

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 11 October 1972.

Words struck out by the Committee are shown in italics within bold round brackets or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Hon. Mr Highet

COUNTIES AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Counties Act 1956

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

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1. Short Title and commencement—(1) This Act may be cited as the Counties Amendment Act 1972, and shall be read together with and deemed part of the Counties Act 1956* (hereinafter referred to as the principal Act).

(2) Part I and section 19 of this Act and the First, Second, and Third Schedules to this Act shall come into force on the 1st day of January 1973.

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(3) Except as provided in subsection (2) of this section, this Act shall come into force on the date of its passing.

PART I

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ROADS, SERVICE LANES, AND ACCESS WAYS

2. New sections as to roads, service lanes, and access ways substituted—The principal Act is hereby amended by repealing section 191, and substituting the following sections:

“191. **Interpretation**—In this Part of this Act, unless the context otherwise requires,—

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“‘Road’ means the whole of any land which is within a county (not being land within a dependent town district) and which—

“(a) Immediately before the commencement of this section was a road within the meaning of the Public Works Act 1928 or becomes such a road after the commencement of this section, being in either case a road under the control of the Council; or

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“(b) Immediately before the inclusion of any area in the county was a public highway within that area; or

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“(c) Is laid out by the Council as a public highway after the commencement of this section; or

*Reprinted, 1969, Vol. 2, p. 1077
Amendments: 1970, No. 58; 1971, No. 63

5 “(d) Is vested in the Corporation as a road pursuant to subsection (3) of section 35 of the Counties Amendment Act 1961 (which relates to the vesting of roads on the deposit of a survey plan of subdivision); or

“(e) Is vested in the Corporation as a road pursuant to the provisions of any other enactment;—

and includes—

10 “(f) Except as provided in subsection (10) of section 191A or in subsection (5) of section 191c or in subsection (8) of section 191E of this Act, a service lane within the meaning of Part I of the Public Works Amendment Act 1948; and

15 “(g) Every square or place intended for the use of the public, and every bridge, culvert, drain, ferry, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;—

but does not include—

20 “(h) Except as provided in subsection (3) of section 198 of this Act, any State highway declared as such under the National Roads Act 1953; or

“(i) Any Government road declared as such under the Public Works Act 1928 or any former Act; or

25 “(j) Except as provided in the Public Works Amendment Act 1947 or in any regulations under that Act, a motorway within the meaning of that Act; or

30 “(k) Except as provided in subsection (9) of section 191A or section 208 of this Act, an access way within the meaning of Part I of the Public Works Amendment Act 1948:

“‘Footway’ means so much of any road as is laid out or constructed by authority of the Council for foot passengers only; and includes the edging and kerbing thereto.

35 “191A. **Property in roads, and general powers of Council in respect thereto**—(1) All roads (whether created before or after the commencement of this section) and the soil thereof, and all materials of which they are composed, shall by force of this section vest in fee simple in the Corporation. There shall
40 also vest in the Corporation all materials placed or laid in any road in order to be used for the purposes thereof.

“(2) All roads shall be under the control of the Council.

“(3) Except as provided in this or any other Act, every road shall be not less than 20 metres wide measured at right angles to its course.

“(4) Except pursuant to a special order in that behalf, no road shall be laid out or constructed by the Council with a steeper grade in any part of its length than 1 centimetre in 8 centimetres. 5

“(5) The Council shall have power in respect of roads to do the following things:

“(a) To construct and repair all roads with such materials and in such manner as the Council thinks fit: 10

“(b) To make surveys for the laying out of new roads:

“(c) To lay out new roads:

“(d) To divert or alter the course of any road:

“(e) To increase or diminish the width of any road subject to and in accordance with the provisions of this Act and any other Act: 15

“(f) To determine what part of a road shall be a carriage-way, and what part a footway only:

“(g) To alter the level of any road: 20

“(h) To stop any road or part of a road in the manner and upon the conditions set out in the Eighth Schedule to this Act:

“Provided that the Council shall not proceed to stop any road or part of any road, not being a road within the boundaries of a county borough or a county town, unless the prior consent of the Minister of Lands has been obtained to the stopping of that road or that part thereof: 25

“(i) To stop the traffic on any road or part thereof while the road, or any drain, water race, pipe, or apparatus under, upon, or over the road, is being constructed or repaired, or during a period when public disorder exists or is anticipated, or when for any reason it is considered desirable that the public traffic and passage should be temporarily diverted to other roads: 30 35

“(j) To make and use a temporary road upon any unoccupied land while any road adjacent thereto is being constructed or repaired: 40

“(k) To lay out or construct any part of any road as a safety area for pedestrians using the road, and to lay out grass plots or flower beds on any road and to prohibit traffic in whole or in part on any such plots and flower beds laid out in roads (whether 45

before or after the commencement of this section) by or under the authority of the Council, and to enclose and plant any part of a road or to plant trees on any road, and to erect upon any road any monument, statue, or other such erection:

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“Provided that no erection or enclosure or laying out or planting made or done pursuant to this paragraph shall be such as will in the opinion of the Council be likely to impede ordinary traffic:

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“(1) To name and to alter the name of any road or access way or service lane, and to place on any building or erection on or abutting on any road or access way or service lane a plate bearing the name of the road, access way, or service lane:

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“(m) To sell the surplus spoil of roads:

“(n) For the purpose of providing access from one road to another, or from one part of a road to another part of the same road, to construct on any road, or on land adjacent to any road, elevators, moving platforms, machinery, and overhead bridges for passengers or other traffic, and such subways, tunnels, shafts, and approaches as are required in connection therewith:

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“(o) To use or permit the use of any road or part thereof for a period or periods not exceeding in the aggregate 31 days in any year for any exhibition, fair, show, market, concert, or public function:

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“Provided that no road shall be used for any such purpose if that use would, in the opinion of the Council, be likely to impede traffic.

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“(6) The power conferred on the Council by paragraph (i) of subsection (5) of this section may be exercised by the Chairman on behalf of the Council.

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“(7) For the purposes of any resolution or bylaw of the Council, any grass plot or flower bed laid out by or under the authority of the Council shall be deemed to be sufficiently described if the road in which it is laid out and its approximate locality in that road are specified.

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“(8) The Council may by bylaw fix charges for and regulate the use of any means of access constructed under paragraph (n) of subsection (5) of this section. Where the amount received in respect of those charges in any year is insufficient to pay the cost of working and maintaining those means of access during that year (not including in that cost

the annual charges payable in respect of any loan raised for the purpose of providing those means), the Council may make and levy a separate rate of such amount as will realise the amount of the deficiency. Every such rate shall be levied on all the rateable property within the area over which the special rate made in respect of the said loan (if any) is leviable, or within such area as the Council from time to time, by special order, determines: 5

“Provided that before passing any resolution defining any such area the Council shall proceed as directed by section 27 of the Local Authorities Loans Act 1956 in the case of a loan proposed to be raised for part of a county, and all the provisions of that section shall, with the necessary modifications, extend and apply accordingly. 10

“(9) In subsections (1) and (2) of this section the term ‘road’ includes an access way within the meaning of Part I of the Public Works Amendment Act 1948. 15

“(10) In subsections (3), (4), (5), and (8) of this section the term ‘road’ does not include a service lane within the meaning of Part I of the Public Works Amendment Act 1948. 20

“191B. **Resumption by Crown of unformed road vested in Corporation**—Where the land comprising any unformed road existing at the commencement of this section is vested in the Corporation of the county by subsection (1) of section 191A of this Act, the Minister of Lands may, by notice in writing to the Council given at any time while the land, or, as the case may be, the part thereof specified in the notice, continues to be an unformed road, require the Council to transfer that land or any specified part thereof to the Crown without consideration, and the Council shall transfer it to the Crown accordingly. On the publication in the *Gazette* of a notice by the Minister of Lands declaring that the land or part thereof has been transferred to the Crown pursuant to this section, the land transferred shall cease to be a road and shall be deemed to be Crown land subject to the Land Act 1948. 25 30 35

“191C. **Modification of provisions as to width of roads in certain cases**—(1) Notwithstanding anything in subsection (3) of section 191A of this Act, where it is difficult or inexpedient to lay off a road at a width of 20 metres throughout the whole of its length as required by that subsection and the Council has resolved that any specified width (being not less than 12 metres) is adequate for present and likely future traffic over that road, the Council may, pursuant to a special 40

order in that behalf, lay off or permit the laying off of that road at that specified width for the whole or any part or parts of its length:

5 “Provided that, except where the road serves only industrial or commercial premises, the Council shall in every such special order require that, when new buildings are erected or any buildings are rebuilt or re-erected on land having a frontage to any part of that road which has a width of less than 20 metres, no part of any such buildings shall stand within a
10 specified distance (being not less than ~~(20)~~ 10 metres) of the middle line of the road.

“(2) The provisions of section 128 of the Public Works Act 1928 shall not apply with respect to any land having a frontage to any part of a road which has been laid off at a width of less
15 than 20 metres pursuant to a special order under subsection (1) of this section.

“(3) As soon as conveniently may be after the making of a special order under subsection (1) of this section, the Council shall send a copy of the special order to the District Land
20 Registrar or the Registrar of Deeds, as the case may require, who shall, without payment of any fee, deposit the same in his office and register against the title to all land affected thereby a memorandum under his hand that the land is subject to the building line restriction specified in the proviso to subsection
25 (1) of this section.

“(4) Any road may be diminished in width for the whole or any part of its length to less than 20 metres but not less than 12 metres, provided the Council first resolves that the proposed width will be adequate for present and future traffic over the
30 road.

“(5) In this section the term ‘road’ does not include a service lane within the meaning of Part I of the Public Works Amendment Act 1948.

