

Hon. Mr. Carroll.

SAND-DRIFT (No. 2).

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Sand-drift areas may be proclaimed.</p> <p>3. Minister of Lands to file scheme of operations and assessment.</p> | <p>4. Notice of scheme to be served.</p> <p>5. Appeal.</p> <p>6. Scheme to bind all owners of land.</p> <p>7. Delegation to local authority.</p> <p>8. Act to apply to Crown lands.</p> |
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A BILL INTITULED

AN ACT to provide against the Encroachment of Sand-drift on Land. 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 Sand-drift Act, 1903."

Short Title.

2. (1.) The Governor may from time to time, by Proclamation, declare that the provisions of this Act shall be ~~in~~ *on a day named in the Proclamation* come into force within any specified area in New Zealand (hereinafter referred to as the "proclaimed area"), and may in like manner declare that any such area shall no longer be subject to such provisions.

Sand-drift areas may be proclaimed

(2.) He may also in like manner declare any specified part of such proclaimed area that is covered with sand to be a sand-drift area for the purposes of this Act.

New subclauses.

(3.) In every case where practicable the proclaimed area shall be made coterminous with the boundary of the district in which it is situated.

(4.) Such Proclamation shall be publicly notified at least once a week for one month prior to the day fixed for the Act coming into force.

3. Not later than six months after the issue of any such Proclamation the Minister of Lands shall file in the Magistrate's Court nearest to the proclaimed area a scheme for controlling the sand-drift and preventing its further encroachment, and apportioning the cost of and incidental to the operations proposed by the scheme among the owners of land within the proclaimed area, including in such cost the expenses incurred by the Minister in giving effect to this section.

Minister of Lands to file scheme of operations and assessment.

4. Notice of the filing of such scheme shall be served on all persons in New Zealand affected thereby: Provided that where the Minister has obtained the consent in writing of persons affected by

Notice of scheme to be served.

such scheme, service of the notice on such persons may be dispensed with.

Appeal.

5. (1.) At any time within one month of the service on him of such notice any person may appeal to the Stipendiary Magistrate against the apportionment of the said cost as proposed by the scheme, by summons addressed to the Minister, calling on him to show cause why such apportionment should not be varied; and the matter of such appeal shall be heard and determined by the Magistrate ~~who may~~ and two assessors, one to be appointed by the Crown and the other by the local authority. 5 10

(2.) The Magistrate, with the concurrence of at least one of such assessors, may—

(a.) Cite any additional parties, ~~as he thinks fit~~, to be parties to the appeal; ~~and may~~

(b.) Vary the proclaimed area by striking out any lands not likely to be benefited by the scheme, or adding others likely to be affected by drifting sand; 15

(c.) Confirm or vary the apportionment. ~~as he thinks fit.~~

Scheme to bind all owners of land.

6. Subject to any order of the Magistrate, every such apportionment shall be binding on all owners of land within the proclaimed area. 20

Delegation to local authority.

7. The Minister may delegate to any local authority power to carry out the operations authorised by any scheme, and to recover from the owners of land within the proclaimed area, according to the apportionment fixed by the scheme, the expenses of and incidental to such operations, in the manner provided by "The Rating Act, 1894," with respect to rates; or he may himself carry out such operations, and recover such expenses, in the manner aforesaid. 25

Act to apply to Crown lands.

8. This Act shall apply to Crown lands.