

# Land Drainage Amendment Act 1922

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**An Act to amend the Land Drainage Act 1908****1 Short Title**

This Act may be cited as the Land Drainage Amendment Act 1922, and shall be read together with and deemed part of the Land Drainage Act 1908 (hereinafter referred to as the principal Act).

**2 Appointment of Commission on petition for constitution of drainage district**

- (1) On presentation to the Governor-General of a petition under section 3 of the principal Act praying for the constitution of a district for the purposes of that Act, or for the alteration of the boundaries of an existing district or districts, the Minister of Local Government shall gazette and publicly notify a notice setting out the proposal contained in the petition, and calling upon all persons affected to lodge their objections (if any) within one month after the first publication of such notice. Every such objection shall be in writing and shall be lodged in accordance with the terms of the notice.
- (2) After considering the petition and the objections so lodged (if any) the Governor-General may, if he thinks fit, direct a Commission consisting of a District Valuer under the Valuation of Land Act 1951 and 2 other fit persons (of whom one shall be an engineer in the employment of the Crown) to inquire and report to him upon the subject-matter of the petition and the objections thereto, and to make such recommendations therein as it thinks fit.
- (3) In particular, but without limiting the powers of the Commission, it may make such recommendations as it deems advisable with respect to the alteration of the boundaries of any area affected by the petition (whether by the inclusion in or exclusion from that area of any lands).
- (4) Where a Commission is appointed as aforesaid to inquire as to the proposal contained in a petition for the constitution of a district or for the alteration of the boundaries of a district, a district shall not be constituted or the boundaries of any district altered, as the case may be, save in such manner as the

Governor-General deems to be in accordance with the report of the Commission.

- (5) Every Commission appointed under this section shall have the powers of a Commission under the Commissions of Inquiry Act 1908.

In subsection (1) the words “Minister of Local Government” was substituted, as from 1 April 1980, for the words “Minister of Internal Affairs” pursuant to section 10(7) Local Government Amendment Act 1979 (1979 No 59).

In subsection (2) the Valuation of Land Act 1951, being the corresponding enactment in force, has been substituted for the repealed Valuation of Land Act 1908.

**3 No area to be in 2 districts at same time**

The powers conferred on the Governor-General by section 3 of the principal Act, to constitute any area a district under that Act or to alter the boundaries of a district, shall not be so exercised that any area is at any time comprised within 2 or more such districts.

**4 District may be abolished where no Trustees holding office**

If in any district constituted under the principal Act a period of 3 years elapses during which there are no Trustees holding office under that Act the Governor-General may, by Order in Council, abolish the district, notwithstanding that a petition in that behalf may not have been presented as required by that Act.

**5 First election of Trustees may be held before ratepayers list corrected**

For the purposes of the first election of Trustees for a district it shall not be necessary that the steps prescribed by subsection (2) of section 6 and by sections 7 and 8 of the principal Act (relative to the correction of the ratepayers list) shall have been completed; and if, on the day appointed for the election, the ratepayers list has not come into force as provided in subsection (4) of section 8 of the principal Act, such list in the form in which it was made out by the Returning Officer, pursuant to subsection (1) of section 6 of the principal Act, shall be the roll of ratepayers for the district for the purposes of that election.

This section was amended, as from 20 October 1972, by section 2(2) Land Drainage Amendment Act 1972 (1972 No 74) by substituting the words “come into force as provided in subsection (4) of section 8 of the principal Act” for the words “been corrected and signed by the Magistrate, as required by those sections”.