“191D. Chairman and Councillors personally liable for laying out road of less than legal width, etc.—(1) Every Chairman or Councillor commits an offence against this Act who consents to the laying out of any road of a less width than that required by law, or to any other unlawful act in relation to any road.

40 “(2) It shall be the duty of the Attorney-General to take proceedings under this section, and the fines recovered by him shall be paid into the Consolidated Revenue Account.

“(3) It shall also be the duty of the Attorney-General to institute such proceedings as may be necessary or expedient

for preventing the laying out or proposed laying out of any road of a less width than that required by law, or any other unlawful act in relation to any road.

“191E. Bylaws fixing building line for new buildings—

(1) The Council may from time to time make bylaws requiring that when new buildings are erected, or any buildings are rebuilt or re-erected, or are substantially rebuilt or re-erected, those buildings shall not stand within a specified distance, being not less than 10 metres nor more than 15 metres, from the middle line of any road specified in the bylaw.

“(2) In the alternative, the Council may from time to time make bylaws requiring that any such buildings on one side of a road shall not stand within a specified distance, being not less than 20 metres nor greater than 30 metres, from the opposite side line of the road.

“(3) Any such bylaw may prohibit the adoption of any methods or devices for evading the spirit of this section.

“(4) The owner of any land affected by any such bylaw may at any time dedicate to the Corporation for road purposes the whole of his interest in any part of the land on which the erection, rebuilding, or re-erection or the substantial rebuilding or re-erection of buildings is forbidden by the operation of the bylaw, if and when that part is without any building thereon above the level of the ground, and the Council shall accept the dedication, save that it may refuse to accept the dedication unless and until it is satisfied that on the remainder of the land substantial building or rebuilding operations have been undertaken since the coming into operation of the bylaw, or are being or will forthwith be undertaken, and unless and until every person entitled to compensation as hereinafter provided joins in making the dedication.

“(5) Every person having any estate or interest in any land affected by any bylaw under this section shall, on the dedication of any part of the land pursuant to subsection (4) of this section or on the taking thereof by the Council under the Public Works Act 1928, but not sooner, be entitled to compensation to be claimed and ascertained under that Act.

“(6) The total amount of that compensation shall in no case exceed the difference between the value of the whole of the land exclusive of buildings before the dedication or taking of the portion of the land as aforesaid and the value of the remainder exclusive of buildings after the dedication or taking of that portion.

“(7) The District Land Registrar is hereby authorised and required from time to time, on request in that behalf by the

Council, to register against all properties affected all or any specified building-line bylaws made by it under this section or the corresponding provisions of any former Act and any bylaws made from time to time in amendment thereof or in substitution therefor.

“(8) In this section the term ‘road’ does not include a service lane within the meaning of Part I of the Public Works Amendment Act 1948.

“191F. Council may sell land not required for road—

10 (1) Subject to the provisions of subsection (3) of this section, where in diverting or stopping or diminishing the width of any road any part thereof is no longer required for public use, the Council may sell that part to the owner or owners of any adjoining land for a price to be fixed by a competent
15 valuer appointed by the Council to value the same; and, if no such owner or owners is or are willing to purchase the land at the price fixed, the Council may sell or lease the same by public auction or public tender; and a transfer, conveyance, or lease under the seal of the Corporation shall constitute a
20 good and valid title to the land.

“(2) Instead of selling or leasing the land as aforesaid, the Council may, by special order—

“(a) Apply the same, or any part thereof, to any purpose of public convenience or utility; or

25 “(b) Grant a lease of the same for such term and on such conditions as it thinks fit for any purpose of public convenience or utility; or

“(c) Transfer the same to the Crown for a public reserve or for addition to a public reserve or for any purpose
30 of public convenience or utility or as Crown land subject to the Land Act 1948.

“(3) Where any road along the bank of a river or along the margin of any lake or of the sea, or any portion of any such road, is stopped or diminished in width, the land which
35 thereby ceases to be road shall become a public reserve for esplanade purposes vested in the Corporation subject to the provisions of the Reserves and Domains Act 1953.

“191G. Council may acquire land for new roads, or for widening, extending, or diverting existing roads—(1) Where

40 in laying out any new road, or in diverting, extending, or widening any existing road, the Council deems it expedient to acquire more land on either or both sides of the proposed road or existing road than is required for that purpose, the Council may take, purchase, or otherwise acquire the land.

“(2) When the work has been completed the Council may sell or lease any surplus area.

“191H. **Betterment arising from widening of road or creation or widening of service lane**—(1) Where the Council widens any road or service lane in the county, or widens any part of the length of any road or service lane, and for that purpose takes or purchases or otherwise acquires land from one side only of the road or service lane, then and in every such case, each owner of land fronting upon or having any frontage to the other side of the road or service lane shall, if required by the Council, pay to the Council on account of betterment such sum or sums of money as may represent the increased value thereby given, or likely to be given, to his land. 5 10

“(2) Notwithstanding anything in paragraph (e) of subsection (1) of section 29 of the Finance Act (No. 3) 1944 or in any other enactment, where— 15

“(a) The Council—

“(i) Creates a service lane in the county and for that purpose takes part of any land that will have access to that service lane; or 20

“(ii) Widens any service lane in the county and for that purpose takes part of any land having access to that service lane; and

“(b) By reason of the creation or widening of the service lane the value of the remaining part of the land is increased by an amount that exceeds the amount of compensation payable to the owner in respect of the part of his land so taken,— 25

the owner shall pay the amount of that excess to the Council by way of betterment to the remaining part of his land. 30

“(3) The several amounts to be paid to the Council as aforesaid shall be ascertained in the manner provided by the Public Works Act 1928, or in a manner as near thereto as in the opinion of the Administrative Division of the Supreme Court the circumstances of each case will admit, but so that the Council shall be the claimant and the owner or the several owners of lands so benefited or likely to be benefited as aforesaid shall be the respondents. Claims under this section may be made in form 1 or, as the case may require, form 2 in the Ninth Schedule to this Act. 35 40

“(4) Any or all claims arising out of the widening of any road or service lane or part of any road or service lane may, with the consent in writing of all parties, be heard and determined together, and the Administrative Division of the

Supreme Court shall have power, on the application of any party, to order that all or any claims under this section in respect of land in which several persons have interest shall be heard and determined together. When the Court hears and
5 determines several such claims together, it shall have power to apportion the amount awarded on account of betterment, and the costs of the proceedings against the several respondents, in such proportions and in such manner as it thinks just.

“(5) Claims under this section shall be made within 1 year
10 from the execution of the work out of which they arise, and not afterwards.

“(6) Any respondent may, if he so desires, pay the amount awarded to be payable by him, with interest, at the rate of $4\frac{1}{2}$ percent per annum, by equal half-yearly instalments
15 extending over a period of 20 years or less, in which case he shall, within 14 days after the date of the award, give notice in writing to the County Clerk of the period over which he intends to extend payment, and shall, within 1 month after the date of the award, execute and deliver to the County Clerk
20 a memorandum of charge, in form 3 in the Ninth Schedule to this Act, upon the estate or interest forming the subject of the claim made against him, and shall pay the costs of the preparation and completion of the said instrument; and thereupon the respondent shall have the right to pay that amount
25 by instalments as set forth in the notice and charge as aforesaid.

“(7) The memorandum of charge shall, when registered, bind the property therein described, and operate as a first charge upon the estate or interest therein of the respondent,
30 and rank in priority to all estates, encumbrances, and interests created by him or any of his predecessors in title.

“(8) Any such charge may be registered without fee in the Land Registry Office or in the Deeds Register Office of the land registration district wherein the land affected thereby is
35 situate.

“(9) Notwithstanding anything to the contrary in any such charge, the Council shall accept payment of the whole of the unpaid instalments secured by any such memorandum of charge at any time when the same is tendered, and for the
40 purpose of any such tender interest shall be calculated and paid up to and including the day of tender.

“(10) A receipt expressed to be in full for all money secured by any such memorandum, signed by the County Clerk and endorsed on the memorandum, shall vacate the charge.

“(11) Money received by the Council under this section shall be applied for the following purposes, and for no other purpose:

- “(a) In the case of money received in respect of the widening of any road or service lane, in carrying out that widening work (including the acquisition of any land required for that work), and the formation, sealing, kerbing, and channelling of the road or part thereof or, as the case may be, the service lane being widened: 5
- “(b) In the case of money received in respect of the creation of a service lane, in the acquisition of land required for the creation of that service lane, and in the construction, formation, sealing, kerbing, and channelling of that service lane: 10
- “(c) Where the money received is more than sufficient to meet the costs of the purposes specified in paragraph (a) or, as the case may be, paragraph (b) of this subsection, the amount of the excess shall be applied in respect of the widening of any other road or service lane or the creation of any other service lane within the county.” 15 20

3. Footpaths and channels—(1) Section 198 of the principal Act is hereby amended by omitting from subsection (2) the words “county road”, and substituting the words “road under the control of the County Council”. 25

(2) Section 198 of the principal Act is hereby further amended by adding the following subsection:

“(3) In this section the term ‘road’ includes a State highway declared as such under the National Roads Act 1953 in any case where the National Roads Board has consented, with or without conditions, to any footpath or channel being laid out, constructed, or improved in any State highway.” 30

4. Leases of airspace or subsoil of roads—The principal Act is hereby further amended by inserting, after section 198G (as inserted by section 17 of the Counties Amendment Act 1968), the following heading and section: 35

“Leases of Airspace or Subsoil of Roads

“198H. (1) Subject to subsection (2) of section 206 of this Act, the Council may— 40

“(a) Grant a lease to any person of the airspace or any part of the airspace above the surface of any road, access way, or service lane; or

5 “(b) Grant a lease to any person of the subsoil or any part of the subsoil beneath the surface of any road, access way, or service lane:

“Provided that no such lease shall be granted unless the use proposed for that airspace or subsoil is a use permitted under the Council’s operative district scheme under the Town and
10 Country Planning Act 1953 or is otherwise authorised by way of departure under section 35 of that Act:

“Provided also that, in exercising the powers conferred by this subsection in relation to any airspace, the Council shall ensure that sufficient airspace remains above the surface of
15 the road, access way, or service lane for the free and unobstructed passage of vehicles and pedestrians using the road or service lane, or, in the case of an access way, of pedestrians using the access way.

