

New Zealand.



WHOLE ACT REPEALED
 RPLD: S 30
 1928 No. 10

ANALYSIS.

Title.

1. Short Title.
2. Section 2 of principal Act amended.
3. Local authority may declare certain plants not to be noxious weeds.

4. Occupier required to trim hedges and to keep land cleared of noxious weeds. Consequential repeal.
5. Special measures for control of noxious weeds may be agreed on.
6. Regulations may prescribe times for clearing noxious weeds.

1923, No. 31.

AN ACT to amend the Noxious Weeds Act, 1908.

Title.

[29th August, 1923.]

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 Noxious Weeds Amendment Act, 1923, and shall be read together with and deemed part of the Noxious Weeds Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

2. Section two of the principal Act is hereby amended by omitting from the definition of the term "clear" the words "any part thereof flowering," and substituting therefor the words "the spread thereof by seeding or otherwise."

Section 2 of principal Act amended.

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3. (1.) A local authority may at any time in manner hereinafter provided declare that any of the plants mentioned in the Second Schedule to the principal Act, except blackberry and sweetbriar, shall be deemed not to be noxious weeds within the district of that local authority or within any specified portion of that district, and every such declaration shall have effect according to its tenor.

Local authority may declare certain plants not to be noxious weeds

(2.) Any declaration under this section and any declaration under section four of the principal Act, whether made before or after the passing of this Act, may at any time be in like manner amended or revoked.

(3.) Section five of the principal Act shall apply to declarations under this section in the same manner as it applies to declarations under section four of the principal Act.

Occupier required to trim hedges and to keep land cleared of noxious weeds.

4. (1.) Every occupier of land on which there are hedges or live fences consisting of barberry, sweetbriar, gorse, broom, or hakea (whether the same are noxious weeds or not) shall in every year cut or trim such hedges or fences: ^{Take in addition 1927 Inset}

Provided that where such cutting or trimming would destroy the effectiveness of any hedge or live fence for shelter purposes the Inspector may, by writing under his hand, suspend the operation of this subsection with respect to such hedge or live fence for such period as he thinks fit.

(2.) Every occupier of land on which blackberry or sweetbriar is growing, otherwise than in small patches, shall clear so much thereof as is required by an Inspector by notice in writing under his hand. ^{Take in addition 1927 Inset} Every occupier of land on which barberry, gorse, broom, or hakea are growing, otherwise than in small patches or as part of a hedge or live fence, shall, in districts in which such plants are noxious weeds, clear so much thereof as is required by an Inspector by notice in writing under his hand. ^{Take in addition 1927 Inset}

(3.) Every occupier who has received a notice under the last preceding subsection may, within fourteen days of the receipt thereof, appeal to the Minister, or such person as the Minister by notice in the *Gazette* appoints in that behalf, on the ground that the requirements of the Inspector are unreasonable.

(4.) The Minister, or the person so appointed by the Minister, shall, after inquiry, either dismiss the appeal or reduce the requirements of the Inspector, who shall, in the latter event, thereupon serve upon the occupier an amended notice in writing setting forth his requirements as so reduced. The decision of the Minister or person appointed by him, as the case may be, shall be final.

(5.) Subject to the foregoing provisions of this section, every occupier of land shall do all things necessary to clear his land and to keep the same cleared of noxious weeds. ^{Take in addition 1927 Inset}

Consequential repeal.

(6.) This section is in substitution for section nine of the principal Act, and that section and section three of the Noxious Weeds Amendment Act, 1910, are hereby accordingly repealed.

Special measures for control of noxious weeds may be agreed on.

5. In any case where an occupier of land takes such measures for controlling the spread of noxious weeds as may be agreed upon between the occupier and an Inspector, the Inspector may, by notice in writing under his hand, suspend or modify to the extent set forth in such notice the operation of the provisions of the last preceding section with respect to such land. Any such notice may be at any time in like manner revoked.

Regulations may prescribe times for clearing noxious weeds.

6. Where an occupier of land is required to cut or trim any hedges thereon, or to clear the same of noxious weeds, he shall perform those duties at such times as may be directed by regulations in that behalf, and in default of such regulations, then at the proper season of the year.

Refer to 1927 Inset