

Mr. H. Thomson.

CHRISTCHURCH DISTRICT DRAINAGE ACT 1875  
AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend "The Christchurch District Drainage Act, 1875." Title.

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

1. The Short Title of this Act is "The Christchurch District Drainage Act 1875 Amendment Act, 1882." Short Title.

3 2. In this Act, if not inconsistent with the context,— Interpretation.

"House drain" means and includes any covered drain used to convey the drainage or sewage from any house or its appurtenances into a main drain or sewer or into a cesspool :

10 "Principal Act" means "The Christchurch District Drainage Act, 1875:"

"House" means or includes a building of any kind :

"Board" in the principal Act and this Act means the Christchurch Drainage Board.

15 3. Sections forty-seven, forty-eight, and thirty-six of the principal Act are hereby repealed, and in lieu thereof it is enacted— Repeal of sections 47, 48, and 36 of principal Act.

(a.) That the provisions of Part III. of "The Public Works Act, 1876," shall be applied as fully and effectually as if the Compensation, how recovered.

20 same had been expressly enacted herein, so far as the same are applicable and not inconsistent with the provisions of this Act, to ascertain, recover, pay, distribute, deposit, and invest the compensation claimable from and payable by the Board for land taken and damage or injury done under the provisions of the principal Act or this Act :

Claimant under disability to be represented by Public Trustee.

(b.) That in case of any person entitled to claim such compensation being an infant, *cestui que* trust, lunatic, or idiot, not having a guardian, trustee, or committee within the colony, the Public Trustee shall, for the purposes of this and the principal Act, be deemed to be the legal guardian, trustee, or committee respectively to make such claim and recover such compensation : 5

(c.) The Board may take and hold any land of any tenure, buildings, engines, materials, or apparatus, either within or without the district, which may, in their opinion, be required for the purposes of this Act and the principal Act. 10

Board may carry drains, &c., through public places, and after notice through private lands.

Board may close up drains and sewers.

4. The Board may carry their sewers or drains through, across, or under streets and roads, and public places, or under any cellar or vault which may be under the pathway, pavement, or carriage-way, of any street or road, and, after reasonable notice in writing, into, through, or under any lands whatsoever : And may, from time to time, enlarge, lessen, alter, arch over, discontinue, close up, or destroy any such sewers or drains as they think fit ; but such discontinuance, closing up, and destruction of any such drain or sewer shall be done so as not to create a nuisance, and any person deprived of the lawful use of any sewer or drain so discontinued or destroyed, shall be entitled to demand from the Board to provide, and the Board shall, on such demand being made, provide some other sewer or drain as effectual for his use as the sewer or drain so discontinued. 15 20 25

Board may construct reservoirs, &c., to receive sewage, and may sell sewage, &c.

5. For the purpose of clearing, cleansing, and emptying the aforesaid drains and sewers, and of receiving, storing, disinfecting, distributing, or otherwise disposing of the sewage of the district, the Board may construct and place either above or under ground, and within or without the district, such reservoirs, sluices, engines, and other works as may be necessary ; and may cause all or any of such sewers or drains to communicate with and be emptied into such places as may be deemed necessary and fit, and may cause the sewage and refuse therefrom to be collected for sale upon such terms and conditions as it may deem fit or for any purpose whatever, but so as not to create a nuisance. 30 35

Persons can with consent of Board lay down privy drains.

6. Any person in the district, on receiving the written consent of the Board, may construct and lay down a covered drain connecting his privy or closet with any such sewer for carrying off *feces* and excrement, and such drain shall be of such size and materials, and laid down in such manner as the Board shall direct, and its construction and laying shall be supervised by some officer of the Board appointed in that behalf. 40

Privy drains not to connect with drains or sewers used only for drainage.