“(2) Any airspace or subsoil so leased and any improvements erected or constructed in any airspace or in any subsoil pursuant to a lease under this section shall be deemed to be rateable property for the purposes of the Rating Act 1967.

“(3) Nothing in this section shall be construed as to restrict any right the Council may have to permit any person to use
25 for a temporary period any part of the surface or of the airspace above the surface of any road, access way, or service lane.

“(4) The Council may grant a lease to any person under subsection (1) of this section for the purpose of the erection
30 and maintenance of a pedestrian or vehicular bridge connecting any land or building on one side of the road, access way, or service lane with any land or building on the other side upon such terms and conditions as it thinks fit. The provisions of the Public Bodies Leases Act 1969 shall not
35 apply with respect to any such lease.”

5. Vehicle crossings—The principal Act is hereby further amended by inserting, after section 199B (as inserted by section 21 of the Counties Amendment Act 1971), the following heading and section:

40 “*Vehicle Crossings*

“199C. (1) Where vehicles are being taken on to or from any land across any footway on any road or any water channel

on or adjoining any road otherwise than by means of a crossing properly constructed under the provisions of any bylaw made by the Council, the County Clerk or other officer authorised by the Council may, by notice in writing, require the occupier or, in any case where there is no occupier, the owner of the land to pay to the Council such sum of money as the Council from time to time fixes as payment for the cost of the construction of a crossing by the Council. 5

“(2) Within 28 days after the service of the notice, the occupier or owner, as the case may be, may object in writing to the Council against the requirements of the notice, and the notice shall thereupon be deemed to be suspended pending the determination of the objection or, where application is made to the Court to confirm the notice, pending the decision of the Court. 10 15

“(3) Where any such objection is received by the Council, the Council shall forthwith inquire into and dispose of the objection.

“(4) Where on inquiry into the objection the Council reaffirms its requirements, the Council shall apply to a Magistrate’s Court for an order confirming the notice. 20

“(5) On the hearing of the application, the Court, whose decision shall be final, may—

“(a) Confirm the notice; or

“(b) Confirm the notice subject to a reduction in the sum payable to the Council by the occupier or owner, as the case may be; or 25

“(c) Set aside the notice.

“(6) Where—

“(a) In any case in which no such objection is made, the occupier or owner, as the case may be, fails to pay to the Council the sum specified in the notice within 42 days after the service of the notice; or 30

“(b) In any case in which objection is made, the notice is confirmed by the Court (whether with or without any reduction in the sum payable to the Council), and the occupier or owner, as the case may be, fails to pay to the Council the sum specified in the notice, or, as the case may be, the sum specified in the order of the Court, within 14 days after the giving of the decision of the Court,— 35 40

the Council may construct the crossing and recover the cost from him.

“(7) The said cost shall be recoverable by the Council as a debt from the occupier or owner, as the case may be, and, where it is recoverable from the owner, shall be a charge on the land.

5 “(8) Where any sum of money is paid to the Council by any occupier or owner pursuant to this section, the Council shall refund that sum to the occupier or owner if the crossing is not completed by the Council within 6 months after the date of the payment.”

10 **6. Vesting of existing road reserves—**(1) All public reserves for road, access way, or service lane purposes in any county (including any town district forming part of the county) that immediately before the date of the passing of this Act were vested in the Crown pursuant to the provisions of any
 15 enactment, shall, on the date of the passing of this Act, vest in the Corporation of the county, and shall be held as reserves set apart for the purposes for which they are held at that date and subject to the Reserves and Domains Act 1953.

(2) For the purposes of subsection (5) of section 18 of the
 20 Reserves and Domains Act 1953, the title of the Corporation of a county to any reserve that is vested in the Corporation pursuant to subsection (1) of this section shall be deemed to have been derived by the Corporation otherwise than from the Crown.

25 (3) On the application under the seal of the Corporation of any county, accompanied by a certificate by the Commissioner of Crown Lands for the land district in which the reserve is situated certifying that the reserve has vested in the Corporation of the county under the provisions of this
 30 section, the District Land Registrar shall, without fee, register the Corporation as the proprietor of the land comprising the reserve, or, where no certificate of title for the reserve is in existence, on payment of the prescribed fee issue a certificate of title for the land in the name of the Corporation.

35 **7. Eighth and Ninth Schedules added to principal Act—**The principal Act is hereby further amended by adding the Eighth and Ninth Schedules set out in the First Schedule to this Act.

8. Consequential amendments and repeal—(1) The enact-
 40 ments specified in the Second Schedule to this Act are hereby amended in the manner indicated in that Schedule.

(2) Every reference to a county road in any enactment not referred to in the Second Schedule to this Act shall after the

passing of this Act be construed as a reference to a road as defined in section 191 of the principal Act (as substituted by section 2 of this Act).

(3) Section 134 of the principal Act is hereby amended by omitting from paragraph (c) of subsection (1) (as substituted by section 7 of the Counties Amendment Act 1961) the words "or district roads". 5

(4) Section 401 of the principal Act is hereby amended by inserting in subsection (1), after paragraph (13), the following paragraph: 10

"(13A) Prohibiting the cutting of grass for seed on roads or on any specified roads without the previous consent in writing of the Council, either at all times or during any specified part of the year:".

(5) Section 3 of the Counties Amendment Act 1957 is hereby repealed. 15

PART II

MISCELLANEOUS AMENDMENTS

9. Election of Chairman—Section 67 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection: 20

"(3) The Chairman shall come into office on his election, and, unless he sooner vacates his office pursuant to section 68 of this Act, shall hold office until the election of his successor, notwithstanding that pursuant to section 8 of the Local Elections and Polls Act 1966 his office as a Councillor may have been vacated." 25

New

9A. Council may establish special funds—The principal Act is hereby further amended by repealing section 165, and substituting the following section: 30

"165. (1) The Council may from time to time, by resolution specifying the purposes of the fund, establish one or more funds for the purpose of providing for the cost of any activity or matter which the Council is authorised to undertake. 35

"(2) The Council shall, not later than the 30th day of June in every year, pay into a separate bank account or invest all money allocated to any such fund during the financial year that ended with the immediately preceding 31st day of March:

"Provided that the amount so payable into the separate bank account may be reduced by the amount of any expenditure actually incurred during the period of 15 months ending with 40

New

that 30th day of June and properly chargeable against the fund which has not already been withdrawn from the separate bank account.

5 “(3) The Council may from time to time invest any money so allocated to any such fund and pay the proceeds of the investment into the fund.

10 “(4) The Council may from time to time apply the money in any such fund only to the purposes for which the fund was established.

15 “(5) On the completion of the purposes for which a fund from general revenues was established by resolution under this section, or when in the opinion of the Council and with the concurrence of the Audit Office the purposes are no longer attainable, the Council may, by resolution, allocate any surplus remaining in that fund to the General Account.”

10. Bylaws in respect of prevention of fire—Section 288 of the principal Act (as substituted by section 24 (1) of the Counties Amendment Act 1971) is hereby amended by adding to subsection (2) the following proviso:

“Provided that where—

25 “(a) The Minister has approved a bylaw made under this section or regulations having the force of bylaws have been made under subsection (5) of this section; and

30 “(b) The bylaw adopts, under section 27 of the Standards Act 1965, the whole of a standard specification made under that Act or, as the case may be, the regulations adopt the whole of any such standard specification, without, in either case, any modification or addition,—

any subsequent bylaw made by the Council amending the bylaw so approved by the Minister or, as the case may be, the regulations shall not require the approval of the Minister if it adopts under the said section 27 without modification or addition the whole of any standard specification amending the specification that was adopted in the original bylaw or in the regulations, as the case may be.”

11. Powers of Council to provide or promote social welfare services—The principal Act is hereby further amended by inserting, after section 319A (as substituted by section 29 (1) of the Counties Amendment Act 1971), the following section:

“319B. (1) The Council may provide or assist in providing social welfare services for the benefit of the inhabitants of the county, and, in consultation with the Department of Social Welfare, may promote or assist in promoting co-operation in and co-ordination of social welfare activities in the county. 5

“(2) For those purposes the Council may—

“(a) Take, purchase, or otherwise acquire or provide land and buildings within the county, and furnish and maintain any such buildings:

“(b) Meet the cost of such expenses as may be necessary for the establishment, management, and maintenance of social welfare services and activities: 10

“(c) Prepare and publish posters, abstracts, and other material in connection with social welfare services and activities. 15

“(3) The Council may—

“(a) Make grants of money, or make advances on such terms as it thinks fit, or grant tenancies or leases of land at such rental for such term and on such conditions as it thinks fit, to the trustees or other governing authority of any body (whether incorporated or not) which is not conducted for private profit and the object or principal object of which is to provide or assist in providing social welfare services: 20 25

“(b) In the name and on behalf of the Corporation, by deed or other instrument and subject to such terms and conditions as it thinks fit, guarantee the repayment of money advanced to the trustees or other governing authority of any such body. 30

“(4) The Public Bodies Leases Act 1969 shall not apply to any tenancy or lease granted under this section.”

