

New Zealand.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

No. 14.

ANALYSIS.

<p>Title. Preamble.</p> <p>1. Short Title.</p> <p>2. Provincial Legislatures empowered to pass Acts and Ordinances authorizing taking of land for works of public nature.</p> <p>3. Standing rules to be made by Provincial</p>	<p>Councils and approved by the Governor in Council.</p> <p>4. No Bill to be assented to unless such rules complied with.</p> <p>5. No land to be taken compulsorily except under this Act.</p> <p>6. Act not to affect Native Lands.</p>
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AN ACT to enable Provincial Legislatures to pass Laws authorizing the compulsory taking of Land for Works of a Public Nature. Title.

[Reserved for the signification of Her Majesty's pleasure.]

WHEREAS the public interests require that land belonging to private individuals should from time to time be taken compulsorily for works and undertakings of a public nature And whereas Acts or Ordinances have heretofore been passed by Provincial Legislatures authorizing the taking of land for such purposes And whereas doubts have been raised as to the validity of such laws and it is expedient to remove doubts as to the power of Provincial Legislatures to pass such laws for the future Preamble.

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

I. The Short Title of this Act shall be “The Provincial Compulsory Land Taking Act 1866.” Short Title.

II. It shall be lawful for the Superintendent and Provincial Council of every Province now or hereafter to be established in New Zealand from time to time to make or ordain any Law or Ordinance authorizing the compulsory purchase of any land which has been granted by the Crown within such Province for any work or undertaking of a public nature Provided always that no land shall be taken compulsorily under any Act or Ordinance of any Provincial Legislature except in conformity with the provisions of an Act of the General Assembly of New Zealand intituled “The Lands Clauses Consolidation Act 1863” Provided also that nothing herein contained shall be taken or deemed to authorize any Provincial Legislature to make or ordain any Act Law or Ordinance authorizing the compulsory purchase or taking of any land for the purpose of endowing or paying for the construction of any work or undertaking. Provincial Legislatures empowered to pass Acts and Ordinances authorizing taking of land for works of public nature.

III. Standing Rules and Orders shall be prepared and adopted by every Provincial Council regulating the proceedings on Bills Standing rules to be made by Provincial Councils and

Provincial Compulsory Land Taking.

approved by the
Governor in Council.

authorizing the taking of land compulsorily but the same shall have no force or effect until they have been approved of by the Governor in Council and been published in the *New Zealand Gazette*.

No Bill to be assented
to unless such rules
complied with.

IV. No Bill authorizing the taking of land compulsorily shall be introduced into any Provincial Council until such Standing Rules and Orders have been adopted by such Provincial Council and approved of as aforesaid and no such Bill shall be introduced or passed by such Council except in conformity with such Rules and Orders and every such Bill shall be reserved for the Governor's assent. And such assent shall not be given unless it be shewn to the satisfaction of the Governor that the work or undertaking in respect of which any land is proposed to be taken compulsorily is intended to be carried out within a reasonable time and that proper provision has been or can and will be made to meet the expense necessary for the completion of the same.

No land to be taken
compulsorily except
under this Act.

V. It shall not be lawful for the Superintendent and Provincial Council of any Province now or hereafter to be established in New Zealand from time to time to make or ordain any Law or Ordinance authorizing the compulsory purchase of land except under the authority and subject to the provisions of this Act and no land shall be taken compulsorily for any such work or undertaking of a public nature except by a special Act or Ordinance of the Superintendent and Provincial Council of the Province in which such land is situate describing the land to be taken by reference or otherwise.

Act not to affect
Native Lands.

VI. The word "land" where used herein shall mean only lands over which the Native Title has been extinguished or any land reserved for or set apart for the benefit of the aboriginal inhabitants of New Zealand and this Act shall not be deemed to give any authority or power to any Provincial Council to pass or to the Governor to assent to any Bill passed by any Provincial Council authorizing the taking compulsorily or otherwise any land over which the Native Title has not been extinguished.

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