

New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Section 4 of the principal Act amended. 3. Interpretation. 4. Section 47 of the principal Act amended. 5. Deputy Chairman. 6. When member's seat deemed vacated. | <ol style="list-style-type: none"> 7. Removal of obstructions, &c. 8. Section 4 of the Christchurch District Drainage Amendment Act, 1907, amended. 9. Alteration of boundaries of districts. 10. Repeal of part of First Schedule as relates to Heathcote Subdivision. |
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1908, No. 27.—*Local.*

Title. AN ACT to amend the Christchurch District Drainage Act, 1907.
[10th October, 1908.]

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

- Short Title.** 1. This Act may be cited as the Christchurch District Drainage Act, 1908, and it shall be read with and form part of the Christchurch District Drainage Act, 1907 (hereinafter referred to as the principal Act).
- Section 4 of the principal Act amended.** 2. Section four of the principal Act is hereby amended by omitting the word "eleven" and substituting the word "twelve."
- Interpretation.** 3. Subsection one of section eight of the principal Act shall be read and interpreted as if the word "nine" had been substituted for the word "eight."
- Section 47 of the principal Act amended.** 4. Section forty-seven of the principal Act is hereby amended by omitting the words "and when and as thereto authorised by statute."
- Deputy Chairman.** 5. (1.) If at any time the Chairman is absent from the district, or if he in writing informs the Board of his intention to be absent from the district, or is ill, or incapacitated, then and in either case the Board may, if it thinks fit, by resolution appoint one of its members to be Deputy Chairman of the Board; and such Deputy Chairman shall, within the term of office of the Chairman, and during such absence, intended absence, illness, or incapacity, as the case may be, and until the Chairman notifies the Board in writing that he has returned to the district, or abandoned his intention of being absent, or has recovered from his illness or incapacity, do all or any of the acts which the Chairman might do if personally present and acting therein.

(2.) A minute of any such resolution as aforesaid appearing in the minute-book of the Board's proceedings shall, as regards all persons having any business with the Board or the Corporation, and acting in good faith, be deemed to be conclusive evidence of the validity of the appointment of any person as Deputy Chairman, and of his continued authority to act as such, and shall relieve all persons having business as aforesaid from the necessity of making any inquiries in the matter.

6. If at any time a member of the Board becomes lunatic, or is absent without leave of the Board from three successive meetings of the Board, he shall be deemed to have vacated his seat on the Board. When member's seat deemed vacated.

7. (1.) The Board may, by order in writing under the hand of the Chairman, or Secretary, or Engineer, require the occupier, or in case there is no occupier, then the owner, of any land abutting upon any drain, watercourse, or sewer within the district to do any of the following acts:— Removal of obstructions, &c.

- (a.) To remove, lower, or trim to the satisfaction of the Board any tree, hedge, or scrub overhanging such drain, watercourse, or sewer in cases where in the opinion of the Board such removal, lowering, or trimming is necessary in order to prevent injury being done to any drain, watercourse, or sewer; and
- (b.) To cut down or grub up, as the Board directs, and remove all obstructions to the free flow of water or sewage in any drain, watercourse, or sewer arising from the growth of plants or the spreading of roots.
- (c.) Within ten days after service of any such order such occupier or owner may, by complaint under the Justices of the Peace Act, 1908, require the Board to appear before a Magistrate to show cause why the order should not be set aside, altered, modified, or amended.
- (d.) On the hearing of the complaint the Magistrate (whose decision shall be final) shall determine whether the order should or should not be set aside, or in what respect it should be altered, modified, or amended.
- (e.) In cases where the Magistrate alters, modifies, or amends any such order, the order so altered, modified, or amended shall be and be deemed to be the order originally ordered by the Board.
- (f.) If the occupier or owner fails within two months from the service of any order made by the Board or by the Magistrate, as the case may be, to do any act thereby required to be done, the owner or occupier shall be liable to a fine not exceeding one pound for every day thereafter during which such failure continues, and the Board may at any time thereafter enter on the land and carry out the provisions of such order and recover the cost from the owner or occupier.
- (g.) The said cost shall be a charge upon the land, and payment may be recovered and enforced in any manner by which payment of rates may be recovered or enforced under the Rating Act, 1908.

(2.) In any case where the Board might make any such order as aforesaid in respect of any land, any ratepayer may by notice in writing request the Board to do so; and if for the space of twenty-eight days after the receipt of such notice the Board fails to comply therewith, the ratepayer may, by complaint under the Justices of the Peace Act, 1908, call upon the Board to appear before a Magistrate and show cause why such notice should not be complied with. On the hearing of any such complaint the Magistrate shall determine whether and to what extent the notice should be complied with by the Board, and his decision shall be final, and the Board shall make an order in terms of such decision. Any order made by the Board pursuant to the Magistrate's decision shall be subject to the provisions of paragraphs (c), (d), (e), (f), and (g) of the last preceding subsection.