12. Exemption of children’s homes and child care centres from licensing—Section 334A of the principal Act (as inserted by section 25 (1) of the Counties Amendment Act 1968) is hereby amended by adding to the definition of the term “boardinghouse” in subsection (1) the words “or any children’s home registered under Part I of the Child Welfare Amendment Act 1927, or any child care centre licensed under regulations made pursuant to section 45A of the Child Welfare Act 1925 (as inserted by section 2 of the Child Welfare Amendment Act 1958)”. 35 40

13. Guarantees by Council of mortgages granted for housing purposes—(1) Section 357 of the principal Act is hereby amended by repealing subsection (4), and substituting the following subsection:

5 “(4) The portion of the principal money the payment of which may be guaranteed by the Council under this section shall not exceed one-third of the total principal money secured by the mortgage.”

(2) Section 357 of the principal Act is hereby further
10 amended by repealing subsection (5).

(3) Section 359 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

15 “(2) The Corporation shall not under this section guarantee in respect of any replacement mortgage repayment of any money in excess of the principal money secured by the original mortgage at the time of its repayment.”

(4) Section 361 of the principal Act is hereby consequentially amended by omitting from paragraph (a) (as amended
20 by section 33 (1) (d) of the Counties Amendment Act 1971) the words “the amount for the time being prescribed by the Minister by notice in the *Gazette* for the purposes of the said section 356 or section 357 or section 359, as the case may be”, and substituting the words “the amount for the time being
25 prescribed by the Minister by notice in the *Gazette* for the purposes of the said section 356 or, as the case may be, the amount specified in the said section 357 or section 359”.

(5) Section 33 of the Counties Amendment Act 1971 is hereby consequentially amended—

30 (a) By repealing paragraphs (b), (c), and (d) of subsection (1):

(b) By omitting from subsection (3) the words “or section 357 or section 359” where they first occur:

35 (c) By omitting from subsection (3) the words “or section 357 or section 359, as the case may be”.

(6) Clauses 4 and 5 of the Counties (Housing Loans) Order 1967 are hereby consequentially revoked.

14. Bylaws as to noise—Section 401 of the principal Act is hereby further amended by inserting in subsection (1),
40 after paragraph (8), the following paragraph:

“(8A) Regulating, controlling, or prohibiting the making of noise—

“(a) In roads or public places; or

“(b) In or upon land or buildings—
 where such noise is likely to cause nuisance or annoyance to
 persons in any road or public place or residing in the vicinity
 of any road or public place or in the vicinity of that land
 or those buildings: 5

“Provided that no bylaw made under this paragraph shall
 come into force unless and until it is approved by the
 Minister:

New

“Provided also that no such bylaw or any other bylaw 10
 (whether made before or after the commencement of this
 paragraph) shall prevent the reasonable use of sound-
 amplifying equipment by a candidate, or by a person
 authorised in that behalf by a candidate, for the purpose of
 campaigning for a general election or by-election within the 15
 meaning of the Electoral Act 1956, or for a local authority
 election or by-election, during the period of 1 month before
 the date of the election or by-election:”

15. Bylaws as to spring-jaw or gin traps—(1) Section 401
 of the principal Act is hereby further amended by adding to 20
 subsection (1) (as amended by section 33 (1) of the Counties
 Amendment Act 1968) the following paragraph:

“(41) Prohibiting or regulating the setting or placing of
 animal traps of the spring-jaw or gin-trap type within the
 county or within such parts thereof as are specified in the 25
 bylaws:

“Provided that no bylaw under this paragraph shall have
 effect in any part of the county outside a county borough
 or county town unless and until its application to that part
 is approved by the Minister, who, before giving his approval, 30
 shall consult with the Minister of Forests and the Minister
 of Agriculture and Fisheries:

“Provided also that where the bylaw is to have effect in
 any pest destruction district under the Agricultural Pests
 Destruction Act 1967 (not being a county pest destruction 35
 district), the Council shall—

“(a) Before applying to the Minister for his approval,
 consult with the Pest Destruction Board for that
 district; and

“(b) In its application for the Minister’s approval, state 40
 whether or not the Board objects to the bylaw
 having effect in its district or in any specified part
 thereof.”

(2) Every bylaw made before the passing of this Act which would have been valid if this section had been in force when the bylaw was made is hereby validated and declared to have been lawfully made, but shall not have effect in any part of
 5 the county outside a county borough or county town, unless and until its application to that part is approved by the Minister pursuant to the provisions of paragraph (41) of subsection (1) of section 401 of the principal Act (as added by subsection (1) of this section).

10 **16. Land not subdivided by lease of owner-occupier flats—**
 Section 21 of the Counties Amendment Act 1961 is hereby amended by inserting in subsection (6) (as added by section 39 of the Counties Amendment Act 1971), after the words
 15 "this section, land", the words "having an area of not more than 2,000 square metres (and being, in the case of land subject to the Land Transfer Act 1952, the whole of the land comprised in 1 certificate of title)".

17. Submission of scheme plans of subdivision to District Commissioner of Works—(1) Section 23 of the Counties
 20 Amendment Act 1961 is hereby amended by inserting in subsection (4), after the words "Government road", the words "or where no operative district planning scheme affecting the locality in which the land is situated is for the time being in force".

25 *Struck Out*

(2) Section 23 of the Counties Amendment Act 1961 is hereby further amended by omitting from paragraph (a) of subsection (4) the words "highway or road", and substituting the word "land".

30 *New*

(2) Section 23 of the Counties Amendment Act 1961 is hereby further amended—

(a) By omitting from paragraph (a) of subsection (4) the words "highway or road", and substituting the word
 35 "land":
 (b) By adding to the said paragraph (a) the words " , who shall supply the Council with his comments within 28 days after receiving the plan or within such longer period as the Council may allow".

18. Reserves for public purposes—(1) Section 28 of the Counties Amendment Act 1961 is hereby amended by inserting in subsection (9A) (as inserted by section 40 (2) of the Counties Amendment Act 1968), after paragraph (b), the following paragraph:

“(c) Apply any money to which subsection (8) of this section applies for the purpose of—

“(i) Improving or developing, for recreational purposes, any foreshore or the bed of any lake, whether within or outside the county, where the control of that foreshore or the bed of that lake, as the case may be, has been vested in the Council by an Order in Council under section 165 of the Harbours Act 1950 (as substituted by section 9 (1) of the Harbours Amendment Act 1961):

“(ii) Erecting, improving, and developing, for recreational purposes, on the bed of the harbour or of the sea or, as the case may be, of the lake immediately contiguous to any foreshore or bed of any lake, whether within or outside the county, the control of which has been vested in the Council pursuant to the said section 165 any thing that pursuant to paragraph (a) of subsection (3) of that section the public body controlling that foreshore or bed of that lake is empowered to erect,—”.

(2) Section 28 of the Counties Amendment Act 1961 is hereby further amended by inserting in the said subsection (9A), after the words “improvement, or development”, the words “or, as the case may be, the erection of that thing”.

New

18A. Joint community centre districts—Section 45 of the Counties Amendment Act 1971 is hereby amended by adding to the definition of the term “district” the words “; and includes a joint community centre district established pursuant to section 47A of this Act”.

18B. Establishment of joint district—(1) The Counties Amendment Act 1971 is hereby further amended by inserting, after section 47, the following section:

“47A. (1) The Council may join with the Council or Councils of any adjoining county or counties in establishing a joint community centre district for the purpose of providing a community centre for the benefit of the inhabitants of any specified part or parts of the county and of the other county or counties.

New

“ (2) If 2 or more Councils agree to the establishment of a joint community centre district, they shall appoint one of the Councils to be the administering Council for that purpose, and, subject to the provisions of this section, this Part of this Act shall, with the necessary modifications, apply as if the joint community centre district were a community centre district within the district of the administering Council.

“ (3) Notwithstanding the provisions of subsection (2) of this section, the administering Council shall consult the other Council or Councils, where necessary, and the other Council or Councils shall, where appropriate, make a special order pursuant to section 50 of this Act and levy such annual uniform fee or uniform charge as may be agreed upon between the Councils.”

(2) The Counties Amendment Act 1971 is hereby further amended—

(a) By inserting in subsection (1) of section 50, after the words “the district”, the words “, or, in the case of a joint district, the part of the county situated in that district,”:

(b) By inserting in section 54, after the words “A district”, the words “or, in the case of a joint district, the part of the county situated in that district,”.

18c. Annual fee payable by occupier—Section 50 of the Counties Amendment Act 1971 is hereby further amended—

(a) By inserting in subsection (1), after the expression “\$6”, the words “, or such higher amount as may be fixed by the Minister by notice in the *Gazette*,”:

(b) By inserting in subsection (2), after the expression “\$6,”, the words “or such higher amount as may be fixed by the Minister by notice in the *Gazette*,”.

19. Metric conversions—(1) The enactments specified in the Third Schedule to this Act are hereby amended in the manner indicated in that Schedule.

(2) Notwithstanding anything in the Third Schedule to this Act, anything done before the commencement of this section under any enactment amended by that Schedule which was valid when it was done shall not be invalidated by reason of any amendment to that enactment made by that Schedule.

SCHEDULES

Section 7

FIRST SCHEDULE

EIGHTH AND NINTH SCHEDULES TO PRINCIPAL ACT

Section 191A(5) (h)

"EIGHTH SCHEDULE

CONDITIONS AS TO STOPPING ROADS

1. The Council shall have a plan prepared of the road proposed to be stopped, and a survey made and a plan prepared of any new road proposed to be made in lieu thereof, showing the lands through which it is proposed to pass, and the owners and occupiers of those lands so far as known.

2. The said plans shall be open to public inspection at the office of the Council, and the Council shall at least twice, at intervals of not less than 7 days, give public notice of the proposals and of the place where the plans may be inspected, and shall in the notice call upon persons objecting to the proposals to lodge their objections in writing at the office of the Council on or before a date to be specified in the notice, being not earlier than 40 days after the date of the first publication thereof. The Council shall also forthwith after that first publication serve a notice in the same form on the owners or occupiers of all land adjoining the road proposed to be stopped or any new road proposed to be made in lieu thereof, so far as they can be ascertained.

