

Hon. Mr. Barnard

NAPIER BOROUGH EMPOWERING

[LOCAL BILL]

ANALYSIS

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A BILL INTITULED

AN ACT to confer Additional Powers on the Napier Borough Council and to authorize the Construction of Back Accessways to Properties in the Borough, to be known as "Service-lanes".

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

1. This Act may be cited as the Napier Borough Empowering Act, 1943.

2. In this Act, unless inconsistent with the context,—

- "Borough" means the Borough of Napier:
- "Corporation" means the Mayor, Councillors, and Burgesses of the Borough of Napier:
- "Council" means the Napier Borough Council:

“Principal Act” means the Municipal Corporations Act, 1933:

“Service-lane” means a way heretofore or hereafter laid out by the Council on land belonging to the Corporation for the purpose of back accessway to premises. 5

Service-lane included in the definition of “street” in the principal Act, and the provisions of the principal Act relating to streets to apply, with certain exceptions, to service-lanes.

3. All service-lanes authorized or approved by the Council under this Act shall be included in the term “street” as defined in section one hundred and seventy-four of the principal Act, but the following provisions of the principal Act—namely, subsection three and paragraphs (e), (k), and (n) of subsection four, and subsection six of section one hundred and seventy-five, sections one hundred and seventy-six, one hundred and eighty-one, one hundred and eighty-two, one hundred and ninety, one hundred and ninety-two, and one hundred and ninety-six, and section two hundred and four, relating to streets, shall not apply to any service-lane. 10 15

Council empowered to approve or authorize service-lanes.

4. The Council is hereby empowered to approve existing service-lanes in the borough, and to authorize the construction and laying-out of service-lanes in the borough. 20

Service-lanes not to afford any right of frontage.

5. (1) The Council shall not authorize any person to erect a building on any site adjoining or adjacent to any service-lane unless such site has a frontage to some other street, or to some private street, or some duly authorized private way, as the same are defined by the principal Act. 25

(2) No person shall acquire any right to erect any building by reason of the existence or construction of any service-lane. 30

Width of service-lanes.

6. No service-lane shall be less than ten feet wide or more than twenty-four feet wide, measured at right angles to its course. 35

Provisions of sections 125 and 128 of the Public Works Act, 1928, not to apply to land fronting service-lanes.

7. (1) Service-lanes authorized or approved by the Council shall not be deemed to be streets for the purpose of section one hundred and twenty-five of the Public Works Act, 1928.

(2) All such service-lanes are hereby unconditionally exempted from the provisions of section one hundred and twenty-eight of the Public Works Act, 1928. 40