**6 Additions, etc, to be made to ratepayers roll from time to time**

- (1) The Returning Officer of a district shall, during the period between the coming into force of the ratepayers roll in any year and the preparation of the next ratepayers list or lists pursuant to section 6 of the principal Act or section 3 of the Land Drainage Amendment Act 1920, from time to time amend the said roll, or the roll for any subdivision, as the case may be, by adding thereto the name of any person who has become qualified to be enrolled as a ratepayer in the district or subdivision, as the case may be, and by erasing therefrom the name of any person who has ceased to be so qualified, and by making any necessary corrections in the statement of the names, occupations, and addresses of persons enrolled thereon.
- (2) Where the name of any person is added to the ratepayers roll or is erased therefrom for any reason other than the death of that person, . . . the Returning Officer shall forthwith give notice in writing of such addition or erasure by letter addressed to the person concerned, and in such notice shall notify the place where and the day, not being earlier than 14 days after the date of the notice, when the District Court Judge will sit to hear objections.
- (3) Any person who considers himself aggrieved by reason of any alteration of the roll pursuant to this section may object thereto by writing under his hand addressed to the Returning Officer, and on the day fixed the District Court Judge shall hear and determine objections in the manner provided in subsection (2) of section 8 of the principal Act.
- (4) Every alteration made pursuant to this section shall be initialled by the District Court Judge if he has heard any objection relative thereto, and in every other case by the Returning Officer.

Subsection (1) was amended, as from 1 April 1974, by section 9(2) Counties Amendment Act 1974 (1974 No 8) by substituting the words “and addresses” for the words “addresses, and qualifications”.

Subsection (2) was amended, as from 1 April 1974, by section 9(2) Counties Amendment Act 1974 (1974 No 8) by omitting the words “or where the qualification of any person already enrolled is corrected”, and by substituting the words “or erasure” for the words “erasure, or correction”.

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Section 7 was repealed, as from 1 April 1974, by section 9(2) Counties Amendment Act 1974 (1974 No 8).

**8 Person on ratepayers roll not qualified if exempt from payment of rates**

Notwithstanding anything in section 9 of the principal Act, no person shall be entitled to vote at any election of Trustees (other than a first election), or at any poll upon a proposal submitted to the ratepayers of the district, or shall be capable of being elected or of holding office as a Trustee, while the land in respect of which his name appears on the ratepayers roll is, exempt from payment of all rates made and levied by the Board of the district.

This section was amended, as from 29 June 1988, by section 208(1) Rating Powers Act 1988 (1988 No 97) by omitting the words “by reason of the classification of that land for rating purposes”.

**9 On union of 2 districts Trustees to remain in office until first election for new district**

- (1) On the union of 2 or more adjoining districts pursuant to section 15 of the principal Act, and until the Trustees elected at the first election for the new district come into office, the Trustees of the several united districts shall be the Trustees of the new district notwithstanding that they may exceed in number the number of Trustees prescribed by the principal Act.
- (2) The Trustees so continuing in office shall appoint one of their number as Chairman, and, failing such appointment, the Chairman of the district having the greatest rateable value shall be the Chairman.

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Section 11 was repealed, as from 10 May 1956, by section 5(4)(b) Land Drainage Amendment Act 1956 (1956 No 7).

**12**

Section 12 was repealed, as from 29 June 1988, by section 209(1) Rating Powers Act 1988 (1988 No 97).

**13**

Section 13 was repealed, as from 29 June 1988, by section 209(1) Rating Powers Act 1988 (1988 No 97).

**14**

Section 14 was repealed, as from 29 June 1988, by section 209(1) Rating Powers Act 1988 (1988 No 97).

**15 Authority to raise loan for defined part of district**

*[Repealed]*

Section 15 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

**16****17****18****19**

Section 19 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

**20****21 Governor-General in Council may confer on Drainage Board powers of River Board**

The Governor-General may from time to time, by Order in Council, confer upon any specified Drainage Board such of the powers of a River Board as he thinks fit; and thereupon the said Drainage Board shall have and may exercise the said powers accordingly, pursuant to the tenor of the Order in Council and subject to such restrictions, modifications, and conditions as may be therein expressed.

- 22 Power to rectify omissions or to validate irregularities, etc**  
Where anything is omitted to be done or cannot be done at the time required by or under the principal Act, or is done after such time, or is otherwise irregularly done in matter of form, or sufficient provision is not made by or under that Act, the Governor-General may, by Order in Council gazetted, at any time before or after the time within which such thing is required to be done, extend such time, or may validate anything so done after the time required, or so irregularly done in matter of form, or make such other provision for the case as he thinks fit.