

New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Definition of "local authority." 3. Power to compel Board to order removal of weeds and obstructions. 4. (1.) Governor may direct drains or drainage-works to be under control of local authority. | <ol style="list-style-type: none"> (2.) Apportioning cost connected with drainage-works. (3.) Governor may fix amount to be paid by local authority towards cost of works. (4.) Expenses to be charged against revenue of local authority. 5. County Council to keep watercourses clear. |
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1898, No. 30.

AN ACT to amend the Law relating to the Drainage of Agricultural and Pastoral Lands. Title.
[5th November, 1898.]

BE IT 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 Land Drainage Amendment Act, 1898." Short Title.

2. In this Act, if not inconsistent with the context, "local authority" means and includes any Borough Council, County Council, Town Board, Road Board, Harbour Board, Drainage Board, River Board, and any other Board, Commissioners, Trustees, or other persons or body however designated having authority under any Act of the General Assembly to undertake the construction of any public work. Definition of "local authority."

3. The powers by section nine of "The Land Drainage Amendment Act, 1894," conferred upon a Road Board or Town Board are hereby conferred upon every local authority; and in any case where any ratepayer within the district of the local authority, by notice in writing, requests the local authority to exercise the aforesaid powers by ordering any specified occupier or owner of land to remove from any specified watercourse or drain all weeds and other growth or refuse and obstructions of any kind, and for the space of twenty-eight days after receipt of the notice the local authority fails to comply therewith, then the following provisions shall apply:— Power to compel Board to order removal of weeds and obstructions.

(1.) Such ratepayer may, by complaint under "The Justices of the Peace Act, 1882" (the provisions whereof shall, *mutatis mutandis*, apply), call upon the local authority to appear before a Stipendiary Magistrate to show cause why such notice should not be complied with.

(2.) On the hearing of such complaint the Magistrate shall have jurisdiction to determine whether and to what extent such notice should be complied with by the local authority, and his decision shall be final :

Provided that any order made by the local authority pursuant to the Magistrate's decision shall be subject to appeal as provided in the aforesaid section nine.

Governor may direct drains or drainage-works to be under control of local authority.

4. (1.) The Governor in Council may, by Proclamation publicly notified, direct that any drains or drainage-works already constructed or which may hereafter be constructed, and any watercourses, respectively shall, from and after a date to be fixed in such Proclamation, be under the exclusive care, control, and management of such local authority as shall be mentioned in that behalf in such Proclamation; and may, by any subsequent Proclamation publicly notified, from time to time vary or alter such care, control, and management; and may by such Proclamation as aforesaid fix and determine whether all or any, and if so what, part of the cost of managing, repairing, improving, or reconstructing any such drain, drainage-works, or watercourses, and the machinery and appliances used therewith, is to be provided and paid by any local authority or local authorities (if more than one), and if so by what local authority or local authorities (if more than one); and may by any such Proclamation as aforesaid direct how, when, and to whom any such payment is to be made; and every payment so directed to be made shall be made as directed by such Proclamation, and unless so made may be recovered in any Court of competent jurisdiction at the suit of the Minister as a debt due to Her Majesty, or of the local authority, as the case may be, to whom such payment ought to be made.

Apportioning cost connected with drainage-works.

(2.) In fixing and apportioning the cost of managing, maintaining, repairing, improving, or reconstructing any such drain, drainage-works, or watercourses, and the machinery and appliances used therewith, the Governor shall take into account the net revenue (if any) derived from or incident to the use of such drain, drainage-works, or watercourses by the local authority having the care, control, management, or maintenance thereof.

Governor may fix amount to be paid by local authority towards cost of works.

(3.) The Governor may from time to time, with the view of determining whether it is expedient to vest the exclusive care, control, management, and maintenance of any such drain, drainage-works, or watercourses in any local authority, or with the view of determining the proportion in which it would be fair and reasonable to fix and determine the amount to be provided and paid by any local authority or local authorities for or towards the costs of managing, maintaining, repairing, improving, or reconstructing any such drain, drainage-works, or watercourses, and the machinery and appliances used therewith, direct any Stipendiary Magistrate or other person or persons to be a Commissioner or Commissioners to inquire and report to him upon any matter which he shall deem necessary to enable him to determine any such question as aforesaid; and such Commissioner or Commissioners shall have all the powers of a Board of Commission appointed by the Governor in Council under the provisions of "The Commissioners' Powers Act, 1867," and "The Commissioners' Powers

Act 1867 Amendment Act, 1872." Such Commissioner or Commissioners shall report to the Governor, after such inquiry as he or they shall deem requisite and reasonable, his or their opinion as to the matters respecting which he or they were appointed to report; but it shall not be obligatory upon the Governor to act in accordance with any opinion that may be expressed by such Commissioner or Commissioners, nor to give effect to any recommendation that may be contained in his or their report.

(4.) All costs, charges, and expenses attending or incidental to the exercise of the powers conferred upon the Governor, or upon such Commissioner or Commissioners, or other persons, shall be a charge upon the revenues of such local authority or local authorities as the Governor may direct, and may be recovered as a debt due to Her Majesty in any Court of competent jurisdiction.

Expenses to be charged against revenue of local authority.

5. In those parts of a county in which a Drainage Board or River Board shall not have jurisdiction, and in respect of which the powers mentioned in section four of this Act shall not have been exercised by the Governor, the County Council shall remove from all watercourses all obstructions, weeds, growth, and refuse calculated to impede the free flow of water in any such watercourse within the said parts of the county.

County Council to keep watercourses clear.