing of such Acts or Ordinances shall be and be deemed to have been valid as from the time of passing thereof and all acts done under the authority of any such provisions shall be effectual accordingly.