

New Zealand.



ANALYSIS.

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| <p>Title.</p> <p>Preamble.</p> <p>1. Short Title.</p> <p>2. Empowering Ashburton County Council to take full control of Lagmhor Creek and its branches and diversions, and declaring same a water-race.</p> <p>3. Constituting Lagmhor Creek and its branches and diversions an integral part of the Ashburton Water-race District and declaring</p> | <p>occupiers of land adjacent to be subject to the Water-supply Act, 1908, and to by-laws of Ashburton County Council.</p> <p>4. Excluding adjacent occupiers and others resident within the Tinwald Town District from liability for water charges.</p> <p>5. Validation of past acts of Ashburton County Council in respect of Lagmhor Creek and its branches and diversions within Tinwald Town District.</p> |
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1928, No. 2.—*Local and Personal.*

Title. AN ACT placing Lagmhor Creek and its Branches and Diversions within the Area of the Tinwald Town District under the Full Control of the Ashburton County Council as a Water-race and Part of the Ashburton Water-race System.

[19th September, 1928.]

Preamble. WHEREAS the Ashburton County Council has from time to time declared the whole (or major part) of the Ashburton County to be a water-race district under the provisions of the Water-supply Act, 1908: And whereas the Tinwald Town District does not form part of the said Ashburton County: And whereas a certain stream commonly called the Lagmhor Creek flows partly through the said Ashburton Water-race District and partly through the Tinwald Town District: And whereas such Lagmhor Creek has always been treated by the Ashburton County Council having control over the Ashburton Water-race District as an integral part of the said Ashburton water-race system, and the said Ashburton County Council has for some time past exercised powers over the said Lagmhor Creek above and below the Town of Tinwald, and has also, with the consent of the Tinwald Town Board, exercised certain powers over the said Lagmhor Creek within the said Tinwald Town District: And whereas it is deemed desirable both by the Ashburton County Council and the Tinwald Town Board that the Ashburton County Council should be enabled to exercise full and unrestricted power and control over the said Lagmhor Creek and its

branches and diversions within the area of the Tinwald Town District : And whereas the Tinwald Town Board is agreeable and has consented to the said Lagmhor Creek, its branches and diversions, flowing through the Tinwald Town District being placed under the full control of the Ashburton County Council as a water-race and part of the Ashburton water-race system :

BE IT THEREFORE 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 Ashburton Water-supply (Lagmhor Creek) Act, 1928. Short Title.

2. The Ashburton County Council is hereby empowered to take full control of the stream known as the Lagmhor Creek and its branches and diversions and the water therein within the area of the Tinwald Town District, and the said Lagmhor Creek and its branches and diversions, notwithstanding that the Tinwald Town Board may have exercised acts of authority and jurisdiction over the same, shall be deemed to be a water-race within the meaning of the Water-supply Act, 1908. Empowering Ashburton County Council to take full control of Lagmhor Creek and its branches and diversions, and declaring same a water-race.

3. The whole of such Lagmhor Creek and its branches and diversions are hereby constituted an integral part of the Ashburton water-race system, and the occupiers of land adjacent to such creek and its branches and diversions are hereby declared to be subject to provisions of the Water-supply Act, 1908, and subject as is hereinafter mentioned to the by-laws of the Ashburton County Council made under the provisions of that Act. Constituting Lagmhor Creek and its branches and diversions an integral part of the Ashburton Water-race District and declaring occupiers of land adjacent to be subject to the Water-supply Act, 1908, and to by-laws of Ashburton County Council.

4. Nothing herein or in the said by-laws contained shall operate so as to render any such adjacent occupiers or any other person or persons whomsoever resident within the area of the Tinwald Town District liable for payment of annual water rates or annual water charges, but in all other respects the said by-laws shall operate, apply, and be of full force and effect. Excluding adjacent occupiers and others resident within the Tinwald Town District from liability for water charges.

5. Notwithstanding anything to the contrary in the Water-supply Act, 1908, or the Town Boards Act, 1908, or their amendments, any acts done or powers of jurisdiction exercised heretofore by the Ashburton County Council in respect of such Lagmhor Creek and its branches and diversions within the area of the Tinwald Town District are hereby validated. Validation of past acts of Ashburton County Council in respect of Lagmhor Creek and its branches and diversions within Tinwald Town District.