

New Zealand.

ANALYSIS.

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1910, No. 77.

Title. AN ACT to amend the Government Railways Act, 1908.
[3rd December, 1910.]

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 Government Railways Amendment Act, 1910 (No. 2), and shall form part of and be read together with the Government Railways Act, 1908 (hereinafter referred to as the principal Act).

False consignment-note or waybill. 2. (1.) Every person who makes a false statement as to the nature, quantity, weight, measurement, or value of any goods delivered upon a railway, in any consignment-note, waybill, or other document which he is required to deliver in respect of such goods, is liable to a fine not exceeding fifty pounds.

(2.) If in any such document there is any understatement of the quantity, weight, measurement, or value of the goods, or any misdescription of their nature, which if undetected might lead to their being charged for at less than the proper rate, then, in lieu of charges at the ordinary rate, and irrespective of any person's liability under the last preceding subsection, and whether the understatement or misdescription is wilful or not, charges at a special rate to be fixed by the Minister, not exceeding double the ordinary rate on the whole consignment, shall be payable in respect of the goods.

Repeal. (3.) This section is in substitution for section fifteen of the principal Act, and that section is hereby accordingly repealed.

Unused lands may be used for stores or other buildings. 3. (1.) The Minister may from time to time, in the name and on behalf of His Majesty, let on lease as sites for storing goods, or

erecting buildings thereon, or for such other purposes as may be approved by him, any land not required for railway purposes.

(2.) In every case where the value of the land so let exceeds an annual rental of twenty pounds the letting shall be by public tender or by public auction.

(3.) No such lease shall be for a longer period than twenty-one years.

(4.) The lease may contain such provisions for the removal by the lessee of improvements made by him, or for protecting the lessee's interest in such improvements in the event of the land being again offered for lease at the expiry of the original lease, or for the renewal of the lease for such further term not exceeding twenty-one years, as the Minister thinks fit; subject, however, to the following provisions:—

- (a.) For the purpose of protecting the lessee's interest in improvements made by him, the Minister may have such improvements valued at the time of the expiry of the lease by effluxion of time, and fix the value thereof; and, if he considers such improvements are convenient and suitable to the land in question, may specify in the conditions of sale of any new lease of such land that the incoming lessee, if other than the outgoing lessee, shall take over such improvements, and shall pay to the outgoing lessee the value thereof as fixed by the Minister; but the Minister shall be under no liability to secure to the outgoing lessee the payment of any money by the incoming lessee in terms of such conditions of sale, but the outgoing lessee shall have the right to sue for and recover from the incoming lessee the value of the improvements under the conditions of sale as if a contract existed between them.
- (b.) All costs incurred by the Minister in valuing the lessee's improvements for the purpose of protecting the lessee's interest therein shall be repaid by such lessee to the Minister on demand.
- (c.) The terms and conditions subject to which any renewed lease is to be granted shall be specified in the original lease, which shall also specify the rental to be paid under such renewed lease, or as an alternative may provide for such rental being fixed on expiry of the original lease by revaluation, and, if necessary, settled by arbitration.
- (d.) The Minister shall not be bound to offer any land again for lease on the expiry of the original lease, unless such original lease contains a covenant on the Minister's part to do so.
- (e.) No lessee shall be entitled to compensation from the Minister for improvements on the expiry of any lease unless such lease contains a covenant on the Minister's part to pay such compensation, and no lessee shall be entitled to compensation for improvements from the Minister on the expiry of any renewed lease.

(5.) In every case where compensation is payable by the Minister under any such lease as aforesaid, the amount thereof, if not mutually agreed upon, shall be decided by a Compensation Court, to be constituted on the application of the lessee made within one month after the expiry of the lease, in the manner provided by the Public Works Act, 1908, and the provisions of that Act relating to compensation shall, *mutatis mutandis*, apply to any such application.

(6.) Instead of paying direct to the lessee the amount of such compensation, the Minister may, in his discretion, cause the lease of the property for a further period of twenty-one years to be put up to auction, subject to the payment of such compensation by the purchaser, if other than the outgoing lessee, before he is admitted into possession; and the compensation when received by the Treasury shall be paid to the outgoing lessee:

Provided that if the outgoing lessee is the purchaser the new lease to be then granted to him shall be deemed to be a renewed lease.

(7.) Every lease granted under section two hundred and twelve of the Public Works Act, 1894, before the coming into operation of the Government Railways Act, 1900, and containing any such provisions as aforesaid for compensation or renewal, is hereby declared to have been validly granted; and the provisions of this section shall apply thereto in like manner as if it had been granted hereunder.

Repeal.

(8.) This section is in substitution for section thirty-four of the principal Act, and that section is hereby accordingly repealed.

Grant of easements.

4. (1.) Notwithstanding anything in any other Act, no person shall have any right to any easement, or to construct or carry out any work upon, over, or under any railway, without having first obtained from the Minister a grant of such right as provided in section forty of the principal Act; and the Minister may require such person to execute a deed or agreement setting forth the conditions subject to which such consent is granted.

(2.) Any easement granted to a public body upon, over, or under any railway at a public level crossing shall be at a peppercorn rental.

Fees for preparation of documents, &c.

5. For the preparation of Proclamations, Orders in Council, deeds, leases, agreements, assignments, and for indorsing consents on mortgages, assignments, or subleases, and for preparing or consenting to any other document of a like nature, the Minister may charge such fees as from time to time the Governor in Council approves.

Section 71 of principal Act amended.

6. Section seventy-one of the principal Act is hereby amended by omitting paragraph (c), and substituting the following:—

“(c.) The fines from time to time imposed under section fifty-five hereof.”