

New Zealand.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Amending sections 235, 236, 296, and 422 of "The Municipal Corporations Act, 1886."</p> | <p>3. Stopping streets.</p> <p>4. Street not to be stopped unless a way is left to lands in the vicinity.</p> <p>5. Mode of stopping a street.</p> |
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1896, No. 26.

AN ACT to amend the Law relating to Municipal Corporations. Title.
[12th October, 1896.]

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 Municipal Corporations Act 1886 Amendment Act, 1896 (No. 2)." Short Title.

2. "The Municipal Corporations Act, 1886," is hereby amended Amending sections 235, 236, 296, and 422 of "The Municipal Corporations Act, 1886."

- as follows:—
- (a.) In section two hundred and thirty-five: By inserting, after the word "widen," the words "or stop":
- (b.) In section two hundred and thirty-six: By inserting, before the word "diverting," the word "stopping."
- (c.) In section two hundred and ninety-six: By inserting, after the word "mentioned" (line thirteen), the words "Every person who shall in any way fail to comply with the requirements of any such notice or otherwise with the preceding provisions of this section shall be liable to a penalty not exceeding fifty pounds."
- (d.) In section four hundred and twenty-two: By inserting, after the word "section" (line ten), the words "To prescribe the size and pattern of night-soil pans which may be used, and the weight, description, and quality of material of which the same may be constructed; also, for the approval and marking of such pans by some officer to be appointed by the Council before the same are brought into use."

3. Subject to the conditions prescribed by this Act, a Borough Council may stop a street. Stopping streets.

Street not to be stopped unless a way is left to lands in the vicinity.

Mode of stopping a street.

4. No street shall be stopped unless and until a way to the lands in the vicinity as convenient as that theretofore afforded by the said street is left or provided, unless the owners of such lands give consent in writing to such stoppage; and no street along the bank of a river or along the margin of the sea shall be stopped either with or without consent.

5. No street shall be stopped except in the manner and upon the conditions following :—

- (1.) The Borough Council shall have a plan prepared of the street proposed to be stopped, and a survey made and a plan prepared of the new street (if any), showing the lands through which it is proposed to pass, and the owners and occupiers of such lands so far as known.
- (2.) The said plans shall lie open to public inspection at the office of the Borough Council or other convenient place during eight consecutive weeks, and the Borough Council shall, once in each week during such eight weeks, give public notice of the proposed alteration and of the place where the plans are on view.
- (3.) A notice of the proposed stoppage, printed on linen or calico, shall be fixed in a conspicuous place at each end of the street to be stopped.
- (4.) A copy of the aforesaid notice and plans shall be transmitted by the Borough Council for record in the office of the Chief Surveyor of the district; and no notice of the stoppage or diversion of any street shall take effect until the said notice and plans have been recorded as aforesaid.
- (5.) The Borough Council shall, by public notice, call a meeting of the ratepayers of the district, to be held on any day after the expiration of fourteen days after such notice.

“Ratepayer” means any person entitled to vote at the election of a member of the Borough Council.

- (6.) The Mayor, or, in his absence, some other member of the Borough Council appointed by the meeting, shall preside thereat; and such meeting shall decide by a majority of the ratepayers present whether or not the street shall be stopped.
- (7.) If the meeting decide that the street be not stopped, such decision shall be final, and no proceedings for stopping such street shall be taken by the Borough Council for one year thereafter. If the meeting decide that the street may be stopped, the Borough Council shall send the plans aforesaid, with a full description of the proposed alterations, and with their decision thereon, to the Stipendiary Magistrate.
- (8.) The Stipendiary Magistrate shall consider the proposed alterations, and any objection made thereto by any person likely to suffer injury thereby, and shall confirm or reverse the decision of the ratepayers; and the decision of the Stipendiary Magistrate shall be final and conclusive on all questions, including the question whether the conditions prescribed in section four hereof have been complied with.

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- (9.) If the Stipendiary Magistrate reverse the decision of the ratepayers, no proceedings shall be entertained by the Stipendiary Magistrate for stopping such street for two years thereafter.
- (10.) If the Stipendiary Magistrate confirm the decision of the ratepayers, the Borough Council may declare, by public notice, that the said street is stopped; and such street shall thereafter cease to be a public highway.

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