

Hon. Mr. Downie Stewart.

FENCING AMENDMENT.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Section 2 of principal Act amended.</p> <p>3. Fencing Native land.</p> <p>4. Land adjoining boundary-fence to be kept clear of certain growths.</p>	<p>ANALYSIS.</p>	<p>5. Section 15 of principal Act amended. Consequential amendments of principal Act.</p> <p>6. Section 41 of principal Act amended. Repeal.</p> <p>7. Repeal.</p>
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A BILL INTITULED

AN ACT to amend the Fencing Act, 1908.

Title.

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

Short Title.

1. This Act may be cited as the Fencing Amendment Act, 1922, and shall be read together with and deemed part of the Fencing Act, 1908 (hereinafter referred to as the principal Act).

Section 2 of principal Act amended.

2. Section two of the principal Act is hereby amended by omitting from the definition of "Crown tenant," all words after the words "but does not include," and substituting the words "any person holding any land administered by a Land Board under a lease or license granted for a term exceeding ten years."

Fencing Native land.

3. Where a fence has at any time (whether before or after the passing of this Act) been erected on the boundary of land adjoining Native land to which the principal Act applies, and the full amount due from the owners of such Native land in respect of the half-cost of erecting such fence has not been paid before such Native land is alienated by way of sale or lease to a European, then so soon as such land is so alienated the following provisions shall apply:—

(a.) The person who erected the fence, or his successor in title, may serve upon the occupier of such adjoining land a notice in writing requiring him to pay a duly proportionate share of the value of the fence at the time of serving such notice or the balance of such share where a portion of the value has already been paid.

(b.) Such occupier shall, within one month after receiving the notice, pay such proportionate share or balance thereof as aforesaid to the person who erected the fence or to his successor in title.

(c.) The amount of such share shall, in case of dispute, be determined by a Magistrate.

Land adjoining boundary-fence to be kept clear of certain growths.

4. (1.) Each adjoining occupier of rural land shall at all times keep his land clear for a width of half a chain along the full length of any boundary-fence of all vegetation likely to be a source of danger from fire.

(2.) Any such occupier may, in writing, require the occupier of the land on the opposite side of such fence to clear his land as hereinbefore provided within two months from the date of such requisition. 5

(3.) If at the expiration of such period of two months the requisition has not been duly complied with, the person making the same may enter upon such land and clear the same as hereinbefore provided, and may recover the cost of such clearing as a debt due from the occupier of such land. 10

(4.) Nothing in this section shall so operate as to compel or empower any person to destroy any live fence or hedge or any ornamental shrubs or garden plants. 15

5. (1.) Section fifteen of the principal Act is hereby amended as follows:—

(a.) By omitting from subsection one all words before paragraph (a), and substituting the following words, namely:— 20

“If the questions in dispute relate to the erection of a rabbit-proof fence, or the conversion of a non-rabbit-proof fence into a rabbit-proof fence, the Magistrate shall take into consideration the condition of the rabbit pest in the district and the possibility of the land occupied by the person giving the notice becoming infested by rabbits from the adjoining land. If the Magistrate decides that such considerations do not warrant the receiver of the notice being required to contribute the half-cost of such erection or conversion, then”: 25 30

(b.) By omitting from paragraph (b) of the same subsection the words “benefit received from the rabbit-proof fence” and substituting the words “considerations aforesaid”: 30

(c.) By repealing subsection two.

Consequential amendments of principal Act.

(2.) The principal Act is hereby consequentially amended by repealing the proviso to paragraph (j) of section thirty-six, and by omitting from paragraph (e) of section forty-one the words “in cases where that section applies.” 35

Section 41 of principal Act amended.

6. (1.) Subsection two of section forty-one of the principal Act is hereby amended by repealing paragraphs (c) and (d) and substituting the following:— 40

“(c.) In the case of any non-rabbit-proof fence such sum as may from time to time be fixed by the Governor-General by Order in Council.”

Repeal.

(2.) Section twenty of the War Legislation Amendment Act, 1916, is hereby repealed. 45

(3.) This section shall come into force on the first day of January, nineteen hundred and twenty-three.

Repeal.

7. Part I of the Second Schedule to the principal Act is hereby amended by repealing clause 10 thereof. 50