



ANALYSIS

<p>Title</p> <p>1. Short Title and commencement</p>	<p>2. Powers of Minister of Railways and Corporation under Public Works Act 1981</p> <p>3. Power to protect railway</p> <p>4. Railway drains</p>
---	--

1988, No. 76

An Act to amend the New Zealand Railways Corporation Act 1981 [31 March 1988]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the New Zealand Railways Corporation Amendment Act 1988, and shall be read together with and deemed part of the New Zealand Railways Corporation Act 1981 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of April 1988.

2. Powers of Minister of Railways and Corporation under Public Works Act 1981—The principal Act is hereby amended by repealing section 30, and substituting the following section:

“30. (1) The powers and duties conferred and imposed on the Minister of Lands in respect of the compulsory acquisition of land by the Public Works Act 1981 are, so far as they are applicable and with any necessary modifications, hereby conferred and imposed on the Minister in respect of all matters and works under the control of, or being carried out by, the Corporation.

“(2) The powers and duties conferred and imposed on—

“(a) The Minister of Lands under any provision of the Public Works Act 1981 (other than the powers and duties

conferred and imposed on that Minister in respect of the compulsory acquisition of land); and

“(b) The Minister of Transport under any provision of that Act (other than the powers and duties conferred and imposed on that Minister in respect of motorways and limited access roads); and

“(c) Any Minister of the Crown under any provision of that Act; and

“(d) Any chief executive under any provision of that Act—
are hereby conferred and imposed on the Corporation in respect of all matters and works under the control of, or being carried out by, the Corporation.

“(3) The powers and duties conferred and imposed on the Minister and the Corporation by this section shall not in any way limit or interfere with the powers and duties conferred on any Minister of the Crown or on any chief executive under the Public Works Act 1981.”

3. Power to protect railway—Section 31 of the principal Act is hereby amended by omitting the words “Minister of Works and Development” wherever they occur in subsections (1) and (7), and substituting in each case the words “Minister of Transport”.

4. Railway drains—The principal Act is hereby amended by inserting, after section 31, the following section:

“31A. (1) Where any drain on, above, or under railway land forms part of or is used in connection with any sewerage or stormwater drainage system which is under the control of a local authority, the cost of maintaining the drain shall be borne by that local authority; and if the work of maintenance is carried out by the Crown or the Corporation the cost shall be recoverable from the local authority as a debt due to the Crown or Corporation, as the case may be.

“(2) Nothing in this section shall confer on any local authority the right to enter on any such railway for the purposes of any such drain without the prior consent of the Corporation, which may grant consent subject to such terms and conditions as it thinks fit.”