

Land Drainage Amendment Act 1920

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An Act to amend the Land Drainage Act 1908

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

This Act may be cited as the Land Drainage Amendment Act 1920, and shall be read together with and deemed part of the Land Drainage Act 1908 (hereinafter referred to as the principal Act).

2 Representation of subdivisions

- (1) The Board of any district may, in any resolution subdividing the district under section 16 of the principal Act, or in a subsequent resolution in that behalf, fix the number of Trustees to be elected for any subdivision, and may in like manner from time to time alter the representation of any subdivision.
- (2) The total number of Trustees to be elected for all subdivisions shall not exceed the number of Trustees for the district fixed pursuant to section 4 of the principal Act.
- (3) In any such case there shall be at least one Trustee for each subdivision of the district.
- (4) If any candidate consents to be nominated for more than one subdivision at any election his nomination shall in every case be void.
- (5) Every resolution made under this section or section 16 of the principal Act shall be forwarded to the Minister and be gazetted by him free of charge.
- (6) The powers conferred on the Board by this section and by section 16 of the principal Act may be exercised by the Governor-General by Order in Council with respect to any new district constituted under section 3 of the principal Act.

Subsection (1) was amended, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84), by substituting the word “resolution” for the words “special order” in both places that they occur. *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

Subsection (5) was amended, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84), by substituting the word “resolution” for the words “special order”. *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

3 Rolls for subdivisions

- (1) In any district in which the Trustees are elected separately for the various subdivisions as hereinbefore provided the ratepayers list and roll provided for in sections 6 to 8 of the principal Act shall be prepared separately for each subdivision.
- (2) Only those persons whose names appear on the ratepayers roll for the time being of any subdivision shall be entitled to vote at an election of Trustees for that subdivision.

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Section 4 was repealed, as from 10 May 1956, by section 3(2) Land Drainage Amendment Act 1956 (1956 No 7).

5 Additional powers as to bylaws

In addition to the powers conferred on it by section 50 of the principal Act the Board shall have and may exercise the same powers to make bylaws relating to drains and drainage works as are conferred on a territorial authority under the Local Government Act 2002.

This section was amended, as from 1 April 1980, by section 8(3) Local Government Amendment Act 1979 (1979 No 59) by substituting the words “a territorial authority under the Local Government Act 1974” for the words “County Council by any Act”.

Section 5 was amended, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84), by substituting the words “a territorial authority under the Local Government Act 2002” for the words “a territorial authority under the Local Government Act 1974”. See sections 273 to 314 of that Act as to the savings and transitional provisions.

6 Application of Fencing Act 1908

(1)

(2)

Where any drain (not being a drain constructed, maintained, or controlled by a Drainage Board) is constructed between adjoining lands (whether such drain is throughout its course on the land of one adjoining owner or is partly on the land of one such owner and partly on the land of any other such owner or owners), such drain, together with any embankment adjacent thereto, shall for the purposes of the Fencing Act 1908 be deemed to be a fence, and the provisions of sections 31 to 35 of the Fencing Act 1908 (relating to the repair of fences) shall apply thereto accordingly as if the cleansing, maintenance, and repair of such drain, or the maintenance and repair of such embankment, were the repair of a fence.

Subsection (2) was inserted, as from 23 August 1922, by section 20 Land Drainage Amendment Act 1922 (1922 No 5).

Subsection (2) was amended, as from 2 October 1958, by section 2(b) Land Drainage Amendment Act 1958 (1958 No 73) by omitting the words “as aforesaid”.

Section 6(1) was repealed, as from 2 October 1958 by section 2(a) Land Drainage Amendment Act 1958 (1958 No 73).

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Section 7 was repealed, as from 1 April 1980, by section 9(1) Local Government Amendment Act 1979 (1979 No 59).