3. A notice of the proposed stoppage, printed on linen or calico or other durable material, shall, during the period between the first publication of the notice and the expiration of the last day for lodging objections as aforesaid, be kept fixed in a conspicuous place at each end of the road proposed to be stopped:

Provided that the Council shall not be deemed to have failed to comply with the provisions of this clause in any case where any such notice is removed without the authority of the Council, but in any such case the Council shall, as soon as conveniently may be after being informed of the unauthorised removal of the notice, cause a new notice complying with the provisions of this clause to be affixed in place of the notice so removed and to be kept so affixed for the period aforesaid.

4. If no objections are received within the time limited as aforesaid, the Council may by public notice declare that the road is stopped; and the road shall, subject to the Council's compliance with clause 11 of this Schedule, thereafter cease to be a public highway.

5. If objections are received as aforesaid, the Council shall forthwith after the expiration of the time limited as aforesaid inquire into and dispose of the objections.

6. If after inquiring into and disposing of the objections the Council reaffirms its decision to stop the road, the Council shall send the plans aforesaid, with a full description of the proposed alterations, and with the Council's decision thereon, to the Town and Country

“EIGHTH SCHEDULE—continued

Planning Appeal Board, in any case where the road is to be stopped for the purpose of giving effect to an operative district planning scheme under the Town and Country Planning Act 1953, and to a Magistrate’s Court in any other case.

7. The Board or the Court, as the case may be, 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 Council; and, subject to section 42A of the Town and Country Planning Act 1953 (as inserted by section 11 of the Town and Country Planning Amendment Act 1971), the decision of the Board or the Court, as the case may be, shall be final and conclusive on all questions.

8. The Board or the Court, as the case may be, shall not confirm the decision of the Council unless satisfied that a way to the lands in the vicinity as convenient as that theretofore afforded by the road is left or provided.

9. If the Board or the Court reverses the decision of the Council, no proceedings shall be entertained by the Board or the Court, as the case may be, for stopping the road for 2 years thereafter.

10. If the Board or the Court confirms the decision of the Council, the Council may declare by public notice that the road is stopped; and the road shall thereupon cease to be a public highway.

11. Two copies of that notice and of the plans hereinbefore referred to shall be transmitted by the Council for record in the office of the Chief Surveyor of the land district in which the road is situated, and no notice of the stoppage of the road shall take effect until that record is made.

12. The Chief Surveyor shall allocate a new description of the land comprising the stopped road, and shall forward to the District Land Registrar or the Registrar of Deeds, as the case may require, a copy of that description and a copy of the notice and the plans transmitted to him by the Council, and the Registrar shall amend his records accordingly.

“NINTH SCHEDULE

Section 191H

Form 1

CLAIM FOR PAYMENT ON ACCOUNT OF BETTERMENT

To, owner of an estate or interest in fee simple [*or as the case may be*] in the land described below.

WHEREAS the [*Name of Council*] has widened (*or is about to widen*) Road in the county, whereby the value of lands described below, which front the said road, and in which you are interested as aforesaid, has been increased or is likely to be increased: This is to give you notice that the Council claims from you the sum of \$..... on account of betterment for the said increase in value of the said lands.

[*Description of lands.*]

Given under my hand this day of 19.....
....., County Clerk.

"NINTH SCHEDULE—*continued*

Form 2

CLAIM FOR PAYMENT ON ACCOUNT OF BETTERMENT FROM CREATION
OR WIDENING OF SERVICE LANE

To, owner of an estate or interest in fee simple [*or as the case may be*] in the land described below.

WHEREAS the [*Name of Council*] has created (*or is about to create*) (*or has widened*) (*or is about to widen*) [*Describe the service lane*] in the county, whereby the value of the lands described below, which front the said proposed service lane (*or the said service lane*), and in which you are interested as aforesaid, has been increased or is likely to be increased: This is to give you notice that the Council claims from you the sum of \$..... on account of betterment for the said increase in value of the said lands.

[*Description of lands*]

Given under my hand this day of 19.....

..... County Clerk.

Form 3

CHARGE

PURSUANT to section 191H of the Counties Act 1956, I, the undersigned, hereby charge my estate or interest as [*Here describe the same*] in [*Here describe land*] with the payment to the [*Name of Council*] of [*Number*] equal half-yearly payments of \$....., each payable on the day of the months of in each year, the first payment to be made on the day of 19....., the charge to be a first charge upon my said estate and interest in priority to all estates, encumbrances, and interests created by me or any of my predecessors in title, as provided by the said Act; and I, the said, hereby covenant with the said Council to pay to the Council the said several instalments on the respective dates aforesaid.

Given under my hand this day of 19....."

SECOND SCHEDULE

Section 8 (1)

ENACTMENTS AMENDED

(ROADS, SERVICE LANES, AND ACCESS WAYS)

Enactment	Amendment
<p>1928, No. 21—The Public Works Act 1928 (1957 Reprint, Vol. 12, p. 475)</p>	<p>By omitting from subsection (5) of section 32 the words “(except in the case of roads)”, and substituting the words “(except in the case of Government roads and State highways)”.</p> <p>By adding to subsection (2) of section 42 the following paragraphs:</p> <p>“(c) Any road or service lane or access way vested in the Corporation of a county pursuant to <u>section 191A</u> of the Counties Act 1956 (as enacted by <u>section 2</u> of the Counties Amendment Act 1972):</p> <p>“(d) Any reserve for road, access way, or service lane purposes vested in the Corporation of a county pursuant to <u>section 6</u> of the Counties Amendment Act 1972:</p> <p>“(e) Any road or service lane or access way in a county, or reserve for any such purpose, declared Government road or motorway or otherwise acquired by the Crown, unless the land comprising the same had been originally taken, purchased, or otherwise acquired by the County Council without any subsidy, grant, or other payment having been made by the Crown or the National Roads Board in respect of that taking, purchase, or acquisition.”</p> <p>By omitting from section 111 the words “All roads”, and substituting the words “All Government roads declared as such under this Act and State highways declared as such under the National Roads Act 1953”.</p> <p>By repealing subsection (3) of section 112, and substituting the following subsection:</p> <p>“(3) The Minister may in like manner declare that any road constructed or controlled by the Minister within a county (except in a dependent town district) shall be under the control and management of the Council of the county, and thereupon that road shall be deemed to be a road within the meaning of Part XV of the Counties Act 1956.”</p> <p>By repealing section 113.</p>

SECOND SCHEDULE—*continued*

ENACTMENTS AMENDED

(ROADS, SERVICE LANES, AND ACCESS WAYS)—*continued*

Enactment	Amendment
<p>1928, No. 21—The Public Works Act 1928—<i>continued</i></p>	<p>By repealing section 114, and substituting the following section: “114. Roads in County of Fiord—All roads in the County of Fiord that are not State highways shall be deemed to be Government roads.”</p> <p>By repealing subsection (1) of section 115.</p> <p>By repealing section 116.</p> <p>By repealing section 117.</p> <p>By adding to paragraph (d) of subsection (1) of section 120 the words “and every road which by virtue of this section is under the control of a County Council shall, so long as it so remains, be vested in the Corporation of that county in the same manner as if it were a road within the meaning of Part XV of the Counties Act 1956 situated within the county”.</p> <p>By omitting from subsection (1) of section 121 the words “The Road Board shall have full power to do all things necessary to construct and maintain in good repair any road under its control”, and substituting the words “The Minister shall have full power to do all things necessary to construct and maintain in good repair any road (being a Government road or State highway) under his control”.</p> <p>By omitting from paragraph (b) of subsection (1) of section 121 the words “Road Board”, and substituting the word “Minister”.</p> <p>By omitting from paragraph (i) of subsection (1) of section 121 the word “Board”, and substituting the word “Minister”.</p> <p>By inserting in section 121, after subsection (1), the following subsection: “(1A) For the purposes of constructing or maintaining in good repair any road under its control, a County Council may exercise the powers conferred by paragraph (k) of subsection (1) of this section.”</p>

SECOND SCHEDULE—*continued*

ENACTMENTS AMENDED
(ROADS, SERVICE LANES, AND ACCESS WAYS)—*continued*

Enactment	Amendment
1928, No. 21—The Public Works Act 1928— <i>continued</i>	<p>By omitting from subsection (2) of section 121 the words “any Road Board”, and substituting the words “the Minister or, as the case may be, the County Council”.</p> <p>By repealing subsection (3) of section 122, and substituting the following subsection: “(3) Such notice shall be signed by the Chairman of the County Council in the case of roads under the control of a County Council, by the Chairman of the Town Council in the case of town district roads, and by the Minister or some person on his behalf in the case of Government roads and State highways.”</p> <p>By inserting in subsection (2) of section 125, after the words “Municipal Corporations Act 1954”, the words “or section 191c of the Counties Act 1956 (as enacted by <u>section 2</u> of the Counties Amendment Act 1972)”.</p> <p>By adding to subsection (2) of section 125 the words “or, as the case may be, the said <u>section 191c</u>”.</p> <p>By repealing subsection (3) of section 125.</p> <p>By omitting from subsection (4) of section 125 the words “or subsection three”.</p> <p>By inserting in subsection (8) of section 125, after the words “within a borough”, the words “and in the County Council where it is within a county (except in a dependent town district)”.</p> <p>By inserting in subsection (1) of section 131 (as substituted by section 6 (1) of the Public Works Amendment Act 1955), after the words “Municipal Corporations Act 1954”, the words “or, as the case may be, <u>subsection (1) of section 191c of the Counties Act 1956 (as enacted by section 2 of the Counties Amendment Act 1972)</u>”.</p> <p>By inserting in subsection (1) of section 132 (as substituted by section 28 of the Public Works Amendment Act 1948 and amended by section 7 of the Public Works Amendment Act 1955), after the words “Municipal Corporations Act 1954”, the words “or, as the case may be, <u>subsection (1) of section 191c of the Counties</u>”.</p>

