

New Zealand.



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1922, No. 47.

AN ACT to make Provision for the Construction, Reconstruction, Maintenance, and Control of Main Highways. Title.

[31st October, 1922.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Main Highways Act, 1922.

2. In this Act—

“Board” means the Main Highways Board under this Act:

“Main highway” means a main highway declared as such by the Governor-General in Council pursuant to this Act:

“Minister” means the Minister of Public Works

Short Title.

Interpretation.

Main Highways.

Governor-General
may declare main
highways.

3. (1.) The Governor-General may from time to time, by Order in Council published in the *Gazette*, declare any public highway, whether then actually constructed or not, to be a main highway within the meaning and for the purposes of this Act, and shall by the same or a subsequent Order in Council define the lines of such main highway.

(2.) In so defining the lines of any main highway the Governor-General shall not be constrained to accept the lines of any existing public highway.

(3.) Every Order in Council under this section may in like manner from time to time be varied or altered, or may be at any time in like manner revoked.

(4.) Every Order in Council under this section declaring any public highway to be a main highway shall come into force on a date to be fixed in that behalf by the Governor-General in Council either in that Order or in a subsequent Order, but not earlier in any case than the first day of April, nineteen hundred and twenty-four.

Main highways to
include bridges, &c.

4. Every reference herein to a main highway shall, as the context may require, include the land on which such highway exists, and shall also include all bridges, culverts, ferries, fords, or other structures forming part of such highway or land.

Main Highways Board.

Constitution of Main
Highways Board.

5. (1.) There is hereby established for the purposes of this Act a Board, to be known as the Main Highways Board.

(2.) The Board shall be a body corporate with perpetual succession and a common seal, and shall be capable of holding real and personal property and of doing and suffering all that bodies corporate may do and suffer.

(3.) The Board shall consist of—

(a.) Two members (who may be officers of the Public Works Department or of any other Department of State, or any other persons), of whom one shall be appointed as the Chairman of the Board :

(b.) One member, being an officer of the Public Works Department :

(c.) Two members to be appointed, with the approval of the Minister of Public Works, on the recommendation of the executive body of the New Zealand Counties Association :

(d.) One member to be appointed, with the approval of the Minister of Public Works, as representative of persons being owners of motor-vehicles.

(4.) The members of the Board shall be appointed by the Governor-General, and shall hold office during his pleasure.

(5.) The Governor-General may, on the recommendation of the Minister, appoint any person or persons as an acting-member or as acting-members of the Board, to act, pursuant to the terms of their appointment, in the event of the absence of any member from any meeting of the Board.

(6.) The fact that any person appointed as an acting-member of the Board attends and acts at any meeting thereof shall be conclusive evidence of his authority so to do.

(7.) In the absence of the Chairman from any meeting of the Board the members present shall appoint one of their number to be the chairman of that meeting.

(8.) Three members shall form a quorum at any meeting of the Board.

(9.) The Chairman shall have a deliberative vote, and, in case of an equality of votes, shall also have a casting-vote.

(10.) The Board shall be deemed to be constituted so soon as any three members have been appointed. The powers of the Board shall not be affected by any vacancy in the membership thereof.

6. (1.) Any contract which, if made between private persons, must be by deed shall, if made by the Board, be in writing under the seal of the Board. Contracts of Board.

(2.) Any contract which, if made between private persons, must be in writing signed by the parties to be charged therewith shall, if made by the Board, be either under the seal of the Board or signed by two members of the Board on behalf of and by direction of the Board.

(3.) Any contract which, if made between private persons, may be made verbally without writing may be similarly made by or on behalf of the Board by any two members acting by direction of the Board, but no verbal contract shall be made for any sum exceeding twenty pounds.

7. (1.) The members of the Board who are not officers employed in the service of the Crown (if any) shall be paid such fees and allowances as may from time to time be prescribed in that behalf. Travelling expenses and allowances of members.

(2.) There shall be refunded to every such member the expenses reasonably incurred and actually paid by him in going to or returning from any meeting of the Board or of any committee thereof of which he is a member, or any such expenses otherwise incurred in connection with the business of the Board.

Highway Districts.

8. (1.) For the purposes of this Act the Board shall, by resolution published in the *Gazette*, divide New Zealand into such number of highway districts as it thinks fit, and the boundaries of any such district may from time to time be in like manner altered. Board may divide New Zealand into highway districts.

(2.) In defining the boundaries of any highway district regard shall be had by the Board to geographical situation and to community of interest, and to such other considerations as the Board deems to be relevant.

