



ANALYSIS

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| <p>Title.</p> <p>1. Short Title.</p> | <p>2. Acquisition or control of main drains and other works.</p> |
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1952, No. 12—*Local*

AN ACT to amend the Hutt Valley Drainage Act 1948. Title.
[26 September 1952]

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 Hutt Valley Drainage Amendment Act 1952, and shall be read together with and deemed part of the Hutt Valley Drainage Act 1948 (hereinafter referred to as the principal Act). Short Title.

2. The principal Act is hereby amended by repealing section forty-two, and substituting the following section:— Acquisition or control of main drains and other works.

“ 42. (1) The Board may from time to time by resolution assume, as from the date of the resolution or such later date as may be specified therein, full control of and responsibility for the maintenance and management of any main drains, main sewers, pumping stations, storage tanks, outfalls, or treatment works (in this section referred to as drainage works) owned by any contributing authority. In any such case the Board shall, as from the said date, indemnify and keep indemnified the contributing authority in respect of all actions, suits, claims, and demands whatsoever that may be instituted

against the contributing authority in its capacity as the owner of the drainage works of which control is so assumed.

“(2) The Board shall, if so required by resolution of a contributing authority, acquire all or any of such of the drainage works owned by that contributing authority as may for the time being be under the control of the Board pursuant to subsection one of this section; and in any such case the contributing authority shall transfer to the Board the property of the contributing authority in the drainage works to which the resolution relates. If no agreement is reached as to the consideration for the transfer the consideration shall be determined by arbitration in accordance with the provisions of the Arbitration Act 1908.

“(3) Notwithstanding anything in the foregoing provisions of this section, the Board may at any time acquire from any contributing authority, and any contributing authority may transfer to the Board, the property of the contributing authority in all or any of the drainage works owned by the contributing authority and if no agreement is reached as to the consideration for the transfer the consideration shall be determined by arbitration in accordance with the provisions of the Arbitration Act 1908.

“(4) Nothing in this section shall apply to the Borough of Eastbourne or the Eastern Bays Riding of the County of Hutt until the Board has, at the request of the local authority affected, resolved to provide for the disposal of sewage from the Borough of Eastbourne or, as the case may be, the said Eastern Bays Riding.”