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED
(ROADS, SERVICE LANES, AND ACCESS WAYS)—*continued*

Enactment	Amendment
1928, No. 21—The Public Works Act 1928— <i>continued</i>	<p>Act 1956 (as enacted by <u>section 2</u> of the Counties Amendment Act 1972)".</p> <p>By inserting in subsection (1) of section 147, after the words "No road", the words "(being a Government road or a State highway)".</p> <p>By repealing section 148.</p> <p>By repealing section 149, and substituting the following section:</p> <p>"149. Further provisions as to closing of roads—The Minister may, by notice published in the <i>Gazette</i>, stop or alter the course of any Government road or any part thereof, and the land occupied by the road or part of the road so stopped, or no longer required for the road so altered, may be disposed of or otherwise dealt with as land no longer required for a public work in the manner provided by section 25 or section 35 of this Act."</p> <p>By repealing section 150.</p> <p>By repealing section 151.</p> <p>By repealing section 151A (as inserted by section 22 of the Public Works Amendment Act 1960).</p> <p>By repealing section 152.</p> <p>By repealing section 160.</p> <p>By repealing section 161.</p> <p>By repealing section 162.</p> <p>By repealing paragraph (e) of subsection (2) of section 226 (as substituted by section 2 of the Public Works Amendment Act 1971), and substituting the following paragraph:</p> <p>"(e) The County Council, in the case of a road (as defined in <u>section 191</u> of the Counties Act 1956, as enacted by <u>section 2</u> of the Counties Amendment Act 1972) or an access way or a service lane, or a proposed such road or access way or service lane, within a county (otherwise than in a dependent town district):".</p> <p>By omitting from paragraph (f) of the said subsection (2) the words "an independent town district", and substituting the words "a town district".</p>

SECOND SCHEDULE—*continued*

ENACTMENTS AMENDED
(ROADS, SERVICE LANES, AND ACCESS WAYS)—*continued*

Enactment	Amendment
<p>1928, No. 21—The Public Works Act 1928—<i>continued</i></p>	<p>By repealing subsection (3) of the said section 226, and substituting the following subsection: “(3) On the date of the publication in the <i>Gazette</i> of a notice under subsection (1) of this section, or on such later date as may be specified in the notice as the date on which it shall take effect, the land to which the notice relates shall vest in the Corporation of the county or borough or town district named in the notice as road or street, as the case may be, or, in any case where no such Corporation is so named, shall, notwithstanding anything in section 191A of the Counties Act 1956 (as enacted by section 2 of the Counties Amendment Act 1972), vest in the Crown as road, in each case free from all other reservations, restrictions, trusts, rights, titles, estates, or interests of any kind whatsoever.”</p>
<p>1948, No. 39—The Public Works Amendment Act 1948 (1957 Reprint, Vol. 12, p. 798)</p>	<p>By repealing the Thirteenth Schedule (as added by section 6 (4) of the Public Works Amendment Act 1965).</p>
	<p>By inserting in the definition of the expression “access way” in subsection (1) of section 2 (as amended by section 413 (6) of the Municipal Corporations Act 1954), after the words “Town Council”, the words “or County Council”.</p>
	<p>By inserting in the definition of the expression “service lane” in the same subsection (as amended by the said section 413 (6)), after the words “Town Council”, the words “or County Council”.</p>
	<p>By repealing section 3, and substituting the following section: “3. Declaration of access ways and service lanes—(1) Where, for the purpose of providing the public with a shorter route for pedestrians from any road, street, service lane, or reserve to any road, street, service lane, or reserve, any way is laid down and constructed within a borough or town district or county (in accordance with the provisions of this Part of this Act relating to access ways)</p>

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED
(ROADS, SERVICE LANES, AND ACCESS WAYS)—*continued*

Enactment	Amendment
<p>1948, No. 39—The Public Works Amendment Act 1948—<i>continued</i></p>	<p>on any land which at the date of the resolution is owned by the Corporation of the borough or town district or county, as the case may be, the Borough Council or Town Council or County Council may, by resolution, declare that way or land to be an access way for the purposes of this Part of this Act.</p> <p>“(2) Where, for the purpose of providing the public with side or rear access for vehicular traffic to any land, any lane is laid out and constructed within a borough or town district or county (in accordance with the provisions of this Part of this Act relating to service lanes) on land which at the date of the resolution is owned by the Corporation of the borough or town district or county, as the case may be, the Borough Council or Town Council or County Council may, by resolution, declare that lane or land to be a service lane for the purposes of this Part of this Act.”</p> <p>By repealing subsections (1) and (2) of section 4, and substituting the following subsections:</p> <p>“(1) The Minister may from time to time lay out and construct proposed access ways and service lanes outside a borough or town district on land belonging to the Crown.</p> <p>“(2) Any Borough Council or Town Council or County Council may from time to time lay out and construct proposed access ways and service lanes within the borough or town district or county, as the case may be, on land belonging to the Corporation of the borough or town district or county, and may from time to time authorise the owner of any land to lay out and construct any proposed access way or service lane within the borough or town district or county on land belonging to him.”</p>

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED
(ROADS, SERVICE LANES, AND ACCESS WAYS)—*continued*

Enactment	Amendment
1948, No. 39—The Public Works Amendment Act 1948— <i>continued</i>	<p>By omitting from subsection (3) of section 4 (as amended by section 413 (6) of the Municipal Corporations Act 1954) the words “the Minister or by a Borough Council or Town Council”, and substituting the words “by a Borough Council or Town Council or County Council”.</p> <p>By omitting from the said subsection (3) the words “to His Majesty or to the Corporation of the borough or town district”, and substituting the words “to the Corporation of the borough or town district or county”.</p> <p>By repealing subsection (4) of section 4 (as added by section 17 (4) of the Public Works Amendment Act 1952).</p> <p>By omitting from subsection (4) of section 7 (as amended by section 413 (6) of the Municipal Corporations Act 1954) the words “Borough Council or Town Council”, and substituting the words “local authority”.</p> <p>By omitting from the said subsection (4) the words “borough or town district”, and substituting the words “district of any such local authority”.</p> <p>By adding to section 8 the following subsection: “(7) An access way within a county (except in a dependent town district within the county) shall be deemed to be a road for the purposes of section 208 of the Counties Act 1956.”</p> <p>By omitting from paragraph (d) of subsection (1) of section 29 the words “a county road or proposed county road outside a town district”, and substituting the words “a road (as defined in <u>section 191</u> of the Counties Act 1956, as enacted <u>by section 2</u> of the Counties Amendment Act 1972) or a proposed such road”.</p> <p>By repealing subsections (2) and (3) of section 29, and substituting the following subsections: “(2) On the date of the publication in the <i>Gazette</i> of a notice issued under sub-</p>

Counties Amendment
SECOND SCHEDULE—continued

ENACTMENTS AMENDED
 (ROADS, SERVICE LANES, AND ACCESS WAYS)—*continued*

Enactment	Amendment
<p>1948, No. 39—The Public Works Amendment Act 1948—<i>continued</i></p>	<p>section (1) of this section, or on such later date as may be specified in that notice as the date when it shall take effect, all land to which the notice relates shall vest in the Corporation of the county or borough or town district named in the notice as road or street, as the case may be, or, in any case where no such Corporation is so named, shall, notwithstanding anything in <u>section 191A</u> of the Counties Act 1956 (as enacted by <u>section 2</u> of the Counties Amendment Act 1972), vest in the Crown as road, in each case free from all other reservations, restrictions, trusts, rights, titles, estates, or interests of any kind whatsoever.</p> <p>“(3) Subject in the case of a State highway to the consent of the National Roads Board and the local authority in whose district the land is situated, of the Borough Council in the case of a street within a borough, of the Town Council in the case of a street within a town district, and of the County Council in the case of a road in a county, the Minister may, by notice, close that road or street or any part thereof.</p> <p>“(3A) No road (as defined in <u>section 191</u> of the Counties Act 1956, as enacted by <u>section 2</u> of the Counties Amendment Act 1972) in any county (not being a road within the boundaries of a county borough or a county town) shall be closed under <u>subsection (3)</u> of this section without the prior consent of the Minister of Lands.</p> <p>“(3B) In the case of a closed street situated in a borough or town district, the land comprised therein may be dealt with by the Borough Council or Town Council, as the case may be, in the same manner in all respects as if it had been stopped pursuant to the provisions in that behalf of the Municipal Corporations Act 1954.</p> <p>“(3C) In the case of a closed road (as defined in <u>section 191</u> of the Counties</p>

SECOND SCHEDULE—*continued*

ENACTMENTS AMENDED
(ROADS, SERVICE LANES, AND ACCESS WAYS)—*continued*

Enactment	Amendment
<p>1948, No. 39—The Public Works Amendment Act 1948—<i>continued</i></p>	<p>Act 1956, as enacted by section 2 of the Counties Amendment Act 1972) situated in a county, the land comprised therein may be dealt with by the County Council in the same manner in all respects as if it had been stopped pursuant to the provisions in that behalf of the Counties Act 1956.</p> <p>“(3D) In the case of any closed road (being immediately before its closing a State highway or part thereof), or if in any other case the Borough Council or Town Council or County Council, as the case may be, so consents, the land comprised in the closed street or road—</p> <p>“(a) Shall, in accordance with any direction to that effect contained in the notice closing the street or road, be granted or otherwise disposed of in exchange for the land or any part of the land comprised in any other street or road, whether proclaimed under this section or not; or</p> <p>“(b) If not required for the purpose of exchange, may be dealt with as Crown land under the Land Act 1948, or, in any case where the Minister considers it equitable so to do, may be granted or otherwise disposed of to the owner of any adjoining land.</p> <p>“(3E) Where the land to be granted pursuant to subsection (3D) of this section adjoins land that is settled as a joint family home under the Joint Family Homes Act 1964 and the land so granted is intended to be included in the land so settled, it may be granted to the settlor or settlers of the joint family home.</p> <p>“(3F) Before any land is granted or disposed of as aforesaid, the Chief Surveyor of the district shall, where he considers it necessary or expedient, assign to the whole or any part of that land a description sufficient for the purpose, and shall cause</p>

