

New Zealand.



ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Section 16 of original Act repealed, and other provisions substituted.</p> <p>3. Proviso in section 31 of original Act.</p> <p>4. Sufficient fence.</p> <p>5. Section 40 of original Act amended.</p> | <p>6. Fresh occupier of land liable for dividing-fences.</p> <p>7. Contribution to construction of boundary-fence.</p> <p>8. Persons erecting or affixing wire-netting on boundary may remove the same if adjoining owner has not contributed thereto.</p> <p>Schedules.</p> |
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1893, No. 30.

AN ACT to further amend "The Fencing Act, 1881." Title.
[27th September, 1893.]

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 Fencing Act 1881 Amendment Act, 1893"; and it shall be read and construed together with "The Fencing Act, 1881," herein referred to as "the said Act." Short Title.

2. Section sixteen of the said Act is hereby repealed, and the following is substituted therefor:— Section 16 of original Act repealed, and other provisions substituted.

When a fence is erected on any land, and the lands adjoining thereto are at the time of the erection of such fence excepted from the application of the said Act or this Act, then the occupier thereafter of such adjoining lands shall, within one month after demand upon him by written notice given, pay to the person who has erected the fence one-half of the then value of such fence: Provided that the sum to be paid shall not exceed the maximum price to be paid by any person in respect of an efficient fence.

Nothing in this section contained shall apply to any lawsuit already decided.

3. Section thirty-one of the said Act is hereby amended by the addition thereto of the following proviso:— Proviso in section 31 of original Act.

Provided that, with the exception of orders made by Resident Magistrates under the powers conferred by section thirty-two of this Act, all moneys recoverable under this Act may be sued for and recovered in any Court of competent jurisdiction.

4. A fence of the kind described in Schedule A hereto shall be a sufficient fence within the meaning of the said Act, as if it Sufficient fence.

had been included in the descriptions enumerated in Schedule A thereto.

Section 40 of original Act amended.

5. Section forty of the said Act is hereby amended by adding the following words thereto: "But without prejudice to any covenant, contract, or agreement as to the erection or maintenance of any dividing-fence which may impliedly embody any of the provisions of any of the enactments hereinafter repealed."

Fresh occupier of land liable for dividing-fences.

6. Any person becoming the occupier of any land separated from any adjoining land by a dividing-fence made by the occupier of such adjoining land is, in respect of such dividing-fence, subject to the same liabilities as such first-named occupier is subject to when he relinquishes possession.

Contribution to construction of boundary-fence.

7. Any person desiring to compel any other person to contribute to the construction of a dividing-fence, to be erected on the boundary between land in a district in which the said Act is in force and land in a district in which any local or provincial ordinance or enactment is in force, shall, as to such dividing-fence, and the erection and maintenance thereof, be bound by and entitled to the benefits of the law under the said Act upon giving the notice required by such law.

Persons erecting or affixing wire-netting on boundary may remove the same if adjoining owner has not contributed thereto.

8. If the owner or occupier of land shall affix or erect wire-netting, as defined in Schedule B hereto, for the purpose of preventing the passage of rabbits, and hereinafter referred to as a "rabbit-fence," on any part of the boundary of his land, whether as part of the ordinary boundary-fence or not, and the owner or occupier of the adjoining land shall neglect or refuse to pay half the cost of erecting such rabbit-fence, the person erecting the same, or any subsequent owner or occupier of the land then in his occupation, may remove so much and such part of the rabbit-fence so erected as shall not have been paid for, and deal therewith as his own property.

The Land Board under "The Land Act, 1892," may declare that any rabbit-fence erected or to be erected as aforesaid shall be a substantial improvement of a permanent character within the meaning of such Act.

Schedules.

SCHEDULES.

SCHEDULE A.

A BATTEN-AND-WIRE fence, to be at least 4ft. in height; posts to be of durable wood, not more than 10ft. apart, with two or more wires, top wire to be not less than 3ft. 6in. from the surface of the ground, and the wires to be not lighter than number eight in iron or number twelve in steel; the battens to be either securely stapled or intertwined in wires in an upright position, and to be not more than 3in. apart.

SCHEDULE B.

GALVANISED wire-netting, firmly affixed to wires, and pegged to the ground or sunken therein not less than 6in., and to be not less than a total of 42in. wide, 16 gauge, and not larger than 1½in. mesh.