

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

*House of Representatives, 18 October 1956*

Words struck out by the Committee are shown in roman enclosed in panel.

*Hon. Mr Goosman*

## NATIONAL ROADS AMENDMENT

### ANALYSIS

Title	5. Subsidised highways
1. Short Title	6. Delegation of powers of Board to local authority
2. Deputies of members of District Roads Councils	7. Subsidies to local authorities on alteration of boundaries
3. Members of District Roads Councils	8. Unauthorised expenditure
4. Allowances to members of District Roads Councils	9. Validation of refunds of motor spirits tax

### A BILL INTITLED

#### An Act to amend the National Roads Act 1953

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

1. **Short Title**—This Act may be cited as the National Roads Amendment Act 1956, and shall be read together with and deemed part of the National Roads Act 1953 (hereinafter referred to as the principal Act).

10 2. **Deputies of members of District Roads Councils**—Section seven of the principal Act is hereby amended by repealing subsection nine, and substituting the following subsections:

15 “(9) The Board may appoint any person to be the deputy of any member of a District Roads Council, to act, pursuant to the terms of his appointment, in the event of the absence

from any meeting of the Council of the member whose deputy he is. The deputy of the District Commissioner of Works, when so acting, shall be the Chairman of the Council.

“(10) Where any member of the Council was appointed on the recommendation of any local authority or person, his deputy shall be appointed by the Board on a like recommendation.” 5

*Struck out*

**3. Members of District Roads Councils—**(1) Section seven of the principal Act is hereby further amended by inserting, after subsection three, the following subsection: 10

“(3A) Where any county or road district is abolished, the member of the District Roads Council appointed on the recommendation of the County Council or Road Board shall cease to hold office as a member of the District Roads Council. If, as a result of the vacation of office by that member, the number of members of the Council appointed under paragraph (c) of subsection three of this section is required to be reduced, the reduction shall not take effect until a member of the Council appointed under that paragraph vacates his office by effluxion of time or for any other cause.” 15 20

(2) Section eight of the principal Act is hereby amended by inserting in subsection one, before the words “Every member”, the words “Subject to the provisions of subsection three A of section seven of this Act”. 25

**4. Allowances to members of District Roads Councils—**Section nine of the principal Act is hereby amended as follows:

(a) By omitting from paragraph (a) of subsection one the words “an allowance at such rate as may be prescribed”, and substituting the words “such remuneration as is approved from time to time by the Minister of Finance for each day or part of a day that the member attends any meeting of the executive body”: 30

(b) By omitting from paragraph (b) of subsection one the words “any other member”, and substituting the words “any member”. 35

**5. Subsidised highways—**The principal Act is hereby amended by inserting, after section twelve, the following section: 40

“12A. (1) Notwithstanding anything in this Act or in any other Act, the Board may from time to time, by resolution gazetted, determine that any carriageway which is under the control of a local authority or public body and is, or in the opinion of the Board will be, regularly or continuously for 5  
any period available for public use, shall while it is so available, be a subsidised highway; and thereupon—

“(a) All the provisions of this Act, or such of them as are specified in the resolution, shall apply to that 10  
carriageway as if it were a main highway;

“(b) The local authority or public body having control thereof shall, while it is a subsidised highway, be deemed to be a local authority for the purposes of 15  
this Act, with all the powers, rights, duties, liabilities, and obligations of a local authority specified in this Act, as if the carriageway were a main highway and as if the Board had delegated its powers in respect thereof to the local authority or public body; and

“(c) The amount to be contributed by the Board to the local authority or public body in respect of the construction, maintenance, or control of the carriageway shall be such as the Board from time to 20  
time by resolution determines.

“(2) Any resolution under this section may be at any time 25  
in like manner varied or revoked.”

**6. Delegation of powers of Board to local authority—**

Section thirteen of the principal Act is hereby amended by inserting in the first proviso to subsection one, after the word 30  
“situated”, the words “or, where the boundary between the districts of any local authorities runs along any main highway, be delegated by the Board to such of those local authorities as the Board decides as if the main highway or portion of main highway were wholly in the district of that local 35  
authority”.

**7. Subsidies to local authorities on alteration of boundaries—**

Section twenty-three of the principal Act is hereby amended by omitting from the proviso to subsection five the words “where the district of the local authority has 40  
been reduced by alteration of boundaries”, and substituting the words “where the boundaries of the district of the local authority have been altered”.

**8. Unauthorised expenditure**—The principal Act is hereby amended by inserting, after section twenty-eight, the following section:

“28A. In every financial year the Board may, for its own purposes or for purposes of District Roads Councils (being purposes not authorised by any Act or law for the time being in force), expend out of the Fund any sum or sums not amounting in the aggregate to more than five thousand pounds.” 5

**9. Validation of refunds of motor spirits tax**—All refunds of motor spirits tax made by the Board out of the National Roads Fund before the passing of this Act which would have been lawful if the claims for refund had been made within the time prescribed in that behalf by the Transport Act 1949 are hereby validated and declared to have been lawfully made. 10 15