SECOND SCHEDULE—*continued*

ENACTMENTS AMENDED
(ROADS, SERVICE LANES, AND ACCESS WAYS)—*continued*

Enactment	Amendment
1948, No. 39—The Public Works Amendment Act 1948— <i>continued</i>	<p>that description to be marked on the record maps.”</p> <p>By omitting from subsection (6) of section 29 the words “in the case of land within a borough, in the Corporation of the borough, and in any other case in the Crown”, and substituting the words “in the Corporation of the county or borough or town district named in the notice as road or street, as the case may be, or, in any case where no such Corporation is so named, shall, notwithstanding anything in section 191A of the Counties Act 1956 (as enacted by <u>section 2</u> of the Counties Amendment Act 1972), vest in the Crown as road, in each case”.</p>
1952, No. 58—The Public Works Amendment Act 1952 (1957 Reprint, Vol. 12, p. 804)	By repealing subsections (1) to (4) of section 17.
1953, No. 69—The Reserves and Domains Act 1953 (1957 Reprint, Vol. 13, p. 323)	By omitting from subsection (7) of section 18 (as added by section 2 of the Reserves and Domains Amendment Act 1967), the words “other than a reserve for road or access-way or service-lane purposes”.
1953, No. 94—The Maori Affairs Act 1953 (Reprinted 1968, Vol. 3, p. 2199)	<p>By omitting from paragraph (c) of subsection (3) of section 415 (as substituted by section 22 of the Maori Affairs Amendment Act 1967) the words “a county road outside a borough”, and substituting the words “a road (as defined in <u>section 191</u> of the Counties Act 1956, as enacted by <u>section 2</u> of the Counties Amendment Act 1972)”.</p>
	By omitting from paragraph (c) of subsection (3) of section 421 the words “a county road or proposed county road”, and substituting the words “a road or proposed road”.
	By omitting from subsection (4) of section 421 the words “the Crown in the case of a road”, and substituting the words “the Corporation of the county in the case of a road situated in a county (otherwise than in a dependent town district)”.
	By omitting from paragraph (c) of subsection (2) of section 425 the words “a county road”, and substituting the words

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED
(ROADS, SERVICE LANES, AND ACCESS WAYS)—*continued*

Enactment	Amendment
1953, No. 94—The Maori Affairs Act 1953— <i>continued</i>	<p>“a road (as defined in <u>section 191</u> of the Counties Act 1956, as enacted by <u>section 2</u> of the Counties Amendment Act 1972)”.</p> <p>By omitting from subsection (2) of section 429 the words “Her Majesty or in the corporation of the local authority concerned, as the case may be”, and substituting the words “the corporation of the the local authority concerned”.</p> <p>By omitting from subsection (3) of section 430 the words “Her Majesty or in the corporation of the local authority concerned, as the case may be”, and substituting the words “the corporation of local authority concerned”.</p> <p>By repealing subsections (7) and (8) of section 432A (as inserted by section 23 (1) of the Maori Affairs Amendment Act 1967), and substituting the following subsection:</p> <p>“(7) On the approval of a plan as aforesaid, the Court may make an order—</p> <p>“(a) In the case of land situated in the county (otherwise than in a dependent town district), vesting in the Corporation of the county; or</p> <p>“(b) In the case of land situated in a dependent town district within the county, vesting in the Corporation of the town district—</p> <p>the land which, in accordance with the plan, is required for the construction of roads or streets, as the case may be, or the making of reserves, and declaring, as the case may require, that the said land is dedicated for the construction of roads or streets, or is set apart as reserves for the purposes indicated in the plan and subject to the provisions of the Reserves and Domains Act 1953.”</p>

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED
(ROADS, SERVICE LANES, AND ACCESS WAYS)—*continued*

Enactment	Amendment
1954, No. 76—The Municipal Corporations Act 1954 (Reprinted, 1969, Vol. 4, p. 2439)	By omitting from subsection (4) of section 10 the words “all county roads within a dependent town district”, and substituting the words “such roads (other than State highways and Government roads), within a dependent town district as the County Council determines”.
1955, No. 51—The Housing Act 1955 (1957 Reprint, Vol. 6, p. 221)	<p>By omitting from the said subsection (4) the words “In this subsection the term ‘county road’ means a road or portion of a road in the district declared by the Governor-General in Council or by the County Council to be a county road”.</p> <p>By inserting in subsection (1) of section 10, after the words “town district”, the words “or county”.</p> <p>By inserting in the said subsection (1), after the words “Town Council”, the words “or County Council”.</p> <p>By repealing subsections (1) and (2) of section 11, and substituting the following subsection:</p> <p>“(1) The Governor-General may, by Order in Council published in the <i>Gazette</i>, declare that any road, street, access way, or service lane laid out or constructed under this Part of this Act within a county, borough, or town district shall be vested in the Corporation of the county, borough, or town district and be under the control and management of the Council of the county, borough, or town district, and thereupon the road, street, access way, or service lane, and the soil thereof and all materials of which it is composed, shall be deemed to be vested in that Corporation in fee simple, and the Council shall have control and management of the road, street, access way, or service lane, and shall have power to alter, maintain, and repair it in accordance with this section.”</p> <p>By inserting in subsection (3) of section 11, after the words “Municipal Corporations Act 1954”, the words “the Counties Act 1956,”.</p>

SECOND SCHEDULE—*continued*
 ENACTMENTS AMENDED
 (ROADS, SERVICE LANES, AND ACCESS WAYS)—*continued*

Enactment	Amendment
1955, No. 51—The Housing Act 1955— <i>continued</i>	By omitting from the said subsection (3) the word “street” wherever it occurs, and substituting in each case the words “road or street”.
1960, No. 105—The Public Works Amendment Act 1960	By repealing section 21. By repealing section 22.
1961, No. 131—The Counties Amendment Act 1961 (Reprinted, 1969, Vol. 2, p. 1343)	By repealing subsection (3) of section 35, and substituting the following subsection: “(3) Notwithstanding anything in section 168 of the Land Transfer Act 1952, on the deposit as aforesaid of any approved survey plan, all land shown thereon as roads, access ways, or service lanes shall vest as such, free from encumbrances,— “(a) In the Corporation of the county or, in the case of land in a dependent town district, in the Corporation of the town district; or “(b) In the case of land in the County of Fiord or of land that does not form part of any county or borough or town district, in the Crown.”
1963, No. 42—The Public Works Amendment Act 1963	By omitting from subsection (4) of section 35 the words “(other than as reserves for road or access way or service lane purposes)”.
1965, No. 26—The Public Works Amendment Act 1965	By repealing so much of the Second Schedule as relates to section 4 of the Public Works Amendment Act 1948.
1970, No. 145—The Public Works Amendment Act 1970	By repealing section 8. By repealing section 6. By repealing subsection (2) of section 7. By repealing the Second Schedule. By omitting from the part of the First Schedule relating to section 112 of the Public Works Act 1928 the words “subsections (3), (4), and (5)”, and substituting the words “subsections (4) and (5)”.

SECOND SCHEDULE—*continued*

ENACTMENTS AMENDED

(ROADS, SERVICE LANES, AND ACCESS WAYS)—*continued*

Enactment	Amendment
1970, No. 145—The Public Works Amendment Act 1970— <i>continued</i>	By repealing so much of the First Schedule as relates to section 149 of the Public Works Act 1928. By repealing so much of the Second Schedule as relates to section 3 of the Public Works Amendment Act 1948.
1971, No. 25—The Mining Act 1971	By inserting in the definition of the term “road” in subsection (1) of section 110, after the words “Public Works Act 1928” the words “or of <u>section 191</u> of the Counties Act 1956 (as enacted by <u>section 2</u> of the Counties Amendment Act 1972) ³ ”.
1971, No. 51—The Stamp and Cheque Duties Act 1971	By repealing so much of the Second Schedule as relates to the Public Works Act 1928.

THIRD SCHEDULE

Section 19

METRIC CONVERSIONS

PART I

AMENDMENTS OF PRINCIPAL ACT

Section Amended	Amendment
Section 118	By omitting from paragraph (b) of subsection (2) and also from paragraph (b) of subsection (3) the words "100 yards", and substituting in each case the words "90 metres".
Section 125 (as substituted by section 10 (1) of the Counties Amendment Act 1968)	By omitting from subsection (4) the words "100 feet", and substituting the words "30 metres".
Section 198A (as inserted by section 40 of the Counties Amendment Act 1961)	By omitting from subsection (6) the words "10 acres", and substituting the words "4 hectares".
Section 214	By omitting from paragraph (b) of subsection (1) the words "2 inches", and substituting the words "50 millimetres".
Section 216	By omitting the words "half a mile", and substituting the words "800 metres".
Section 232A (as inserted by section 12 of the Counties Amendment Act 1964 and amended by section 176 (1) of the Rating Act 1967)	<p>By omitting from subsection (1) the words "each acre", and substituting the words "each area specified by the Council".</p> <p>By omitting from subsection (2) and also from subsections (3), (4), (5), (6), (7), and (8) the word "acreage" wherever it occurs, and substituting in each case the word "area".</p> <p>By omitting from subsection (3) the word "area", and substituting the words "part of the drainage district".</p> <p>By omitting from subsection (5) the words "each acre", and substituting the words "each specified area".</p> <p>By omitting from subsection (6) the words "per acre", and substituting the words "per specified area".</p>
Section 251	<p>By omitting from paragraph (a) of subsection (7) the words "100 feet", and substituting the words "30 metres".</p> <p>By omitting from paragraph (b) of subsection (7) the words "200 feet", and substituting the words "60 metres".</p>
Section 285	By omitting from subsection (2) the words "100 yards", and substituting the words "90 metres".

