

**Version  
as at 28 October 2021**

## **Ashley River Improvement Act 1925**

Public Act    1925 No 41  
Date of assent    1 October 1925

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**Note**

Changes authorised by subpart 2 of Part 3 of the Legislation Act 2019 have been made in this consolidation. See the notes at the end of this consolidation for further details.

**This Act is administered by the Department of Internal Affairs.**

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**An Act to make Better Provision for the Improvement of the Waterway of the Ashley River, and the Protection of certain Land in Canterbury.**

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

**1 Short Title and commencement**

- (1) This Act may be cited as the Ashley River Improvement Act 1925, and shall come into force on a date to be fixed in that behalf by the Governor-General by Order in Council.
- (2) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

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**Legislation Act 2019 requirements for secondary legislation made under this section**

<b>Publication</b>	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

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Section 1(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

## 2 Ashley River Trust District constituted

- (1) The area described in Schedule 1 to the Ashley River Improvement Amendment Act 1927 is hereby constituted and declared to be a special river district to be called the Ashley River Trust District (hereinafter referred to as the district).
- (2) *[Repealed]*
- (3) All lands within the area described in Schedule 1 to the Ashley River Improvement Amendment Act 1927 which at the commencement of this Act form part of the Waimakariri River Trust District shall thereupon cease to form part of that district, and the Governor-General shall, by notice in the *Gazette*, define the boundaries of that district as so altered.

Subsections (1) and (3) were amended, as from 30 November 1927, by section 2(1) Ashley River Improvement Amendment Act 1927 (1927 No 59) by substituting the reference “to the Ashley River Improvement Amendment Act 1927” for the reference to “hereto”.

Subsection (2) was repealed, as from 30 November 1927, by section 3(1) Ashley River Improvement Amendment Act 1927 (1927 No 59).

## 3 Ashley River Trust constituted

- (1) There shall be constituted for the district a trust under the name of the Ashley River Trust (hereinafter referred to as the Trust), which shall consist of eight Commissioners, of whom—
  - (a) Three shall be elected by the ratepayers of the Rangiora County Subdivision:
  - (b) Two shall be elected by the ratepayers of the Rangiora Borough Subdivision:
  - (c) Two shall be elected by the ratepayers of the Kowai-Ashley Subdivision:
  - (d) *[Repealed]*
  - (e) One shall from time to time be appointed by the Minister of Public Works.
- (2) The said Minister may from time to time revoke the appointment of the member appointed by him as aforesaid, and thereupon such Commissioner shall cease to be a member of the Trust. The Commissioner appointed by the Minister shall be the Chairman of the Trust.

Paragraphs (a), (b), (c) were substituted, and paragraph (d) was repealed, as from 30 November 1927, by section 4(1) Ashley River Improvement Amendment Act 1927 (1927 No 59).

## 4 Trust incorporated

The Trust shall be a body corporate under the name of the Ashley River Trust, with perpetual succession and a common seal, and shall be capable of holding real and personal property, and of doing and suffering all that bodies corporate may do and suffer.

## **5 Election of Commissioners**

The first elective Commissioners of the Trust shall come into office on the day of their election.

## **6 First election**

- (1) The Governor-General shall appoint a day for the first election of the elective Commissioners, and shall appoint a Returning Officer, and make such other appointments as may be necessary and generally do all things necessary in or towards the carrying-out of such election.
- (2) For the purposes of the first election of Commissioners every person who immediately before the commencement of this Act was entitled to vote, by virtue of his being a ratepayer, at an election for any riding of a county, or for any road district, town district, or borough, or for any part thereof respectively which is included in the district, shall be entitled to be enrolled as a ratepayer.
- (3) Such person as the Governor-General appoints for the purpose shall make a roll of ratepayers for the district by placing thereon the names of all persons entitled to be enrolled as aforesaid, and in such roll shall assign to each ratepayer the number of votes he would be entitled to exercise if he were a ratepayer voting at an election under the River Boards Act 1908; and in any case where a property lies partly within and partly outside the district may apply to the Valuer-General to be furnished with an assessment of such first-mentioned part of such property to enable him to complete the roll.
- (4) The first meeting of the Trust shall be held at such place and at such time as the Governor-General may, by notice in the *Gazette*, appoint in that behalf.

## **7 Application of certain provisions of River Boards Act and Land Drainage Act**

The enactments specified in Schedule 3 hereto as from time to time in force, together with all enactments hereafter passed in amendment thereof or in substitution therefor and from time to time in force shall be deemed to be incorporated with and to form part of this Act, and for the purposes of this Act references in any of the said enactments to a Board, or to any member or members of a Board, shall be construed as references to the Trust and to a Commissioner or to Commissioners, as the case may require.

