

SUPPLEMENTARY ORDER PAPER.

LEGISLATIVE COUNCIL.

Friday, the 6th day of September, 1889.

PUBLIC WORKS ACTS AMENDMENT BILL.

Hon. Mr. STEVENS, in Committee, to move the following amendments:—

To insert a new clause as follows. To stand after clause 9.

Defining land
taken for railway
purposes where
not taken by
Proclamation or
conveyance, and
fixing time
within which
compensation is
payable for same.

10. In any case where land has been entered upon by the Queen or the Governor, or by any person on behalf of the Queen or the Governor, prior to the thirty-first day of March, one thousand eight hundred and eighty-four, for the purpose of constructing a railway thereon, and no Proclamation taking such land for railway purposes has been issued, and no conveyance or other instrument vesting such land in the Queen has been executed, it is hereby enacted that such land shall be deemed to have been duly taken for railway purposes to the extent hereinafter defined :

Provided, however, that in any such case where the Queen or the Governor, or any person on behalf of the Queen or the Governor, may have been entitled to resume possession of or take land for a road or a railway, under the authority of any Act of the General Assembly, without payment of compensation, or on payment of a certain sum fixed by or under such Act, then, if such land was entered upon for the purpose of the construction of a railway thereon during the currency of such authority, and prior to the thirty-first day of March, one thousand eight hundred and eighty-four, such land shall be deemed to have been duly taken for railway purposes, under the authority of such Act, to the extent hereinafter defined, at the time when it was entered upon by the Queen or the Governor, or by any person on behalf of the Queen or the Governor, for the purpose of constructing a railway thereon, notwithstanding that any special provisions contained in such Act as to the resumption or taking of such land may not have been complied with. But compensation may be claimed as hereinafter provided for any land thus taken in excess of the area authorised to be resumed or taken as aforesaid.

The word "Proclamation," where used in this section, means a Proclamation issued under the authority of the principal Act, or any Act thereby repealed, or of any Act repealed by "The Public Works Act, 1876."

In any case where compensation is payable under the provisions of this section, the time within which any person can obtain compensation for the land taken is hereby limited to a period of *two* years from the date of the coming into operation of this Act.

All claims in respect of such lands shall be made and dealt with as claims for compensation under the principal Act in respect of lands taken.

The boundaries on each side of the railway of the land hereby declared to have been duly taken for railway purposes are hereby defined to be—

- (a.) The outer boundary fence of the railway where any such boundary fence now exists ;

- (b.) Where no such boundary fence exists, a line parallel to and distant thirty-three feet from the centre line of the railway; but where the railway works and buildings now actually occupy a greater width, the boundary-line shall extend and include such works and buildings, and a space of six feet beyond the same.

But no building or structure owned by any person other than the Queen, or the Governor, or the New Zealand Railway Commissioners shall be included by force of this enactment within the boundaries of land deemed to be taken for railway purposes; nor shall anything herein be deemed to interfere with any public road or street except under and subject to the provisions of the principal Act and its amendments; nor shall anything herein affect any sale, lease, or other disposition by the Queen, or the Governor, or the New Zealand Railway Commissioners, of any land hereby declared to have been taken for railway purposes after the occupation of such land for railway purposes by the Queen, or the Governor, or the Railway Commissioners aforesaid.

If at any time within three years after the passing of this Act it is desired that any land hereby declared to have been taken for railway purposes, or any part thereof, shall cease to be part of a railway, the Governor may from time to time, by a notice published in the *Gazette* defining accurately the portion desired to be retained as part of the railway, declare that the residue thereof shall cease to be part of such railway; and such notice shall take effect accordingly, and such residue shall thenceforth, if compensation have not been paid therefor be deemed not to have been taken.

Nothing herein contained shall be construed to affect or limit the provisions of section twelve of "The Public Works Act Amendment Act, 1887," or any other statutory provision or any reservation whereby a greater width than one chain is prescribed or reserved for any railway.

Nothing herein shall be deemed to affect the provisions of section seventy-one of the principal Act, nor shall anything herein be deemed to confer any right to compensation where such right does not now exist.

Clause 14. Page 6. After the word "construct" in the fourth line, strike out the words "or add to or repair." After the word "establishing" in the eleventh line, strike out the words "adding to or repairing."

Page 7. After the word "construction" in the forty-ninth line, strike out the words "addition to or repair."

Page 8. After the word "construction" in the first line, strike out the words "addition to or repair."

Page 8. Insert at end of clause the following paragraph:—

"The construction of a bridge" includes an addition to the length of a bridge, or the rebuilding of any portion of a bridge which has been destroyed by fire, flood, tempest, or accident, or the entire rebuilding of a bridge which in the opinion of the Minister requires to be entirely rebuilt.

Page 8. Clause 16, after the word "and" in the twenty-eighth line, add the words "that such fence is."

Page 9. Strike out clause 21.

Page 9. Clause 24, after the word "Governor" in the forty-third line, strike out all the words to the end of the clause, and insert the words "from time to time as he may deem expedient, subject to the provisions of the said Acts and this Act."

At the end of Bill, to insert following new clause:—

Procedure for
altering course of
roads where land-
owners consent.

32. Where a Road Board determines to alter the course of an existing road, and the owners of land on each side of such existing road agree to such alteration,—

- (1.) The Board shall have a plan prepared of the road proposed to be stopped, and a survey made and a plan prepared of the new road, if any, showing the lands through which it is proposed to pass, and the owners and occupiers of such lands so far as known.
- (2.) The said plans shall lie open to public inspection at the office of the Board, or other convenient place, during four consecutive weeks; and the Board shall once in each week during such four weeks give public notice of the proposed alteration, and of the place where such plans are on view, and, in such notice, shall call upon all persons having any objection to the proposed alteration to lodge such objections in writing in the office of the County Council within the four weeks aforesaid.
- (3.) At the expiration of the said four weeks the Board shall send the plans mentioned in subsection *one* hereof, with a full description of the proposed alterations, to the County Council, and the Council shall consider the proposed alterations and any objections lodged thereto, and shall prohibit or permit the proposals of the Board, and the decision of the Council shall be final; and, in the event of its being adverse to the proposal of the Board, no further action shall be taken by the Board therein for one year thereafter.
- (4.) If the decision of the Council is in favour of the proposals of the Board, the Board may, by resolution publicly notified, declare the existing road to be stopped between the points where such alteration is proposed, and the road so declared to be stopped shall thereafter cease to be a public highway.
- (5.) The Board may thereupon agree with the owners of the land on either side of the road so stopped either to exchange the land occupied by the closed road, or any part thereof, for the land to be used for the new road, or any part thereof; or to pay compensation for the land required for the new road, or any part thereof; or to sell the land occupied by the closed road, or any part thereof, to any of the adjoining landowners.
- (6.) The provisions of section ninety-five and of subsections two, three, and four of section ninety-six of the principal Act shall apply to a road so stopped.

Every County Council shall in respect of county roads, as well as of all district roads under its control, have all the powers conferred upon a Road Board by this section.