



ANALYSIS

Title	2. Rights in respect of natural water
1. Short Title	3. Transfer of rights

1969, No. 114

An Act to amend the Water and Soil Conservation Act 1967
 [23 October 1969]

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

1. Short Title—This Act may be cited as the Water and Soil Conservation Amendment Act 1969, and shall be read together with and deemed part of the Water and Soil Conservation Act 1967 (hereinafter referred to as the principal Act).

2. Rights in respect of natural water—The principal Act is hereby amended, as from its commencement, by repealing subsection (2) of section 21, and substituting the following subsections:

“(2) Every damming of a river or stream which lawfully existed at the 9th day of September 1966, and every diversion or taking of natural water, and every discharge of natural water or waste into any natural water, and every use of natural water, which had lawfully been happening at any time during the period of 3 years that ended with the 9th day of September 1966 and of which in each case notice in writing is given to the Regional Water Board before the 1st day of April 1970 in accordance with any regulations made under this Act is hereby authorised to the extent that it lawfully existed or had lawfully been so happening:

“Provided that the Authority may, by public notice, from time to time before the 31st day of December 1969 authorise, in respect of any specified area or in respect of any specified river, stream, or drain, any discharge of natural water or waste into any natural water, if the discharge was lawfully happening at any time during the aforesaid period of 3 years, and dispense with any notice thereof being given under the foregoing provisions of this subsection to the Regional Water Board.

“(2A) Every damming of a river or stream, and every diversion or taking of natural water, and every discharge of natural water or waste into any natural water, and every use of natural water, which is authorised by any Order in Council issued under the Public Works Act 1928, or issued under any other Act, before the 1st day of April 1968 and of which in each case notice in writing is given to the Regional Water Board before the 1st day of April 1970 in accordance with any regulations made under this Act is hereby authorised under this Act in accordance with the provisions of that Order in Council, but shall cease to be so authorised after the 31st day of March 1975 unless the rights or powers conferred by the Order in Council are being substantially exercised by that date.”

3. Transfer of rights—The principal Act is hereby amended by inserting, after section 24, the following section:

“24A. (1) Any right granted or authorised under section 21 or section 23 of this Act may be transferred, and shall be deemed always to have been transferable, subject to any terms and conditions specified in the right, by the holder of the right or his executor, administrator, or other lawful representative, to any succeeding owner or occupier of the land in respect of which the right is granted or authorised.

“(2) Notice in writing of any such transfer shall be given to the Board by the transferor, or if he fails to do so by the transferee, and the transfer shall have no effect until the notice has been given.”

This Act is administered in the Ministry of Works.
