



ANALYSIS

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1948, No. 41

AN ACT to Amend the Rangitaiki Land Drainage Act, 1910. Title.
[19th November, 1948]

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 Rangitaiki Land Drainage Amendment Act, 1948, and shall be read together with and deemed part of the Rangitaiki Land Drainage Act, 1910 (hereinafter referred to as the principal Act). Short Title.

2. (1) Section six of the principal Act is hereby amended by repealing subsections four to nine, and substituting the following subsections:— See Reprint of Statutes, Vol. IV, p. 574

“(4) For the purpose of classifying the land, the Minister of Lands may from time to time appoint one or more fit persons who shall classify the lands that are liable to be rated as aforesaid into the following classes:— Amending section six of the principal Act as to classification of lands and providing right of appeal against classification.

“(a) Lands (if any) receiving or likely to receive direct benefit from the construction of works authorized by this Act:

“(b) Lands (if any) receiving or likely to receive less direct benefit therefrom:

“(c) Lands (if any) receiving or likely to receive only an indirect benefit therefrom:

“(d) Lands (if any) receiving or likely to receive only an indirect benefit therefrom, but which, on account of their physical condition, should not, in the opinion of the persons appointed to classify the same, be classified under the last preceding paragraph:

“(e) Lands (if any) receiving and likely to receive no benefit therefrom.

“(5) The rate shall be made and levied only upon the several classes of land mentioned in paragraphs (a) to (d) of the last preceding subsection in such proportions as the Minister in each case appoints:

“Provided that before the appointment of those proportions the Minister shall cause not less than twenty-eight days’ public notice to be given of the respective proportions he proposes to appoint, and shall before making any appointment consider all written objections received by him within that period.

“(6) Every classification so made shall be set forth in a list to be signed by the Minister, who shall immediately cause public notice of the classification to be given, and of the place where the classification list may be inspected for a period of twenty-one days, and of the right of appeal hereinafter conferred; and the person having the custody of the classification list shall permit the same to be inspected during office hours by the owner or occupier of any land included therein.

“(7) Any person aggrieved by the classification may appeal against the same on the ground that the land of the appellant or any other land in the district has not been fairly classified in accordance with the benefit received or likely to be received from the construction of the works aforesaid, or has not been classified.

“(8) In the case of an appeal as aforesaid, a notice setting out the grounds thereof shall before or within seven days after the expiration of the twenty-one days appointed for the inspection of the classification list, be filed in the office of the Magistrate’s Court in or nearest to the drainage district,

and a copy thereof shall within the same period be lodged at the Head Office of the Department of Lands and Survey at Wellington.

“(9) The appeal shall be heard by the Court at such convenient time and place as it appoints, of which not less than fourteen days’ notice shall be given to the Minister and to the appellant.

“(10) On the hearing of any such appeal the Court may cause the classification list to be amended in such manner as it thinks reasonable, and the Magistrate shall sign the list as so amended, and the determination of the Court shall be final and conclusive.

“(11) Every classification list signed by the Minister, or signed by a Magistrate in the case of any such appeal as aforesaid, shall for the purpose of any proceedings for the recovery of rates be sufficient evidence of a classification duly made in accordance with the requirements of this section.

“(12) The classification list may from time to time be amended by the Minister :

“ Provided that no such amendment shall have effect until the expiration of two months after the service of notice of the amendment on all ratepayers affected thereby.

“(13) The provisions of this section relating to appeals and to the authentication of the classification list shall apply to every amendment of the list made by the Minister, and to every case where, after application has been made to the Minister to amend the classification list, the Minister informs the applicant that he is of opinion that the circumstances do not justify an amendment. For the purposes of this subsection the reference in subsection eight of this section to the period of twenty-one days shall be read as a reference to the period of twenty-one days next following the date of service on the appellant of notice of the amendment under the last preceding subsection or, as the case may require, the date of service on the appellant of a notice under this subsection declining to make the amendment.

“(14) In respect of Crown land of which there is for the time being no occupier within the meaning of the Rating Act, 1925, the Minister shall be deemed to be the occupier, and all rates payable in respect

of the land shall from time to time be payable out of moneys appropriated by Parliament for the purpose.”

Repeals.
See Reprint
of Statutes,
Vol. IV, p. 580
1932, No. 11

Constitution of
sub-districts
and
subdivisions.

(2) The Rangitaiki Land Drainage Amendment Act, 1923, and so much of the First Schedule to the Finance Act, 1932, as relates to section six of the principal Act are hereby consequentially repealed.