(3.) For each highway district the Board shall appoint a District Highways Council (hereinafter referred to as a District Council) constituted as follows:—

(a.) An Engineer, being an officer of the Public Works Department :

(b.) One person to be appointed on the recommendation of each County Council whose district is wholly or partly within the highway district.

(4.) The District Council may appoint not more than three of its members as an executive body, with power to act in all things for the committee.

(5.) The proceedings of a District Council or of its executive shall be in accordance with such rules (if any) as the Board may from time to time prescribe, and in the absence of such rules or so far as such

rules do not extend the Council or executive may determine its own procedure.

(6.) A local authority may from time to time out of its general fund pay the actual reasonable travelling - expenses of its representative incurred in attending meetings of the District Council or of the executive.

Powers of Main Highways Board.

Powers and duties of Board with respect to main highways.

9. (1.) Subject to the provisions of the next succeeding subsection, the Board shall have the sole powers of construction, reconstruction, improvement, maintenance, repair, and control of all main highways under this Act, and for that purpose the powers, rights, duties, and liabilities vested in or imposed on the Governor-General or the Minister of Public Works (in the case of Government roads), or vested in or imposed on any local authority (in the case of highways other than Government roads), are, in the case of main highways, transferred to and vested in or imposed on the Board :

Provided that the powers hereby conferred on the Board, or any such powers, may, with respect to any main highway or portion of a main highway, be delegated by the Board to the local authority in whose district the main highway or portion aforesaid is situated ; and on any such delegation the local authority shall in respect of such main highway or portion thereof have the same powers, rights, duties, and liabilities as the Board would have if such delegation had not been made :

Provided also that nothing in this section shall be deemed to divest the corporation of any borough of the property in any street that may form part of a main highway.

(2.) In the exercise of its functions with respect to any main highway, the Board may hire to or from any local authority any road-making machinery, plant, equipment, and appliances, or may agree with any local authority or local authorities that any work of construction, reconstruction, improvement, maintenance, or repair of a main highway shall be carried out by that local authority, or by any two or more local authorities jointly, for and on behalf of the Board ; and any such local authority is hereby empowered to hire any such machinery, plant, equipment, or appliances, or to carry out any such work in accordance with the terms of the agreement.

Main highways to be classified as primary or secondary highways.

10. (1.) All main highways under this Act shall be classified by the Board as primary highways or secondary highways, and the Board shall from time to time determine a standard with respect to the construction and maintenance of primary and secondary highways respectively.

(2.) Any such classification may be from time to time altered by the Board as it thinks fit.

Functions of District Highways Councils.

District Councils to submit annual recommendations and estimates to Board.

11. (1.) Every District Council shall for each year submit to the Board, with respect to its district, recommendations as to—

(a.) The public highways (if any) within the district, not being main highways under this Act, that should be declared to be main highways :

(b.) The works of construction, reconstruction, maintenance, or repair of main highways to be undertaken during the year,

and whether in the opinion of the District Council such works should be undertaken by the Board or by the several local authorities of the district, or by any two or more of such local authorities jointly, on behalf of the Board.

(2.) With its recommendations as aforesaid the District Council shall submit to the Board—

(a.) An estimate of the amount required to be expended during the year in respect of the works referred to in the recommendations :

(b.) A scale setting forth in accordance with the proportions fixed pursuant to this Act—

(i.) The amounts to be paid to the Board by the several local authorities of the district towards the cost of any such work where the work is to be undertaken by the Board :

(ii.) The amounts to be paid by the Board to the several local authorities of the district towards the cost of any such work where the work is to be undertaken by the local authorities :

(iii.) The amounts to be paid by the several local authorities to any other local authority towards the cost of any such work to be undertaken by such last-mentioned local authority.

Financial Provisions.

12. (1.) The Minister of Finance may from time to time, on behalf of the Board, borrow, on the security of and charged upon the public revenues of New Zealand, such moneys as may be required for the purposes of the construction or reconstruction of main highways under this Act, not exceeding in the aggregate the sum of three million pounds.

Minister of Finance may borrow £3,000,000 for construction of main highways.

(2.) Without limiting the security afforded by the last preceding subsection, the moneys received or receivable by the Crown in respect of Customs duties and payable into the Main Highways Account as provided in this Act, or any part thereof, may be pledged as security for the interest, sinking fund, and other charges in respect of the loan.

(3.) The proceeds of such loan shall be paid into the Construction Fund hereinafter provided for, and shall be available only for the purposes of that fund.