Counties Amendment

THIRD SCHEDULE—*continued*METRIC CONVERSIONS—*continued*PART I—*continued*AMENDMENTS OF PRINCIPAL ACT—*continued*

Section Amended	Amendment
Section 345	By omitting from the definition of the term "house" the words "20 acres", and substituting the words "8 hectares".
	By omitting from the same definition the words "3 acres", and substituting the words "1.2 hectares".
Section 386	By omitting from subsection (1A) (as inserted by section 16 of the Counties Amendment Act 1964) the words "2 acres", and substituting the words "8,000 square metres".
Fourth Schedule	By omitting from clause 6 the words "1 mile", and substituting the words "1.6 kilometres".

PART II

AMENDMENTS OF COUNTIES AMENDMENT ACT 1961

Section Amended	Amendment
Section 22	By omitting from subsection (1) the words "10 acres", and substituting the words "4 hectares".
Section 24	By omitting from subsection (4) (as substituted by section 40 of the Counties Amendment Act 1971) the words "66 ft", and substituting the words "20 metres".
	By omitting from subsection (5) (as substituted by section 40 of the Counties Amendment Act 1971) the words "66 ft" in both places where they occur, and substituting in each case the words "20 metres".
	By omitting from the said subsection (5) the words "40 ft", and substituting the words "12 metres".
	By omitting from the proviso to the said subsection (5) the words "33 ft", and substituting the words "10 metres".

THIRD SCHEDULE—*continued*

METRIC CONVERSIONS—*continued*

PART II—*continued*

AMENDMENTS OF COUNTIES AMENDMENT ACT 1961—*continued*

Section Amended	Amendment
Section 24A (as inserted by section 19 (1) of the Counties Amendment Act 1964)	<p>By omitting from subsection (1) and also from subsection (2) the words "66 feet", and substituting in each case the words "20 metres".</p> <p>By omitting from subsection (5) the words "thirty-three feet", and substituting the words "10 metres".</p>
Section 25	<p>By omitting from subsection (3) the words "4 feet 6 inches", and substituting the words "1.3 metres".</p> <p>By omitting from subsection (3) and also from subsections (4) and (7) the words "20 feet" wherever they occur, and substituting in each case the words "6 metres".</p> <p>By omitting from subsection (4) the words "12 feet and not more than 35 feet", and substituting the words "3.6 metres and not more than 10.7 metres".</p> <p>By omitting from subsection (7) the words "10 acres", and substituting the words "4 hectares".</p>
Section 28	<p>By omitting from subsection (2) the words "4 perches for each allotment on the plan of less than 2 acres", and substituting the words "100 square metres for each allotment on the plan of less than 8,000 square metres".</p>
Section 29 (as amended by section 22 of the Counties Amendment Act 1964 and section 41 of the Counties Amendment Act 1968)	<p>By omitting from the first proviso to subsection (2) the words "3 perches", and substituting the words "75 square metres".</p> <p>By omitting from subsection (1) and also from subsection (1B) the words "66 feet" wherever they occur, and substituting in each case the words "20 metres".</p> <p>By omitting from subsection (1) the words "20 acres", and substituting the words "8 hectares".</p> <p>By omitting from subsection (1) the words "10 feet" in both places where they occur, and substituting in each case the words "3 metres".</p>

THIRD SCHEDULE—*continued*METRIC CONVERSIONS—*continued*PART II—*continued*AMENDMENTS OF COUNTIES AMENDMENT ACT 1961—*continued*

Section Amended	Amendment
Section 29 (as amended by section 22 of the Counties Amendment Act 1964 and section 41 of the Counties Amendment Act 1968) — <i>continued</i>	By omitting from subsection (1A) and also from subsection (1C) the words “10 acres”, and substituting in each case the words “4 hectares”. By omitting from subsection (4) the words “33 feet”, and substituting the words “10 metres”.
Section 31	By omitting from paragraph (a) of subsection (1) the words “33 feet”, and substituting the words “10 metres”. By omitting from paragraph (b) of subsection (1) the words “5 feet”, and substituting the words “1.5 metres”.
First Schedule	By omitting from subclause (1) of clause 1 the words “20 in. by 20 in. or 30 in. by 30 in. sheets”, and substituting the words “sheets of any size acceptable to the Council”. By omitting from subclause (2) of clause 1 the words “10 acres”, and substituting the words “4 hectares”. By repealing subclause (1) of clause 3, and substituting the following subclause: “(1) Distances shall be shown in metres and areas in hectares and square metres. Frontages and areas of all allotments may be shown to the nearest significant figure in accordance with the following table: Allotments under 2,000 square metres: To the nearest 0.2 metres and the nearest 25 square metres: Allotments from 2,000 square metres to 8,000 square metres: To the nearest metre and the nearest 125 square metres. Allotments from 8,000 square metres to 4 hectares: To the nearest 2 metres and the nearest 250 square metres.”

THIRD SCHEDULE—*continued*

METRIC CONVERSIONS—*continued*

PART II—*continued*

AMENDMENTS OF COUNTIES AMENDMENT ACT 1961—*continued*

Section Amended	Amendment
First Schedule— <i>continued</i>	<p>By omitting from clause 6 (2) the words "12 square inches", and substituting the words "80 square centimetres".</p> <p>By omitting from clause 6 (3) (c) the words "2 acres", and substituting the words "8,000 square metres".</p> <p>By omitting from clause 8 (1) (a) (i) the words "50 ft" in both places where they occur, and substituting in each case the words "15 metres".</p> <p>By omitting from clause 8 (1) (a) (i) the words "32 perches", and substituting the words "800 square metres".</p> <p>By omitting from the first proviso to clause 8 (1) (a) (i) the words "20 ft", and substituting the words "6 metres".</p> <p>By omitting from the same proviso the words "30 ft", and substituting the words "9 metres".</p> <p>By omitting from the second proviso to clause 8 (1) (a) (i) the words "20 perches", and substituting the words "500 square metres".</p> <p>By omitting from clause 8 (1) (a) (ii) (as amended by section 29 of the Counties Amendment Act 1964) the words "10 ft" in both places where they occur, and substituting in each case the words "3 metres".</p> <p>By omitting from clause 8 (1) (a) (ii) the words "198 ft" wherever they occur, and substituting in each case the words "60 metres".</p> <p>By omitting from clause 8 (1) (a) (ii) the words "40 perches", and substituting the words "1,000 square metres".</p> <p>By omitting from the second proviso to clause 8 (1) (a) (ii) the words "28 perches", and substituting the words "700 square metres".</p>

THIRD SCHEDULE—*continued*METRIC CONVERSIONS—*continued*PART II—*continued*AMENDMENTS OF COUNTIES AMENDMENT ACT 1961—*continued*

Section Amended	Amendment
<p>First Schedule—<i>continued</i></p>	<p>By omitting from the third proviso to clause 8 (1) (a) (ii) (as substituted by section 29 of the Counties Amendment Act 1964) and also from the fourth proviso (as substituted by the said section 29) the words "5 ft", and substituting in each case the words "1.5 metres".</p> <p>By omitting from the said fourth proviso the words "20 ft", and substituting the words "6 metres".</p> <p>By repealing subparagraph (iii) of clause 8 (1) (a), and substituting the following subparagraph:</p> <p style="padding-left: 2em;">"(iii) <i>Special Cases</i>: Notwithstanding anything in the foregoing provisions of this subclause, an allotment occupied as a separate holding may be subdivided into not more than 2 allotments in cases where it is not practicable for each allotment to satisfy those provisions, but neither allotment shall have less than the following minimum frontage and area:</p> <p style="padding-left: 4em;"><i>Front Site</i>: The minimum frontage shall be 12 metres and the minimum area 500 square metres:</p> <p style="padding-left: 4em;"><i>Rear Site</i>: The minimum frontage shall be a strip of land in the same title not less than 3 metres in width measured at right angles to its course and not more than 60 metres in length, and the minimum area shall be 600 square metres exclusive of the area of the strip of land as aforesaid:</p> <p style="padding-left: 2em;">"Provided that in the case of an existing rear site served by a strip of land of width less than 6 metres, both new sites shall be served by strips of land each being not less than 1.5 metres in width over which reciprocal rights</p>

THIRD SCHEDULE—*continued*

METRIC CONVERSIONS—*continued*

PART II—*continued*

AMENDMENTS OF COUNTIES AMENDMENT ACT 1961—*continued*

Section Amended	Amendment
First Schedule— <i>continued</i>	<p>of way are created, and the minimum area of each site shall be 600 square metres exclusive of the area of the strip of land aforesaid:</p> <p>“Provided also that the Council may in special cases approve a strip more than 60 metres in length:</p> <p>“Provided further that the reduction in area in those special cases shall be subject to the conditions as to disposal of sewage and pollutants for front and rear sites as set out in subparagraphs (i) and (ii) of this paragraph.”.</p> <p>By omitting from clause 8 (1) (b) the words “20 ft”, and substituting the words “6 metres”.</p> <p>By omitting from clause 8 (2) the words “40 ft”, and substituting the words “12 metres”.</p>

PART III

AMENDMENTS OF COUNTIES AMENDMENT ACT 1968

Section Amended	Amendment
Section 49	<p>By omitting from subsection (1) the words “the acre”, and substituting the words “every 4,000 square metres”.</p> <p>By omitting from subsection (1) the words “3 acres”, and substituting the words “1.2 hectares”.</p>