Section 7 was amended, as from 1 April 1938, by inserting the words “as from time to time in force, together with all enactments hereafter passed in amendment therefor in substitution therefor and from time to time in force” by section 4(1) Ashley River Improvement Amendment Act 1938 (1938 No 18(L)).

## **8 Trust may make and levy an administrative rate**

Notwithstanding anything to the contrary in this or any other Act, the Trust may, in addition to exercising any other rating-power conferred on it, make and levy on a uniform scale a rate, to be called an administrative rate, over all rate-

able property in the district to provide for the payment of the general expenses of administration of this Act and of the cost of making surveys:

Provided that until the lands within the district are classified in accordance with the provisions of section nine of the River Boards Amendment Act 1913, as applied by this Act, such rate may be made and levied over all such lands.

## **9 Classification and rating by the Trust in the case of certain lands**

In any case where the Trust proposes to carry out works, and for that purpose to raise a special loan on the security of a special rate over a special-rating area, the Trust, in classifying the lands in such area for the purpose of such special rate, may—

- (a) Take into account the extent to which it will be relieved from incurring expenditure in connection with the proposed works by the existence of works which were constructed by any local authority or other public body and in respect of which a special rate is being levied on any such lands; and
- (b) So classify such lands that to the extent the Trust deems equitable they will bear a smaller proportion of the special rate than they would be called upon to bear if they had been classified strictly in accordance with the provisions of section nine of the River Boards Amendment Act 1913, as applied by this Act.

## **10 Powers of Trust**

- (1) The Trust shall have full power to do all such things as may, in its opinion, be necessary to effectively cope with the drainage and the flooding of the district.
- (2) In particular, and without restricting the general powers hereby conferred, the Trust may—
  - (a) Enter upon any land within the district, divert any drain, stream, or river, and close up any outlet or inlet from or to the same, without payment of any compensation for loss of riparian or other water rights:
  - (b) Divert, raise, lower, or alter roads, bridges, and culverts where in the opinion of the Trust they interfere with the proper discharge of floodwaters.

## **11 Trust to approve proposed works**

All proposals by any person or body for any drain or drains to empty into any river in the district or into any drain or drains under the control of the Trust, and all plans for locks, tide-gates, bridges, ferries, or wharves within the district, shall be submitted to and approved by the Trust before being carried into effect. No planting or cutting of willows on the banks of the Ashley River shall be done except by or by direction of the Trust.

**12 Obstruction of flow of flood-waters**

It shall not be competent for any person to do or to erect anything that will obstruct, or will be likely to obstruct, the free flow of flood-waters over any land within the district, unless with the written consent of the Trust.

**13 Penalty for damage to Trust property**

Every drain, tidal or flood gate, and every box, valve, levee, or other appliance or work constructed or maintained by the Trust shall be deemed to be the property of the Trust; and any person who does any act whereby any such drain, gate, box, valve, levee, appliance, or work may be damaged, or its efficiency impaired, or who does any work or thing in contravention of this Act, shall be liable to a fine not exceeding one thousand dollars.

The words “one thousand dollars” were substituted, as from 10 July 1967, for the words “five hundred pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

**14 By-laws**

The Trust may from time to time make by-laws concerning the taking or diverting of water from any drain within the district, and may by any such by-laws prescribe a fine not exceeding one hundred dollars for any breach thereof.

The words “one hundred dollars” were substituted, as from 10 July 1967, for the words “fifty pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

**15 Works to be carried out by Trust**

- (1) The Trust shall, so far as its funds will permit, carry out the following works:—
  - (a) Works to protect from erosion the banks on both sides of the Ashley River and the banks of its tributaries:
  - (b) Works to prevent or mitigate damage by flooding from the Ashley River and its tributaries:
  - (c) Works to extend the existing levees along the banks of the Ashley River to protect places where the grade of the highest known flood rises above the natural bank of the river.
- (2) The Trust shall also define a channel of sufficient width to carry the flood-waters of the river without danger, and shall construct the works necessary so to confine the river within that channel, and clear and keep clear the river-bed therein, and so far as its funds will permit the Trust shall reclaim the river-bed outside such channel by judicious planting and fencing.
- (3) Levees constructed by the Trust for any of the purposes aforesaid—
  - (a) Shall be constructed to a height not less than two feet above probable flood grade:
  - (b) Shall at the top thereof be, if practicable, at least six feet wide, but in any case not less than four feet wide, with slopes of at least two to one:

- (c) Shall not be so constructed as to encroach at any point on the channel defined pursuant to the last preceding subsection:
- (d) Shall on the river side thereof be protected by willow and wire-fence protection.