7. No drain used for the purpose of carrying off surface water, artesian water, or draining land shall, without the consent of the Board, be connected with or empty itself into any sewer of the Board used for carrying off *feces*, excrements, and other contents of closets and privies or houseslops ; and any person offending against any of the provisions of this section shall be liable to forfeit and pay a penalty of not exceeding ten pounds for every such offence, and a further penalty of not exceeding ten pounds a day for every day or part of a day such offence is continued ; and the Board may remove, pull, or fill up such 45 50

drain at the costs and expenses of the owner, and such costs and expenses may be recovered by the Board from the owner in a summary way as a penalty.

8. The Board may, by resolution made from time to time, regulate the size of the drain to carry off the contents of privies and closets, the materials and modes of their construction and laying down, and the time or times and manner at and in which such privies or closets shall be emptied of their contents.

Board to regulate size and construction of privy drains and times of emptying them.

9. If any occupier (or owner if there be no occupier) of a house neglect or refuse to empty, and keep emptied, his privy or closet, and the drain connecting it with such sewer, he shall be deemed guilty of an offence, and for every such offence shall be liable to forfeit and pay a penalty of not exceeding five pounds, to be recovered by any informant in a summary way; and the Board or the local Board of Health may cause such privy, closet, and drain, to be properly emptied and cleared out at the costs and expenses of the owner; and such costs and expenses may be recovered as a debt from the occupier or owner of such house, or both, by the Board or the local Board of Health, in any Court of competent jurisdiction, with full costs of suit.

Refusal or neglect to empty privy drains an offence.

Board may do it at the occupier's or owner's expense.

10. The Board or the local Board of Health can authorize, in writing, one of its officers to enter the yard or premises of any house in the district at any time, and without notice to the occupier or owner of such house, to examine and see if the provisions of the last preceding section have been complied with, and may empower him to root or dig up any ground, and open any drain, cesspool, privy, or closet, for the purpose of making such examination and inspection, and to use such assistants and tools as may be necessary and fit for so doing; but if on such examination no breach of such provisions shall be discovered, such Board or local Board of Health, shall repair and make good at their own costs and charges, all damage or injury done in making such examination.

Board can cause premises to be inspected to see if privies are kept emptied according to the regulation.

11. Neither the Board, nor any person shall connect or empty any drain used to carry off *fæces*, excrement, or other contents of closets and privies, with or into any open drain or open sewer of the Board, nor empty, nor cause nor permit to be emptied, into such open drain or sewer, any such *fæces*, excrement, or other contents of closets or privies, or any such noxious or offensive matter as aforesaid; and if any person offend against any of the provisions of this section, he shall forfeit and pay a penalty not exceeding twenty pounds, for every such offence, and a further penalty of not exceeding twenty pounds, for every day and part of a day such offence continues, to be recovered from the offender in a summary way, as a penalty under the principal Act.

Drains to carry *fæcal* or noxious matter not to be connected with open main drains or sewers.

12. The Board, by resolutions passed from time to time, may define and appoint what drains shall be main drains and open drains, and what shall be sewers and open sewers, for the purposes of the principal Act and this Act.

Board may define what are main drains and sewers, &c.

13. If any gorse growing in a fence or otherwise would, if not cut or trimmed, overhang or in any way damage or interfere with any open drain or sewer of the Board, the Board may give written notice to the occupier, and if there be no occupier, to the owner, or the agent of the owner of the land or premises on which such gorse is growing,

Gorse overhanging open drains to be trimmed or cut.

4 *Christchurch District Drainage Act 1875 Amendment.*

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to trim, cut, or remove the same, in such manner that it shall not overhang so as to damage or interfere with such drain or sewer, and within a reasonable time, to be mentioned in such notice, and if such occupier or owner, or agent of owner, refuse or neglect to comply with all or any of the requirements of such notice, and in a manner satisfactory to the Board, the Board may do all the matters and things so required to be done, and recover the costs and expenses of so doing from the owner or occupier, as a debt, in any Court of competent jurisdiction, or in a summary way as a penalty, under the principal Act.

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By Authority: GEORGE DIDSBUY, Government Printer, Wellington.—1882.