

Reprint
as at 1 November 2010

**North Shore Drainage Amendment
Act 1971**

Local Act 1971 No 11
Date of assent 27 November 1971

North Shore Drainage Amendment Act 1971: repealed, on 1 November 2010, pursuant to section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

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An Act to amend the North Shore Drainage Act 1963

1 Short Title

This Act may be cited as the North Shore Drainage Amendment Act 1971, and shall be read together with and deemed part of the North Shore Drainage Act 1963 (hereinafter referred to as the principal Act).

2 Interpretation

Section 2 of the principal Act is hereby amended by omitting from subsection (3) the words “section 55”, and substituting the words “sections 56 and 57”.

3 The district

Section 3 of the principal Act is hereby amended by omitting from subsection (8) the words “and draining into the outfall”, and substituting the words “the treatment or disposal works”.

4 Remuneration and travelling expenses of Chairman and members

Section 11 of the principal Act is hereby amended by repealing the proviso to subsection (2), and substituting the following proviso:

“Provided that no alteration in the amount of the Chairman’s allowance shall take effect more than once during the term of office of the Chairman for the time being.”

5 Allowances to members

The principal Act is hereby further amended by repealing section 18, and substituting the following section:

“18

The provisions of section 114A of the Municipal Corporations Act 1954 shall apply in respect of each meeting of the Board or of any committee thereof as if refer-

ences in that section to a Councillor were references to a member of the Board (other than the Chairman), and as if the reference in that section to the Council were a reference to the Board.”

6 Powers of Board

- (1) Section 27 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) The Board shall have the power to carry out the investigation or testing of any reticulation works if the investigation or testing is in any way connected with or is affecting the operations of the Board.”

- (2) The said section 27 is hereby further amended by omitting from the proviso to subsection (2) the words “section 62”, and substituting the words “section 63”.

- (3) The said section 27 is hereby further amended by inserting, after subsection (9), the following subsections:

“(9A) Subject to subsection (9B) of this section, in the event of any such local authority failing to fulfil any requirement made under subsection (9) of this section within a period of 2 months after the date on which written notice to that effect was given to it by the Board, the Board may itself fulfil the requirement and recover the cost of doing so from the local authority.

“(9B) Any local authority on which a notice has been served under subsection 9 of this section shall have the right to refer the matter to arbitration in accordance with section 79 of this Act.”

7 General powers of the Board

- (1) Section 31 of the principal Act is hereby amended by omitting from paragraph (j) of subsection (1) the words “shall cause a certificate”, and substituting the words “may cause a certificate”.

- (2) The said section 31 is hereby further amended by inserting, after subsection (1), the following subsections:

“(1A) Where, on the subdivision of any land, the local authority with whom copies of the plans of the relative trunk sewers have been lodged is required to approve the subdivision under Part XXV of the Municipal Corporations Act 1954, or Part II of

the Counties Amendment Act 1961, as the case may be, the local authority, before granting such approval, shall require the course of the trunk sewer to be defined on the plan of subdivision in terms of the copies of the trunk sewer plans and identified with the registered certificate.

“(1B) On the deposit under the Land Transfer Act 1952 of any plan of subdivision to which subsection (1A) of this section applies, the District Land Registrar shall make no entry of the registered certificate upon any certificate of title he may issue for any allotment on the plan unless the plan shows the course of the trunk sewer passing through that allotment.

“(1C) Where the District Land Registrar has registered a certificate against any land under either paragraph (i) or paragraph (j) of subsection (1) of this section, the Board may, in any case to which subsection (1B) of this section does not apply, lodge with the District Land Registrar a request to cancel any entry made in respect of the certificate in relation to that land or to any sufficiently well defined part thereof; and on receipt of any such request the District Land Registrar shall attach it to the certificate and cancel the entry accordingly.”

8 Powers of contributing authorities to connect sewers

Section 36 of the principal Act is hereby amended by inserting in subsection (3), after the words “Engineer to the Board”, the words “or any other authorised officer of the Board”.

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Section 9 was repealed, as from 13 August 1983, by section 17(2) North Shore Drainage Amendment Act 1983 (1983 No 3(L)).

10 Calculation of assessments

(1) Section 57 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) Where at any time, pursuant to the provisions of subsection (8) of section 3 of this Act, the boundaries of the combined area, known and designated in the Board’s plans and records as the ‘No 1 Combined Area’ and comprising the City of Takapuna, the Boroughs of Devonport, Northcote, Birkenhead, and East Coast Bays, and portion of the County of Waitemata, are

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extended so as to include therein any portions of the Board's district which may at any time hereafter be reticulated with and served by sewers connected with the treatment or disposal works of such combined area, the amount assessed and charged in accordance with the provisions of subsection (2A) of this section shall, having regard to the alteration thereby effected in and to the combined area by the extension of the boundaries as aforesaid, be due and payable as from the 1st day of April next following the date when the estimate of population for the enlarged area has been certified by the Government Statistician."

- (2) The said section 57 is hereby further amended by omitting from subsection (3) the words "subsection (6)", and substituting the words "subsection (7)".

11 Powers of contributing authorities in regard to payment

- (1) Section 61 of the principal Act is hereby amended by omitting from the second proviso to paragraph (b) the words "separately occupied", and substituting the word "separate".
- (2) The said section 61 is hereby further amended by adding to the second proviso to paragraph (b) the words "; and every such annual charge shall for all purposes be deemed to be a separate rate".
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Notes

1 General

This is an eprint of the North Shore Drainage Amendment Act 1971. The eprint incorporates all the amendments to the Act as at 1 November 2010. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the eprint are also included, after the principal enactment, in chronological order.

2 About this eprint

This eprint has not been officialised. For more information about eprints and officialisation, please *see* <http://www.pco.parliament.govt.nz/eprints/>.

3 List of amendments incorporated in this eprint (most recent first)

Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37): section 113(1)
