

New Zealand.



ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Fencing covenants to run with land.</p> | <p>3. "Owner" redefined.</p> <p>4. Section 23 of principal Act amended.</p> |
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1904, No. 5.

Title. AN ACT to amend the Law relating to Fencing.
[26th August, 1904.]

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. The Short Title of this Act is "The Fencing Act Amendment Act, 1904"; and it shall form part of and be read together with "The Fencing Act, 1895" (hereinafter called "the principal Act").

Fencing covenants to run with land. 2. Every covenant or agreement made or entered into between owners of adjoining lands for the purpose of modifying or varying the rights and liabilities conferred or imposed on them by the principal Act—

(a.) Shall run with the land, whether assigns be named therein or not; and

(b.) Where the land affected, or any part thereof, is subject to the provisions of "The Land Transfer Act, 1885," shall be deemed to create an interest in land within the meaning of that Act, and shall be registrable accordingly: Provided, however, that the assigns shall not be bound unless the covenant or agreement is registered.

"Owner" redefined. 3. The interpretation of the word "owner" in section two of the principal Act is hereby repealed, and in lieu thereof it is enacted as follows: "'Owner' includes a registered proprietor of any land, a tenant in fee-simple, a tenant in tail, a tenant for life, and a tenant for any term of not less than ten years, and the trustee of any owner as herein defined, but does not include a mortgagee not in possession.

Section 23 of principal Act amended. 4. Section twenty-three of the principal Act is hereby amended by inserting, after the word "adopts," in subsection one, the words "or takes advantage of."