3. (1) For the purpose of the better carrying-out of drainage and other works, and to facilitate the general administration of the principal Act, the Governor-General may, from time to time, on the petition of not less than one-half of the occupiers of the land in any particular area of the district or on the petition of the occupiers of not less in the aggregate than one-half of the land in any such particular area, by Order in Council constitute that area a sub-district, to be known by a distinctive name, in which drainage works of a general nature may be carried on, or constitute that area a subdivision, to be known by a distinctive number or name, within which, in addition to drainage works of a general nature, pumping schemes may be arranged and carried on. Any such subdivision may be wholly within the boundaries of any sub-district, or may be partly in one sub-district and partly in another or others.

(2) Notwithstanding the constitution of a sub-district or subdivision under this section, the lands situated therein shall continue to be liable to be rated as part of the district in respect of rates from time to time levied on the whole district under section six of the principal Act.

(3) The Governor-General may, by Order in Council, abolish any sub-district or subdivision on the petition of not less than one-half of the occupiers of the land in that sub-district or subdivision or on the petition of the occupiers of not less in the aggregate than one-half of the land in the sub-district or subdivision.

Power to levy
additional rates
in respect
of new works.
1937, No. 36

4. (1) Notwithstanding anything to the contrary in section eleven of the Finance Act (No. 2), 1937, or in any other Act, the Minister of Lands may from time to time make and levy on the lands in the district or in any sub-district or in any subdivision an additional rate or additional rates for the repayment of the whole or such part as the Minister of Finance from time to time determines of any expenditure incurred after the passing

of this Act for the construction of works authorized by the principal Act which are requested by not less than one-half of the occupiers of the land in the district or in the sub-district or in the subdivision, as the case may be, or by the occupiers of not less in the aggregate than one-half of the land in the district or in the sub-district or in the subdivision, as the case may be, and for the payment of the expenses of the general administration and maintenance of those works, together with interest at such rate as the Minister of Finance from time to time determines.

(2) Any such rate may from time to time be adjusted in accordance with any such determination of the Minister of Finance as to the amount of expenditure, administration and maintenance expenses, and interest to be recovered as aforesaid.

(3) Notwithstanding anything to the contrary in section six of the principal Act, as amended by section two of this Act, any such rate in respect of any such expenditure incurred in installing and operating pumping schemes, and administration and maintenance expenses, and interest in respect thereof, may be made and levied on an acreage basis.

(4) Subject to the last preceding subsection, the provisions of section six of the principal Act, as amended by section two of this Act, shall, so far as they are applicable and with the necessary modifications, apply to any rate levied under the provisions of this section, notwithstanding that such rate may be made and levied otherwise than over the whole of the land within the district.

(5) Notwithstanding any classification made at any time in respect of drainage works carried out before the passing of this Act, separate and additional classifications or reclassifications may from time to time be made of any land in the district or in a sub-district or subdivision for the purpose of making and levying any rate under the authority of this section.

5. (1) The Governor-General may from time to time, Regulations. by Order in Council, make such regulations as may in his opinion be necessary or expedient for giving effect to the provisions of the principal Act and for the due and proper administration thereof.

(2) Without limiting the general power hereinbefore conferred, it is hereby declared that regulations may be made under this section for all or any of the following purposes:—

- (a) The protection and maintenance of any works constructed under the authority of the principal Act:
- (b) Requiring owners or occupiers of land to obtain the consent of the Minister of Lands before installing and operating land-drainage pumps, and generally regulating and controlling the use and operation of any such pumps, whether installed before or after the passing of this Act:
- (c) Prescribing offences against the regulations:
- (d) Prescribing fines for offences against any regulation made under this section, not exceeding fifty pounds in any case, and, where the offence is a continuing one, a further fine not exceeding five pounds for any day or part of a day during which the offence continues.

(3) Where any person has failed to comply with the provisions of any regulation made under this section or has done any act in contravention thereof or has failed to comply with any notice under any such regulation he shall, in addition to his liability for any penalty provided for an offence against the regulation, be under liability to make good his default or to remedy the breach or to repair any damage caused by his act or omission. The Minister of Lands or his authorized agent may, by notice in writing, require any such person to make good his default or to remedy any such breach or to repair any such damage caused by his act or omission as aforesaid, in such particulars as shall be specified in the notice and within a time specified therein, and the Minister or his authorized agent may, if the notice is not complied with to his satisfaction within the specified time, execute the work required by the notice to be done, or as the case may be, execute and complete the said work to his satisfaction, and the cost thereof shall be recoverable by the Minister or his duly authorized agent from that person in any Court of competent jurisdiction as a debt due to the Crown.