

New Zealand.

ANALYSIS.

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1. Short Title.

2. Subsections of section 4 of the principal Act amended.
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1901, No. 2.—*Private.*

Title.	AN ACT to amend "The Ashburton County Council Empowering Act, 1882." [12th September, 1901.]
Preamble.	WHEREAS it is expedient to more precisely define the powers of making by-laws in respect of waterworks conferred upon the Ashburton County Council by "The Ashburton County Council Empowering Act, 1882":
Short Title.	BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:— 1. The Short Title of this Act is "The Ashburton County Council Empowering Act Amendment Act, 1901," and it shall form part of and be read with "The Ashburton County Council Empowering Act, 1882" (hereinafter called "the principal Act").
Subsections of section 4 of the principal Act amended.	2. The subsections of section four of the principal Act are hereby amended as follows: Subsection (c) by inserting the words "in, through, or" after the word "material" and before the word "across" in the said subsection. Subsection (e) by inserting the words "machinery, or any appliances" after the word "buildings" and before the word "connected" in the said subsection. Subsection (i) by inserting the words "over, or under" between the words "on" and "roads" where the same occur in the said subsection. The words "and for this purpose to empower all such persons to enter upon private lands" in subsection (g) are hereby repealed, and the following shall be read in substitution therefor: "and for the purpose of enabling them to discharge such duties, to empower all such Rangers and other persons to enter upon private lands, either with or without horses, vehicles, machinery, material, and appliances for the construction, cleansing, repair, or maintenance of waterworks."

3. Section four of the principal Act is hereby further amended by adding to it the following subsections, which shall be read respectively as subsections (*l*) and (*m*) of the said section :—

Further amendment
of section 4.

(*l*.) To provide for the cleansing, repair, or maintenance of any water-race, or for the construction, repair, and maintenance of field crossings over any water-race, by the owner or occupier of the land on which such race is situate, or, if the race is situate upon any road or reserve, by the owner or occupier of land adjacent to such road or reserve. Also, to provide for the apportionment by the Council between the owners and occupiers of adjoining lands of the work of cleansing, repairing, and maintaining water-races situated upon the common boundaries of such lands, and of constructing, repairing, and maintaining field crossings over such races. Any by-laws made under this subsection may empower the Council, in case any owner or occupier of land thereby made liable to cleanse, repair, or maintain any water-race or any part thereof, or to construct, repair, or maintain any field crossings, shall make default in cleansing, repairing, or maintaining such water-race, or part thereof, or in constructing, repairing, or maintaining any such field crossings, to do the work, and recover the cost thereof from such owner or occupier as a debt due to the Corporation of the County of Ashburton from such owner or occupier in any Court of competent jurisdiction : Provided always that such recovery by the Council shall not release such owner or occupier from any penalty which he may have incurred by reason of his breach of the said by-laws.

(*m*.) To empower the Council, in cases where it undertakes the cleansing, repair, or maintenance of races upon private lands, or upon any roads or reserves adjacent thereto, or the construction or repair of any field crossings over such races, in place of requiring the same to be done by the owners or occupiers of such lands, to allocate the cost incurred by the Council in and about the execution of such works amongst the owners and occupiers of such lands as aforesaid. The amount so allocated to any such owner or occupier may be recovered from him by the Council as a debt due to the Corporation of the County of Ashburton from such owner or occupier in any Court of competent jurisdiction.

4. Nothing herein contained shall prejudice the generality of the powers of making by-laws conferred upon the County Council of the County of Ashburton by the principal Act.

Saving clause.