

New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Section 83 of principal Act amended. 3. Section 117 of principal Act amended. Conditions where street of less width than 66 ft. approved. 4. Section 117, (3), of principal Act repealed. | <ol style="list-style-type: none"> 5. Powers of the Minister as to utilisation of water-power. 6. Compensation for damage or user of land. 7. Damaging works. 8. No claim in case of failure of energy through accident, &c. 9. Repeal. |
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1906, No. 30.

AN ACT to amend "The Public Works Act, 1905."

[29th October, 1906.]

Title.

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 Public Works Act Amendment Act, 1906"; and it shall form part of and be read together with "The Public Works Act, 1905" (hereinafter referred to as "the principal Act").

Short Title.

2. (1.) Section eighty-three of the principal Act is hereby amended by repealing the words "remaining rent payable," and substituting in lieu thereof the words "rent ceasing to be payable."

Section 83 of principal Act amended.

(2.) This section shall extend and apply to all claims for compensation heretofore made but not finally disposed of by the Court before the coming into operation of this Act.

3. Section one hundred and seventeen of the principal Act is hereby amended by adding the following subsections next after subsection one thereof:—

Section 117 of principal Act amended.

"(1A.) Such approval may be either absolute or subject to such conditions with respect to the building-line as the Governor by Order in Council thinks fit to impose.

Conditions where street of less width than 66 ft. approved.

"(1B.) The resolution, with the approving Order in Council, shall be published in the *Gazette*, and thereupon the following provisions shall apply:—

"(a.) The Minister shall transmit a copy of the *Gazette* to the District Land Registrar or Registrar of Deeds, as the case may require, who shall deposit the same in his office, and register against the title of all land affected thereby a memorandum under his hand that the land is exempted from this section either absolutely or, as the

case may be, subject to conditions as specified in the deposited *Gazette* (which shall be identified by its date and also by its deposit number, if any).

“(b.) Such registration shall affect, with notice of the resolution and Order, all persons then having any estate or interest in the land and their successors in title.

“(c.) If any building is at any time commenced or erected in breach of any of the conditions imposed by such Order, the person for whom the work is done shall be liable on conviction to a fine of not less than five pounds nor more than fifty pounds for every day during which such breach continues.

“(d.) In addition to all other remedies for the recovery of any such fine, the amount thereof with costs shall by force of this Act be a charge on the land, and such charge may be enforced by a sale of the land in such manner and on such terms as the Minister directs.

“(e.) The proceeds of the sale shall be applied, first, in defraying the costs, charges, and expenses incurred in and about the sale; secondly, in satisfying the amount of the fine and costs; and the surplus, if any, shall be paid over to the Public Trustee for the persons entitled, upon their establishing their right thereto.”

Section 117, (8), of principal Act repealed.

4. Section one hundred and seventeen of the principal Act is hereby further amended by repealing subsection three, and in lieu of such subsection it is hereby enacted that the owner of the land so dedicated shall be entitled to compensation by the local authority having control of the road or street; and in assessing such compensation the Compensation Court constituted for that purpose shall take into consideration the necessity for or advantage of affording greater road or street space, the betterment accruing to the whole property so affected, and any such betterment shall be a set-off against the compensation claimed.

Powers of the Minister as to utilisation of water-power.

5. The Governor may by Order in Council from time to time authorise the Minister to—

(a.) Erect, construct, provide, and use such works, appliances, and conveniences as may be necessary in connection with the utilisation of water-power for the generation and storage of electrical energy, and with the transmission, use, supply, and sale of electrical energy when so generated:

(b.) Raise or lower the level of any lake, river, or stream, and impound or divert the waters thereof:

(c.) Construct tunnels under private land, or aqueducts and flumes over the same, erect poles thereon, and carry wires over or along any such land, without being bound to acquire the same, and with right of way to and along all such works and erections:

(d.) Supply and sell electrical energy, and recover moneys due for the same.

Compensation for damage or user of land.

6. Where any property of any person is at any time damaged by or through the exercise of any power conferred by paragraph (b) of the

last preceding section, or is used for any purpose mentioned in paragraph (c) of the same section, he shall be entitled to compensation, to be ascertained in the manner prescribed by Part III of the principal Act.

7. Every person who damages any works, appliances, or conveniences erected, constructed, or used as mentioned in section five hereof shall be liable for the amount of such damage; and such amount may be recovered by any person authorised in that behalf by the Minister in any Court of competent jurisdiction, and, if such damage is done wilfully, shall be liable in addition to a fine not exceeding five hundred pounds. Damaging works.

8. No person who is a consumer of electrical energy supplied or sold by the Minister as aforesaid shall have any claim against the Government or the Minister in the event of any failure of the supply of any such energy through accident, drought, or other unavoidable cause. No claim in case of failure of energy through accident, &c.

9. Section three of "The Public Works Amendment Act, 1905," is hereby amended by repealing the words "for five years or upwards," and by inserting before the word "used" the words "dedicated or." Repeal.