



ANALYSIS

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1955, No. 59

AN ACT to amend the Public Works Act 1928.

[21 October 1955]

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 Public Works Amendment Act 1955, and shall be read together with and deemed part of the Public Works Act 1928 (hereinafter referred to as the principal Act).

2. Section ten of the principal Act is hereby amended by adding the following subsection:

“(3) In every case where, under this Act or any other Act which relates to the construction of any public work, authority is given to enter on any land and construct a public work (other than an emergency work) before the land has been taken and vested in Her Majesty or the

Title.

Short Title.

See Reprint of Statutes, Vol. VII, p. 622

Notice of intention to enter to construct works.

local authority, as the case may be, and no other provision is made as to the giving of notice of entry, the Minister or the local authority, as the case may be, shall (when practicable) give to the owner or occupier of the land reasonable notice of the intention to enter thereon, and any person who enters or claims to enter or has entered on the land shall, if required by the owner or occupier, produce and show his authority to do so. For the purpose of this subsection the term "emergency work" means a strategic or defence work in time of war or imminent national danger and any work where the delay involved in giving the notice would increase the risk of loss or damage."

Grant of surplus land instead of compensation.

3. Section ninety-nine of the principal Act is hereby amended by omitting the words "the use, convenience, or enjoyment of the said public work but which is not required for such public work", and substituting the words "any public work or for the use, convenience, or enjoyment of any public work but which is not required for any public work".

Compensation to Maori owners.

4. Section one hundred and four of the principal Act is hereby amended—

(a) By omitting from paragraph (b) of subsection one the words "and every sitting of the said Court to be held for the purpose of dealing with such land shall be duly notified in the *Gazette* and *Kahiti*":

(b) By repealing subsection two.

Cost of constructing or maintaining road used by traffic from other districts.

5. (1) Sections one hundred and eighteen and one hundred and nineteen of the principal Act are hereby repealed.

(2) Every warrant issued under either of the said sections which was in force immediately before the commencement of this Act shall continue in force notwithstanding the repeal of the said sections, but shall not apply to any work (whether construction or maintenance) done after the commencement of this Act.

Cancellation or variation of conditions with respect to building lines.

6. (1) The principal Act is hereby amended by repealing section one hundred and thirty-one, and substituting the following section:

"131. (1) Where by any Order in Council or memorandum of acceptance, or by any special order made under paragraph (b) of subsection one of section one hundred and eighty-six of the Municipal Corporations

Act 1954, conditions have, whether before or after the commencement of this section, been imposed with respect to the building line in the case of any road or street, the Governor-General may from time to time, by Order in Council, on the application of the local authority having control of the road or street, amend the first mentioned Order in Council or the memorandum of acceptance or special order, as the case may be, by cancelling or varying the conditions so imposed thereby, and any such cancellation or variation may extend either to the whole or any part or parts of the said road or street.

“(2) A copy of every Order in Council issued under the authority of this section shall be transmitted by the Minister to the District Land Registrar or the Registrar of Deeds, as the case may require, and the Registrar shall register that Order in Council against the title to all land affected thereby; and the original Order in Council or the memorandum of acceptance or special order shall thereupon be deemed to be amended, and shall have effect as so amended accordingly.”

(2) Section twenty-seven of the Public Works Amendment Act 1948 is hereby consequentially repealed.

1948, No. 39

7. Section one hundred and thirty-two of the principal Act is hereby amended by omitting from subsection one, as set out in section twenty-eight of the Public Works Amendment Act 1948, the word “hereof”, and substituting the words “of this Act, or by any special order made under paragraph (b) of subsection one of section one hundred and eighty-six of the Municipal Corporations Act 1954”.

Permits to build garages which infringe a building line.

8. Section twenty-nine of the Finance Act (No. 3) 1944 is hereby amended by adding to paragraph (a) of subsection three, as set out in subsection one of section eight of the Public Works Amendment Act 1952, the words “or the date of the first entry upon the land for construction purposes, or the date on which the land is first injuriously affected by the work, whichever is the earliest.”

Date for determining basis of compensation.
1944, No. 31
1952, No. 58