

River Boards Amendment Act 1913

Public Act 1913 No 35
Date of assent 4 December 1913

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An Act to amend the River Boards 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 River Boards Amendment Act 1913, and shall form part of and be read together with the River Boards Act 1908 (hereinafter referred to as the principal Act).

2 Section 6 of the principal Act amended

[Repealed]

Section 2 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84).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.

3 Alteration of districts

- (1) The Governor-General may from time to time, by Proclamation, on a petition signed by a majority of the ratepayers of any area proposed to be included in or excluded from a river district, alter the boundaries of the district, and on any such alteration may leave the district undivided, or divide it into subdivisions with such names as he thinks fit, or may abolish any existing subdivisions.
- (2) The Governor-General may in like manner, on a petition signed by a majority of the ratepayers of a district, abolish the district.
- (3) This section is in substitution for subsection (1) of section 14 of the principal Act, and that subsection and also so much of the Schedule to the River Boards Amendment Act 1910 as relates to the said section 14 are hereby accordingly repealed.

4 Lands benefited may be included in river district

- (1) If the Board is of opinion that lands not included in the district have derived or may derive benefit from the operations carried out or proposed to be carried out under the powers conferred by the principal Act, the Board may present a petition to the Governor-General praying that the boundaries of the district may be altered so as to include such lands in the district.
- (2) Every such petition shall define with reasonable certainty the boundaries of the lands proposed to be included.
- (3) On presentation to the Governor-General of such petition by the Board, the Governor-General may, if he thinks fit, direct a Commission, consisting of the Commissioner of Crown Lands, the officer in charge of the valuation district in which the lands proposed to be included are situated, and some third person whom the Governor-General deems qualified for the purpose, to inquire and report to him as to whether the lands defined in the petition or any part thereof have derived or

may derive substantial benefit from the operations carried out or proposed to be carried out by the Board, and whether such lands or part thereof should be included in the district, and accordingly become liable to levy of rates thereafter to be made by the Board, and to what extent (if any) such lands ought to become liable for the future levy of rates already made by the Board.

- (4) Such Commission shall have all the powers, authorities, and functions of a Commission under the Commissions of Inquiry Act 1908.
- (5) If the Commission reports to the Governor-General that such lands or any part thereof ought to be included in the district, the Governor-General may, by Order in Council, alter the boundaries of the district by including therein such lands or any part thereof. All lands so included shall, as from the date of the Order in Council, be liable to the levy of all rates thereafter made by the Board.
- (6) If the Commission reports to the Governor-General that such lands or any part thereof ought to become liable for the future levy of rates theretofore made by the Board, the Governor-General may, by the same Order in Council, direct that such lands or part thereof shall be so liable, and the same shall be so liable for all levies of such rates after the date of the Order in Council.
- (7) The powers conferred by this section are exclusive of and in addition to, and not in substitution for, the power conferred on the Governor-General by the principal Act to alter the boundaries of a district.

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6 Provision on failure to elect

- (1) If on the day fixed for a general election of members of a Board no election is held, or if at any such election no persons are duly elected or a less number is elected than is by law required, the Governor-General may appoint such number of qualified persons as the occasion requires to be members of the Board, and the members so appointed shall hold office in the same

manner and subject to the same conditions as if they had been duly elected on the day so fixed.

- (2) If on the occurrence of an extraordinary vacancy in a Board no election is held, or if at any such election no person is duly elected, the Governor-General may appoint a qualified person to be a member of the Board to fill such vacancy, and the member so appointed shall hold office in the same manner and subject to the same conditions as if he had been duly elected to fill such vacancy.
- (3) Subsection (2) of section 34 of the principal Act is hereby repealed.

7

Section 7 was repealed, as from 26 October 1942, by section 32 Statutes Amendment Act 1942 (1942 No 18).

8

Section 8 was repealed, as from 10 May 1956, by section 2(2) River Boards Amendment Act 1956 (1956 No 8).

9

Section 9 was repealed, as from 29 June 1988, by section 209(1) Rating Powers Act 1988 (1988 No 97).

The former subsections (2) and (3) were substituted and the former subsection (2A) was inserted, as from 10 May 1956, by section 6(1) River Boards Amendment Act 1956 (1956 No 8).

In the former subsection (2) the words “Minister of Local Government” were substituted, as from 1 April 1980, for the words “Minister of Internal Affairs” by section 10(7)(a) Local Government Amendment Act 1979 (1979 No 59).

The former subsection (4) was inserted, as from the passing of this Act, by section 3 River Boards Amendment Act 1934 (1934 No 23).

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Section 10 was repealed, as from 29 June 1988, by section 209(1) Rating Powers Act 1988 (1988 No 97).

11 Repeals and amendment

- (1) Sections 88, 93, and 94 of the principal Act, and so much of the Schedule to the River Boards Amendment Act 1910 as relates to the said section 88 are hereby repealed.
- (2)

12 Governor-General may confer on River Board the powers of a Drainage Board

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