(4.) This section shall be deemed to be an authorizing Act within the meaning of the New Zealand Loans Act, 1908, and the moneys herein authorized to be borrowed shall be borrowed under and subject to the provisions of that Act accordingly.

13. (1.) There shall be a special account in the Public Account to be called the Main Highways Account.

Main Highways Account.

(2.) The Main Highways Account shall consist of two separate funds or accounts, to be known respectively as the Main Highways Revenue Fund (hereinafter referred to as the Revenue Fund) and the Main Highways Construction Fund (hereinafter referred to as the Construction Fund).

(3.) The Main Highways Account constituted by this section shall be deemed to be the same account as that established by section twelve of the Finance Act, 1921-22, and that section is hereby accordingly repealed. All moneys standing to the credit of the said account at

Repeal.

the commencement of this Act shall be credited to the Revenue Fund established by this section.

Moneys credited to Revenue Fund

14. There shall be credited to the Revenue Fund—

- (a.) All moneys appropriated by Parliament out of the Consolidated Fund for the purposes of main highways, being not less in any year than the sum of thirty-five thousand pounds; the first such payment to be made in and for the year commencing on the first day of April, nineteen hundred and twenty-four :
- (b.) All moneys received as Customs duties imposed in respect of rubber tires, rubber tiring, and inner tubes of rubber for pneumatic tires, n.e.i. (as specified in Class VI of the Tariff, as set out in the First Schedule to the Customs Amendment Act, 1921), or any duties imposed in lieu thereof pursuant to any amendment of the Tariff :
- (c.) All moneys received by the Crown under any Act in respect of the licensing of motor-vehicles :
- (d.) All moneys paid to the Board by any local authority in respect of the maintenance and repair of any main highway :
- (e.) All other moneys lawfully credited to the said fund.

Moneys payable out of Revenue Fund.

15. (1.) There shall be payable out of the Revenue Fund, as may from time to time be appropriated by Parliament,—

- (a.) All moneys payable by the Crown in respect of the maintenance, repair, and control of any highway (whether such moneys are payable as subsidies to local authorities pursuant to the provisions of this Act or otherwise for the purposes of this Act) :
- (b.) All compensation or damages payable by the Crown in respect of accidents or injuries in relation to any work the cost of which is chargeable to the Revenue Fund :
- (c.) The cost of the purchase or hire of machinery, plant, equipment, and appliances required for the purposes of main highways :
- (d.) The interest, sinking fund, and other charges payable in respect of any loan raised by the Minister of Finance for the purposes of this Act :
- (e.) All expenses in connection with the operation of the Main Highways Board, and generally all other expenses lawfully payable by the Crown in respect of the administration of this Act, not being moneys payable out of the Construction Fund.

(2.) There may be at any time transferred from the Revenue Fund to the Construction Fund, without further authority than this section, any moneys which in the opinion of the Board are not required for the purposes of the Revenue Fund.

Moneys credited to Construction Fund.

16. There shall be credited to the Construction Fund—

- (a.) All moneys borrowed by the Minister of Finance pursuant to the authority in that behalf conferred by this Act :
- (b.) All moneys appropriated by Parliament out of the Public Works Fund for the purposes of main highways, being not less in any year than the sum of two hundred thousand pounds; the first such payment to be made in and for the

year commencing on the first day of April, nineteen hundred and twenty-four:

- (c.) All moneys lawfully transferred from the Revenue Fund to the Construction Fund pursuant to the provisions of this Act in that behalf:
- (d.) All moneys paid to the Board by any local authority in respect of the construction or reconstruction of any main highway:
- (e.) All other moneys lawfully credited to the said fund.

17. There shall be payable out of the Construction Fund, as may from time to time be appropriated by Parliament,—

Moneys payable out of Construction Fund.

- (a.) All moneys payable by the Crown in respect of the construction or reconstruction of main highways (whether such moneys are payable as subsidies to local authorities pursuant to the provisions of this Act or otherwise for the purposes of this Act):
- (b.) All compensation payable by the Crown under the Public Works Act, 1908, in respect of the acquisition of land for or in connection with any main highway:
- (c.) All compensation or damages payable by the Crown in respect of accidents or injuries in relation to any work the cost of which is chargeable to the Construction Fund.

18. (1.) In respect of the repair and maintenance of main highways under this Act (whether the work of repair or maintenance is undertaken by the Board or by a local authority) the Board shall, save as may be otherwise determined in accordance with the provisions of this Act, provide one-third of the cost out of the Revenue Fund, and the residue shall be payable by the several local authorities within the highway district in such proportions as may be fixed by the Board on the recommendation of the District Council.

