



**THE ROAD AND STREET FORMATION CONTRACTS NOTICE
1954, AMENDMENT NO. 1**

PURSUANT to subsection (5A) of section 125 of the Public Works Act 1928 (as enacted by section 2 of the Public Works Amendment Act 1953), the Minister of Works hereby gives the following notice.

NOTICE

1. This notice may be cited as the Road and Street Formation Contracts Notice 1954, Amendment No. 1, and shall be read together with and deemed part of the Road and Street Formation Contracts Notice 1954* (hereinafter referred to as the principal notice).

2. The principal notice is hereby amended by adding to clause 2 and also to clause 3 the words "and may contain provision for such additional or greater acts or security or safeguards as the local authority may require to suit the circumstances of the case".

3. The First Schedule to the principal notice is hereby amended as follows:

- (a) By omitting from subclause (1) of clause 4 of the form of deed set out therein the words "the liability of the Guarantor", and substituting the words "the total liability of the Guarantor under this deed":
- (b) By adding to clause 5 of the same form of deed the words "provided that the total liability of the Guarantor under this deed shall be limited to the amount specified in clause 3 hereof".

Dated at Wellington this 14th day of September 1954.

W. S. GOOSMAN,
Minister of Works.

* Statutory Regulations 1954, Serial number 1954/57, page 272.

EXPLANATORY NOTE

[This note is not part of the notice, but is intended to indicate its general effect.]

Clause 2 makes it clear that the requirements specified in the forms set out in the Schedules to the principal notice are minimum requirements, and the local authority may require additional security or safeguards to be provided in the deed without having to apply to the Minister for separate approval of the deed so long as it covers those minimum requirements.

Clause 3 provides that where performance of the covenants by the owner is secured by guarantee the Minister will not require the Guarantor to undertake a total liability under all the clauses of the deed in excess of one and a quarter times the estimated cost of the work. For instance, the total liability of the Guarantor is not to be increased beyond that amount in any case where he is called upon under clause 5 of the deed in the First Schedule to the principal notice to indemnify the local authority against the claims specified in that clause; but the parties to the deed may, if they so agree, provide in accordance with the amendment made by clause 2 of this notice for a greater indemnity.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 16 September 1954.
These regulations are administered in the Ministry of Works.