

New Zealand.

WHOLE ACT REPEALED
RPLD: S. 346 1928 No. 21.

Schedule.
Part II.

1927 p. 666

Refer: Sec. 16 1931 No. 44: The term "local authority" to include Auckland Transport Board and ChCh Tramway Bd.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Method of serving claims for compensation under principal Act. Repeals. 3. Land taken for public work and not required may be sold on system of deferred payments. 4. Limiting operation of section 109 of principal Act to procedure for apportionment of cost of maintaining a road or street. 5. Apportionment between local authorities concerned of cost of construction in any district of road used or likely to be used largely for purposes of traffic from other districts. | <ol style="list-style-type: none"> 6. Cost of construction of bridge, in appropriate cases, to be apportioned under section 119 instead of section 120 of principal Act. 7. Protection of Crown rights with respect to telegraph or other lines placed under roads. 8. As to contents of Proclamation defining middle-line of proposed railway. 9. On completion of railway, lands affected by Proclamation defining the middle-line thereof but not taken for purposes of such railway may be released. 10. Special provisions as to moneys due under irrigation agreements and not paid. 11. Amending definition of term "motor-lorry" for purposes of section 19 of Public Works Amendment Act, 1924. |
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1927, No. 69.

AN ACT to amend the Public Works Act, 1908.

[5th December, 1927.]

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 Public Works Amendment Act, 1927, and shall be read together with and deemed part of the Public Works Act, 1908 (hereinafter referred to as the principal Act).

2. (1) Claims for compensation under the principal Act shall be served as follows:—

(a) Where the Minister of Public Works is the respondent, by being sent by registered letter addressed to the permanent head of the Public Works Department at the Public Works Office at Wellington, or by being delivered at that office:

(b) Where the Minister of Railways is the respondent, by being sent by registered letter addressed to the Secretary of the Government Railways Board at the Government Railways Office at Wellington, or by being delivered at that office:

(c) Where a local authority is the respondent, by being sent by registered letter addressed to the local authority at its office, or by being delivered at that office.

Title.

Short Title.

Method of serving
claims for
compensation under
principal Act.

(2) In any such case as aforesaid the claimant shall be entitled on demand to receive from the officer for the time being in charge of any such office as aforesaid a receipt stating the day on which such claim was delivered or received; and any officer refusing to give such receipt on demand shall be liable to a fine of five pounds.

Repeals.

(3) This section is in substitution for subsection two of section forty-three of the principal Act, and that subsection with so much of the Schedule to the Public Works Amendment Act, 1909, as relates thereto is hereby repealed.

Land taken for public work and not required may be sold on system of deferred payments.

3. Any land held, taken, purchased, or acquired for a public work and proposed to be sold pursuant to the authority conferred by section thirty of the principal Act may, with the concurrence of the Governor-General, be sold on deferred payments extending over such period not exceeding five years and on such terms and conditions as the Minister or the local authority, as the case may be, may determine.

Limiting operation of section 109 of principal Act to procedure for apportionment of cost of maintaining a road or street.

4. (1) Section one hundred and nine of the principal Act is hereby amended as follows:—

- (a) By omitting the words “constructing or” wherever they occur in subsection one:
- (b) By omitting from the same subsection all words after the words “to enable effect to be given hereto,” and substituting the words “the provisions of section one hundred and twenty hereof shall, with the necessary modifications, apply.”

(2) For the purposes of section one hundred and nine of the principal Act the maintenance of a road shall be deemed to include its repair and improvement.

Apportionment between local authorities concerned of cost of construction in any district of road used or likely to be used largely for purposes of traffic from other districts.
Cf. 1908, No. 160, s. 109

5. (1) In any case where a road constructed or proposed to be constructed in one district is or is likely to be largely used for the purpose of traffic to or from any other district or districts, and affords or will afford access to or from such district or districts, and the Governor-General is of opinion that it is equitable that the latter district or districts should contribute towards the cost of the construction of the whole or any portion of such road in the former district, the Governor-General may at any time apportion the cost of the construction of the whole or any part of such road among the local authorities of the respective districts as he thinks fit; and for that purpose, and to enable effect to be given hereto, the provisions of section one hundred and nineteen of the principal Act shall, with the necessary modifications, apply.

(2) For the purposes of this section the construction of a road includes the reconstruction of the same in whole or in part, and the cost of construction of a road includes the cost of any land acquired for the purposes thereof and also includes any expenditure incidental to such acquisition.

Cost of construction of bridge, in appropriate cases, to be apportioned under section 119 instead of section 120 of principal Act.

