



Title.

ANALYSIS

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| <p>1. Short Title.</p> <p>2. Proceedings to be in accordance with Magistrates' Courts Act 1947.</p> | <p>3. Half cost of non-rabbit-proof fence.</p> <p>4. Amending descriptions of sufficient fence.</p> |
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1953, No. 40

AN ACT to amend the Fencing Act 1908.

Title.

[5 November 1953

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

1. This Act may be cited as the Fencing Amendment Act 1953, and shall be read together with and deemed part of the Fencing Act 1908 (hereinafter referred to as the principal Act).

Short Title.

See Reprint of Statutes, Vol. I, p. 677

2. The principal Act is hereby amended by repealing section thirty-seven, and substituting the following new section:

Proceedings to be in accordance with Magistrates' Courts Act 1947.

“ 37. Subject to sections thirty-eight and thirty-nine of this Act, the Magistrates' Courts Act 1947 shall apply with respect to all proceedings under this Act.”

1947, No. 16

Half cost of non-rabbit-proof fence. See Reprint of Statutes, Vol. I, p. 696

3. (1) Section forty-one of the principal Act is hereby amended by repealing paragraph (c) of subsection two (as substituted by section five of the Fencing Amendment Act 1922), and substituting the following new paragraph:

“(c) In the case of any non-rabbit-proof fence, such sum as is agreed upon or as the Magistrate fixes as a reasonable and proper one:”.

(2) Section five of the Fencing Amendment Act 1922 is hereby consequentially repealed.

(3) The Fencing (Half Cost) Order 1947 is hereby revoked.

Serial number 1947/99

Amending descriptions of sufficient fence.

4. (1) Part I of the Second Schedule to the principal Act (which relates to the description of a sufficient non-rabbit-proof fence) is hereby amended by omitting from clause four the words “ wood or iron ”, and substituting the words “ timber, metal, stone, or reinforced concrete ”; and also by repealing clause five, and substituting the following new clause:

“ 5. A substantial post, batten, and wire fence, having not less than seven wires, not more than two of the wires being barbed; barbed wires to be placed in a position agreed upon by the persons interested, or to be omitted if those persons agree; the posts to be of durable timber, metal, stone, or reinforced concrete, and not more than 16 ft. 6 in. apart, and securely rammed and, in hollows or where subject to lifting through the strain of the wire, to be securely footed, or stayed with wire; the battens to be of durable timber or metal, evenly spaced, and not less than four in each space between the posts; the wires to be galvanized and not lighter than No. 8 gauge; the barbed wire to have barbs spaced 6 in. apart, and to be galvanized; the bottom wire to be not more than 5 in. from the ground, the three bottom wires to be not more than 5 in. apart; and the top wire to be not less than 3 ft. 9 in. from the ground; all wires to be strained tightly and fastened to or let through the battens and posts to provide a tight, durable, stock-proof fence.”

(2) Part II of the Second Schedule to the principal Act (which relates to the description of a sufficient rabbit-proof fence) is hereby amended by repealing clauses two and three, and substituting the following new clauses:

“ 2. A substantial fence at least 3 ft. 9 in. in height, with posts of durable timber, metal, stone, or reinforced concrete not more than 9 ft. apart, and at least two galvanized iron or steel wires not lighter than No. 8 gauge, and one barbed wire on top, to which shall be attached galvanized wire netting firmly

affixed to the wires, and sunk into the ground not less than 6 in. except where the nature of the ground does not reasonably permit of this being done, in which case the wire netting shall be securely fastened to the ground; the wire netting to be not less than a total of 42 in. wide, No. 17 gauge, and not larger than $1\frac{1}{2}$ in. mesh.

“ 3. Any fence converted into a rabbit-proof fence by attaching thereto galvanized wire netting firmly affixed to wires, and sunk into the ground not less than 6 in. except where the nature of the ground does not reasonably permit of this being done, in which case the wire netting shall be securely fastened to the ground; the wire netting to be not less than a total of 42 in. wide, No. 17 gauge, and not larger than $1\frac{1}{2}$ in. mesh:

“ Provided that in the case of existing fences on which netting as above described could not be stretched, netting of a less width may be fixed.”