Cost of repair and maintenance of main highways.

(2.) Where the work of maintenance and repair of a main highway is undertaken by any local authority or local authorities,—

- (a.) The proportion of the cost to be provided by the Board shall be paid to the several local authorities concerned in such proportions as the Board may determine on the recommendation of the District Council:
- (b.) The proportion of the cost to be provided by any local authority other than the local authority charged with the work of repair or maintenance shall be payable to the last-mentioned local authority by such first-mentioned local authority out of any moneys available for the purpose, and shall be recoverable as a debt.

(3.) Where the work of maintenance and repair of a main highway is undertaken by the Board, any moneys payable to the Board by any local authority in respect of the cost of such maintenance and repair shall be recoverable as a debt due to the Crown, and may be sued for by the Chairman of the Board in his official name, or may be deducted from any subsidy payable to that local authority out of the Public Account.

19. (1.) In respect of the construction and reconstruction of main highways under this Act (whether the work of construction or reconstruction is undertaken by the Board or by a local authority) the Board shall, save as may be otherwise determined in accordance

Cost of construction or reconstruction of main highways.

with the provisions of this Act, provide one-half of the cost out of the Construction Fund, and the residue shall be payable by the several local authorities within the highway district in such proportions as may be fixed by the Board on the recommendation of the District Council.

(2.) Where the work of construction or reconstruction of a main highway is undertaken by any local authority or local authorities,—

(a.) The proportion of the cost to be provided by the Board shall be paid to the several local authorities concerned in such proportions as the Board may determine on the recommendation of the District Council :

(b.) The proportion of the cost to be provided by any local authority, other than the local authority charged with the work of construction or reconstruction, shall be payable to the last-mentioned local authority by such first-mentioned local authority out of any moneys available for the purpose, and shall be recoverable as a debt.

(3.) Where the work of construction or reconstruction of a main highway is undertaken by the Board, any moneys payable to the Board by any local authority in respect of the cost of such construction or reconstruction shall be recoverable as a debt due to the Crown, and may be sued for by the Chairman of the Board in his official name, or may be deducted from any subsidy payable to that local authority out of the Public Account.

Payments to local authorities to be subject to work being in conformity with standard fixed by Board.

20. Notwithstanding anything to the contrary in the foregoing provisions, no moneys shall be payable to any local authority by the Board or by any other local authority in respect of the construction or reconstruction of any main highway unless the work done or proposed to be done in respect of which the payment is claimed is in conformity with the standard fixed by the Board in respect of that highway, and no moneys shall be payable as aforesaid in respect of the maintenance or repair of any main highway unless the construction of such highway, as well as the work of maintenance or repair, is in conformity with the aforesaid standard.

Apportionment of expenditure of motor license fees and Customs duties between North Island and South Island

21. The moneys received by the Crown as fees in respect of the licensing of motor-vehicles, or as Customs duties under section fourteen hereof, and available for the purposes of the Revenue Fund, shall be apportioned between the North Island and the South Island in the discretion of the Board, but generally so that the amount apportioned to any Island shall be fixed by reference to the number of motor-vehicles in use in that Island.

Board may construct and maintain Government roads without contribution from local authority.

22. Notwithstanding anything to the contrary in the foregoing provisions of this Act, the Board may undertake all works of construction, reconstruction, maintenance, and repair in respect of any main highways that have been declared to be Government roads under the Public Works Act, 1908, without contribution from any local authority, or may provide a greater proportion of the cost than is prescribed by section eighteen or section nineteen hereof.

Subsidies to Borough Councils in respect of maintenance of streets not being main highways.

23. In respect of the maintenance and repair of any street, not being a main highway or portion of a main highway, but being a continuation of a main highway, the Board may, on the application of the Borough Council, pay to that Council an amount computed at a

rate per mile of the length of such street, not exceeding the rate per mile paid by the Board in respect of the maintenance and repair of the adjoining main highway.

General.

24. (1.) The Board shall in April of each year, or as soon thereafter as practicable, prepare and submit to the Minister a report, together with a statement of accounts, duly audited by the Audit Office, setting forth with proper particularity its operations under this Act for the year ending on the thirty-first day of March then last past.

Annual report and statement of accounts of Board.

(2.) Every such report shall be laid before Parliament within one month after its receipt by the Minister if Parliament is then sitting, and, if not, then within one month after the commencement of the next ensuing session.

25. The Governor-General may from time to time make such regulations, not inconsistent with this Act, as he deems necessary or convenient for the purpose of enabling this Act to be carried into full effect.

Regulations