6. (1) Section one hundred and nineteen of the principal Act is hereby amended by repealing the definition of the expression “the construction of a bridge,” and substituting the following definition:—

“‘The construction of a bridge’ includes the construction of a new bridge, an addition to the length of a bridge, and the complete or partial rebuilding of a bridge or of a substantial portion of a bridge.”

(2) Section one hundred and twenty of the principal Act is hereby amended by omitting from subsections four, six, and seven the words "repairing, improving, or reconstructing," and in each case substituting the words "or repairing."

7. Section one hundred and forty-five of the principal Act is hereby amended by adding the following as subsection two thereof:—

"(2) Except with the prior consent in writing of the Minister a local authority shall not authorize or suffer any encroachment on a road if such encroachment would or might interfere with or in any way obstruct the right of the Crown or of any other local authority or public body to construct, place, maintain, alter, remove, or otherwise deal with any electric wires, telephone-wires, telegraph-wires, or pneumatic tubes on, over, or under such road."

Protection of Crown rights with respect to telegraph or other lines placed under roads.

8. (1) Any Proclamation defining the middle-line of a proposed railway issued under section one hundred and eighty-eight of the principal Act may define in respect of any portion of such line the distance on each side thereof, being not greater in any case than ten chains, within which the powers conferred on the Minister by section one hundred and ninety of the principal Act may be exercised.

As to contents of Proclamation defining middle-line of proposed railway.

(2) Section one hundred and ninety of the principal Act is hereby amended by inserting, after the words "within a distance of ten chains on either side thereof" in paragraph (a) of subsection one, the words "or within such lesser distance as may be prescribed in that behalf in the Proclamation defining the said middle-line."

9. Section seven of the Public Works Amendment Act, 1924, is hereby amended by adding to subsection two thereof the following words: "At any time after a railway or any part thereof has been opened for traffic the Minister may cause to be deposited, without fee, in the appropriate District Land Registry Office a certificate, signed by or on behalf of the Minister, to the effect that the railway or part thereof, as the case may be, has been opened for traffic, and setting forth a description or reference to all lands taken or otherwise acquired for the purposes of such railway or part. On the deposit of any such certificate the District Land Registrar shall take all necessary steps to discharge or cancel the memorials or entries made pursuant to the foregoing provisions of this section in respect of all lands referred to in a Proclamation as aforesaid and not so taken or acquired."

On completion of railway, lands affected by Proclamation defining the middle-line thereof but not taken for purposes of such railway may be released.

10. (1) Section eight of the Public Works Amendment Act, 1911, is hereby amended by inserting in subsection one and also in subsection two, after the words "moneys becoming due under the agreement during the period of his occupancy in respect of the land so in his occupation," the words "and all moneys accrued due under such agreement and unpaid in respect of such land at the commencement of his occupancy."

Special provisions as to moneys due under irrigation agreements and not paid.

(2) Subsection one of section thirteen of the Public Works Amendment Act, 1924, is hereby repealed, and the following subsections are substituted therefor:—

"(1) If at any time any moneys are due and unpaid under an irrigation agreement registered pursuant to section eight of the Public Works Amendment Act, 1911, the District Engineer of the Public Works Department for the district in which is situated the land subject to that agreement may, without fee, deposit with the District Land

Registrar or Registrar of Deeds, as the case may be, in the land registration district in which the land is situated a certificate under his hand specifying the amount due and unpaid in respect of such land, and the Registrar shall thereupon register the same as a charge against the land. Whilst any such charge is so registered no transfer, conveyance, lease, or other alienation of the land or of any interest therein, or of any part thereof, shall be registered without the prior consent of the Minister.

“(1A) Upon payment to the Crown of the full amount in respect of which a charge has been registered as aforesaid, and if all moneys that have subsequently accrued due under the agreement have been paid, the District Engineer shall forthwith cause a release of such charge to be registered, and the District Land Registrar or Registrar of Deeds shall, without fee, register such release.”

11. Section nineteen of the Public Works Amendment Act, 1924, is hereby amended by repealing subsection one, and substituting the following subsection :—

“(1) For the purposes of this section the term ‘motor-vehicle’ has the same meaning as in the Motor-vehicles Act, 1924, and the term ‘motor-lorry’ includes every motor-vehicle (other than a private motor-car as defined by the last-mentioned Act) which, with its maximum load, exceeds two tons in weight.”

Amending
definition of term
“motor-lorry” for
purposes of
section 19 of Public
Works Amendment
Act, 1924.