## **16 Additional duties of Trust**

In addition to any other duties of the Trust under this Act, it shall be the duty of the Trust—

- (a) To have detail surveys, plans, estimates, and specifications made for carrying out the works hereinbefore prescribed, and to submit such plans for approval to the Commissioner appointed by the Minister of Public Works:
- (b) To carry out the necessary works, either by contract or direct labour, in as expeditious a manner as possible:
- (c) To maintain the works efficiently, and to do whatever extra work may be necessary to improve the regimen of the Ashley River and secure the fullest protection for the district from floods:
- (d) To take all necessary observations and keep records that will assist in the study of the hydrology of the river, changes in its regimen, heights and duration of floods, and the nature and extent of damage done and loss occasioned thereby, rainfalls, and other information that will be of service to the Trust:
- (e) To forward annually to the Minister of Public Works, at such time as he may fix, a statement of works proposed to be carried out by the Trust, together with such plans and specifications as he may require, the levels on every such plan being referred to a datum approved by the Minister.

## **17 Existing water-races protected**

In constructing any works under this Act the Trust shall not cut off from the Ashley River or otherwise interfere with the supply of water to the Borough of Rangiora or to any water-races subject to the Water-supply Act 1908.

## **18 In lieu of paying compensation Trust may purchase land injuriously affected by its operations**

- (1) In lieu of paying compensation to the owner or occupier of any land that may be damaged or injuriously affected by any work carried out under the provisions of this Act, the Trust is hereby empowered to purchase any such land.
- (2) If the owner of any such land and the Trust cannot agree as to the price to be paid therefor, the Trust shall pay compensation, which shall be determined in the manner provided by Part 3 of the Public Works Act 1908.
- (3) The Trust shall have the power to lease, or to sell, convey, and transfer, any lands (other than endowments) belonging to it.

## 19 Certain land vested in Trust as endowment

- (1) Save as otherwise expressly provided in this Act, the bed of the Ashley River is hereby vested in the Trust as an endowment.
- (2) The Trust may lease any part of such endowment or any other endowment lands or reserves which are for the time being vested in the Trust, and with respect to all such lands shall be a leasing authority within the meaning of the Public Bodies Leases Act 1969.

The reference to the Public Bodies Leases Act 1969 was substituted, as from 1 January 1970, for a reference to the Public Bodies Leases Act 1908, by section 28(1)(a) Public Bodies Leases Act 1969 (1969 No 141).

## 20 Saving of certain proprietary rights of Crown

Nothing in this Act shall affect the title to the areas of land described in Schedule 4 hereto or the right of His Majesty, through his officers or servants, at any time to enter upon Reserve 1921, situated in Block VI, Rangiora Survey District, in the Canterbury Land District, for the purpose of repairing and maintaining protective works erected thereon, or to erect any further protective works which may be considered necessary for the protection of the railway, or the right of His Majesty, his officers or servants, to use for the purpose of a rifle range all that area of land, containing five hundred and forty-seven acres one rood, situated in Blocks V and VI, Rangiora Survey District, Canterbury Land District, and marked **Rangiora Rifle Range Reserve** on the lithographic plan marked PWD 63785, deposited in the office of the Minister of Public Works, at Wellington.

## 21 Sefton-Ashley Drainage District abolished

- (1) The Sefton-Ashley Drainage Board is hereby dissolved, and the Sefton-Ashley Drainage District is hereby abolished.
- (2) All loans heretofore raised by the said Board are hereby declared to have been legally raised, and all rates made as security for such loans are hereby declared to have been legally made.
- (3) On the dissolution of the said Board all its property shall, subject to the next succeeding subsection, become the property of the Trust, and all the liabilities and engagements of the Board shall become liabilities and engagements of the Trust, and all proceedings and actions pending by or against the Board may be carried out and prosecuted by or against the Trust, and all rates payable to the Board shall be payable to and may be recovered by the Trust. Where the Board has made and levied any special rates that have not been collected, the Trust shall collect the same according to the classification in force on the coming into operation of this Act, and such classification shall continue in force for the purpose of the levying and collection of the said special rates until the loans in respect of which they are made have been paid off.



- (4) The Trust shall cause a valuation to be made of all the saleable assets of the Board, and shall credit the General Account of the Board with the amount of such valuation.
- (5) If after such amount has been so placed to the credit of the General Account there remains a credit balance in the account, then such credit balance shall be applied to the interest account in respect of one of the loans of the Board.
- (6) If after such amount has been so placed to the credit of the General Account there is a debit balance in the account, the Trust is hereby empowered to make and levy a separate rate, on the basis of the classification made by the Sefton-Ashley Drainage Board and in force at the time of the coming into operation of this Act, of such an amount as will produce a sum sufficient to liquidate such debit balance.
- (7) The Trust shall, as successor to the said Board, be the Domain Board of the Ashley Domain constituted under Part 2 of the Public Reserves and Domains Act 1908, and described in Schedule 5 hereto, and may in its capacity as the Ashley River Trust apply towards the cost of any works carried out pursuant to this Act the whole or any part of the revenues received by it in its capacity as such Domain Board.
- (8) Section fifty-three of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1922, is hereby repealed.

