



## ANALYSIS

Title  
1. Short Title

2. Removal of overhanging trees  
3. Exemption from rates

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1959, No. 66

**An Act to amend the Government Railways Act 1949**

[22 October 1959]

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

**1. Short Title**—This Act may be cited as the Government Railways Amendment Act 1959, and shall be read together with and deemed part of the Government Railways Act 1949 (hereinafter referred to as the principal Act).

**2. Removal of overhanging trees**—Section eleven of the principal Act is hereby amended by repealing subsection two, and substituting the following subsections:

“(2) The General Manager may, by notice in writing, require the occupier or, in case there is no occupier, then the owner of any land abutting upon a railway to do any of the following acts:

“(a) To remove, lower, or trim to the satisfaction of the General Manager any tree or hedge where, in the opinion of the General Manager, the removal, lowering, or trimming is necessary in order to prevent injury to the railway or obstruction to the traffic thereon or to any channel, ditch, or drain appertaining thereto:

“(b) To remove, lower, or trim to the satisfaction of the General Manager any tree or hedge, or to lower any fence or wall, if in the opinion of the General Manager, the tree, hedge, fence, or wall is likely by reason of its obstructing the view, to cause danger to the traffic on that or any other railway.

“(2A) Within ten days after service of the notice the occupier or owner may apply to a Magistrate’s Court for an order setting aside the notice.

“(2B) On the hearing of the application, the Court, whose decision shall be final, shall determine whether the notice should or should not be set aside, and in the former case the notice shall be deemed to be void.

“(2c) In the case of a notice which is not set aside as aforesaid, if the occupier or owner fails to do any such act in compliance therewith within one month after the service thereof, or, where application as aforesaid has been heard, then within one month after the giving of the decision of the Court, the General Manager may enter on the land and do that act and recover the cost from him.

“(2D) The said cost shall be a charge upon the land.”

**3. Exemption from rates**—Section forty-nine of the principal Act is hereby amended by adding the following subsection REP. 19  
No. 3.

“(8) Where any lease of railway land is granted under this section for farming purposes, the Minister, with the concurrence of the County Council, Borough Council, or Town Council controlling the area concerned, may direct that the lessee shall not be liable for rates in respect of the land. In every such case—

“(a) The Minister shall fix the period (not exceeding seven years) for which rates shall not be payable so long as the land is used for farming purposes; and

“(b) During the period so fixed, the land shall be deemed not to be rateable property for the purposes of the Rating Act 1925 and for the purposes of the Local Authorities Loans Act 1956.”

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