(3.) For the purposes of this section "cut down" means cut down and keep cut down the stem and roots of any plants so as to prevent their throwing out any leaf, offshoot, or flower; and "plants" means gorse, sweetbriar, blackberry, acacia, broom, and fennel.

Section 4 of the
Christchurch
District Drainage
Amendment Act,
1907, amended.

8. (1.) Section four of the Christchurch District Drainage Amendment Act, 1907, is hereby amended by adding at the end of subsection one the words "or on the construction of culverts and bridges over drains and streams under the control of the Board."

(2.) Nothing in the said section four as amended by this Act shall be so construed as to impose any liability on the Board to maintain any culvert or bridge which on the passing of this Act is not maintained by the Board.

Alteration of
boundaries of
districts.

9. So much of the First Schedule to the principal Act as purports to describe the boundaries of the North-east Christchurch Subdistrict, the South-east Christchurch Subdistrict, the North-west Christchurch Subdistrict, and the South-west Christchurch Subdistrict is hereby repealed, and the following substituted in lieu thereof:—

NORTH-EAST CHRISTCHURCH.

Bounded on the north, commencing at the intersection of Colombo Street and Bealey Avenue, then by Bealey Avenue to its intersection with North Avon Road; thence northerly, easterly, northerly, and again easterly by the North Avon Road and a due east-and-west line to the left bank of the River Avon; thence southerly and westerly by the said left bank of the River Avon to its intersection with Fitzgerald Avenue; thence southerly by the said Fitzgerald Avenue to its intersection with Worcester Street; thence on the south and west by Worcester and Colombo Streets respectively to the starting-point.

NORTH-WEST CHRISTCHURCH.

Bounded on the north by Bealey Avenue and the River Avon; on the east by Colombo Street; on the south by Worcester Street and by a line in continuation thereof to Rural Section No. 10; and on the west by Rural Sections Nos. 10 and 163.

SOUTH-EAST CHRISTCHURCH.

Bounded on the north by Worcester Street; on the east by Fitzgerald Avenue; on the south by Moorhouse Avenue; and on the west by Colombo Street.

SOUTH-WEST CHRISTCHURCH.

Bounded on the north by Worcester Street and a line in continuation thereof to Rural Section No. 10; on the east by Colombo Street; on the south by Moorhouse Avenue to Rural Section No. 9; and on the west by Rural Sections Nos. 9 and 10.

10. So much of the said First Schedule as relates to the Heathcote Subdivision is also hereby repealed, and the following substituted therefor :—

Repeal of part of First Schedule as relates to Heathcote Subdivision.

HEATHCOTE SUBDIVISION.

All that area in the Canterbury Land District known as Rural Heathcote District, and commencing at the southernmost corner of original Section 438, Block XVI, Christchurch Survey District, and proceeding north-westerly along Canal Reserve to the River Avon ; thence north-easterly and southerly by the River Avon and estuary of the Heathcote and Avon to place of commencement.

Also all that area commencing at the southernmost corner of original Section 96, Block XVI, Christchurch Survey District, and proceeding southerly, westerly, northerly and again westerly along the River Heathcote to Wilson's Road ; thence north-easterly by the said Wilson's Road to the Christchurch-Lyttelton Railway ; thence south-easterly by the said Christchurch-Lyttelton Railway to place of commencement.

Also all that area commencing at the south-western corner of Section 227, Block XV, Christchurch Survey District, and proceeding easterly along Tennyson Street to the River Heathcote ; thence southerly, westerly, and northerly along the bank of the said River Heathcote to Colombo Road ; thence northerly by the said Colombo Road to place of commencement.

WOOLSTON SUBDIVISION.

All that area in the Canterbury Land District known as Rural Woolston District, and commencing at the westernmost corner of original Section 1144, Block XII, Christchurch Survey District, and proceeding south-easterly along Canal Reserve to the estuary of the Heathcote and Avon ; thence southerly by the said estuary to the Heathcote River ; thence westerly generally by the said Heathcote River to where it crosses the Christchurch-Lyttelton Railway at the south-eastern corner of original Section 96, Block XVI, Christchurch Survey District ; thence north-west along the said railway to Ensor's Road ; thence north-east by the said Ensor's Road to Ferry Road ; thence easterly by the said Ferry Road to Aldwin's Road ; thence by the said Aldwin's Road to place of commencement.