## **22 Railway lands safeguarded**

It shall not be lawful for the Trust, or for any local authority or other public body, or for any other person, to execute any work upon or affecting any railway land in any part of the district, except with the previous consent and approval of the Minister of Railways, who may impose such conditions for the protection and safety of the railways as he thinks fit.

**Schedule 1**  
**The Ashley River Trust District.**

*[Repealed]*

Schedule 1 was repealed, as from 30 November 1927, by section 2(2) Ashley River Improvement Amendment Act 1927 (1927 No 59).

**Schedule 2**  
**Subdivisions of the Ashley River Trust District.**

*[Repealed]*

Schedule 2 was repealed, as from 30 November 1927, by section 3(1) Ashley River Improvement Amendment Act 1927 (1927 No 59).

### Schedule 3

SECTIONS in River Boards Act 1908, and its Amendments, and the Land Drainage Act 1908, and its Amendments.

Title of Act.	Extent of Incorporation.
River Boards Act 1908.....	Sections 26 to 46, 49, 51 to 82, 85 to 87, 89 to 92, 95 to 105, 107 (subsection 1), 108, 110 to 117, 121, 122, 124 to 126.
River Boards Amendment Act 1910	Sections 2, 3, 4, 5, and 7.
River Boards Amendment Act 1913	Sections 6, 7, 8, 9, 10, and 11.
River Boards Amendment Act 1917	Sections 2, 3, 4, 5, and 6.
Land Drainage Act 1908.....	Sections 17, 18, 19, 23, 26, 50, and 57.
Land Drainage Act 1908.....	Section 62 (as amended by section 7 of the Land Drainage Amendment Act 1913).

The reference to the Land Drainage Act 1908 was inserted, as from 1 April 1938, by section 4(2) Ashley River Improvement Amendment Act 1937 (1937 No 18(L)).

### Schedule 4

ALL that area of land extending for a distance of 1 chain on the eastern side and 3 chains on the western side of the middle-line of the Addington-Waiiau Railway, bounded towards the south by road reserve, and towards the north by the northern boundary of Reserve 1380, and coloured green on plan marked PWD 64061:

Also all that area of land extending towards the east for a distance of 1 chain and towards the west for 3 chains from the middle-line of the Addington-Waiiau Railway, bounded towards the south by the northern boundary of Reserve 1380, and extending in a northerly direction for a distance of about  $6\frac{3}{4}$  chains, and coloured blue on plan marked PWD 64061:

Also all that area of land extending for 1 chain on the east and 3 chains on the west of the middle-line of the Addington-Waiiau Railway, bounded towards the north by the riparian road reserve, and extending in a southerly direction for a distance of 102 chains, more or less, and coloured blue on plan marked PWD 64061:

Also all that area of land bounded towards the south and east by Reserve 1380, towards the west by the western boundary of Reserve 1921, and towards the north-east by a line 1 chain from and parallel to the north-eastern boundary of the Ashley Road, and coloured yellow on plan marked PWD 64061:

All in Block VI, Rangiora Survey District, Canterbury Land District: as the said areas are more particularly delineated on plan marked and coloured as above mentioned, and deposited in the office of the Minister of Public Works, at Wellington.

## **Schedule 5**

### **Ashley Domain.**

ALL that area in the Canterbury Land District, containing by admeasurement 1,920 acres, more or less, being Reserve 3102, situate in Blocks IV, VI, VII, VIII, Rangiora Survey District, comprising all that portion of the Ashley River bed lying between Reserves 1380 and 1921 on the west and the South Pacific Ocean on the east: save and except thereout Reserves Nos 896 and 2486; also Rural Sections 1833, 10260, 11386, 12160, 14316, 23889, and 35072, which are included within the above-described boundaries; subject also to riparian ownership as regards part of Reserve 91 and Sections 10260, 11201, 11202, 19091, 23889, 33636, and 35072: as the same is delineated on the plan marked L 44025, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured pink.

## Consolidation notes

### **1**    *General*

This is a consolidation of the Ashley River Improvement Act 1925 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### **2**    *About this consolidation*

This consolidation is not an official version of the legislation under section 78 of the Legislation Act 2019.

### **3**    *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3

Public Bodies Leases Act 1969 (1969 No 141): section 28(1)(a)

Decimal Currency Act 1964 (1964 No 27): section 7(1)

Ashley River Improvement Amendment Act 1937 (1937 No 18(L))

Ashley River Improvement Amendment Act 1927 (1927 No 59).