

New Zealand.



ANALYSIS.

Title.

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| <ol style="list-style-type: none"> 1. Short Title. 2. Sand-drift areas may be proclaimed. 3. Minister of Lands to file scheme of operations and assessment. 4. Notice of scheme to be served. | <ol style="list-style-type: none"> 5. Appeal. 6. Scheme to bind all owners of land. 7. Delegation to local authority. Proviso. 8. Definition of "owner," and application to Crown and Native lands. |
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1903, No. 28.

AN ACT to provide against the Encroachment of Sand-drift on Land. Title.
[17th November, 1903.]

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

1. The Short Title of this Act is "The Sand-drift Act, 1903." Short Title.

2. (1.) The Governor may, on the petition of any local authority or of any two or more persons interested, from time to time, by Proclamation, declare that the provisions of this Act shall, on a day named in the Proclamation, come into force within any specified area in New Zealand (hereinafter referred to as "the proclaimed area"), and may in like manner declare that any such area or part thereof shall no longer be subject to such provisions. Sand-drift areas may be proclaimed.

(2.) In every case where practicable the proclaimed area shall be bounded by a road, river, or other feature.

(3.) Such Proclamation shall be publicly notified at least once a week for one month prior to the day fixed for the Act coming into force.

(4.) Where the proclaimed area includes any land owned by Maoris such public notification shall be made in the Maori as well as in the English language.

3. Not later than six months after the issue of any such Proclamation the Minister of Lands shall file in the Magistrate's Court nearest to the proclaimed area a scheme for controlling the sand-drift and preventing its further encroachment, and apportioning the cost of and incidental to the operations proposed by the scheme among the owners of land within the proclaimed area, including in such cost the expenses incurred by the Minister in giving effect to this section. Minister of Lands to file scheme of operations and assessment.

Notice of scheme to be served.

4. Notice of the filing of such scheme shall be served on all persons in New Zealand affected thereby: Provided that where the Minister has obtained the consent in writing of persons affected by such scheme, service of the notice on such persons may be dispensed with.

Appeal.

5. (1.) At any time within two months of the service on him of such notice any person may appeal to the Stipendiary Magistrate against the exclusion of any lands from the proclaimed area, the inclusion of any lands within the same, or the apportionment of the said cost as proposed by the scheme, by summons addressed to the Minister, calling on him to show cause why such area or apportionment should not be varied; and the matter of such appeal shall be heard and determined by the Magistrate and two assessors, one to be appointed by the Crown and the other by the local authority.

(2.) The Magistrate, with the concurrence of at least one of such assessors, may—

(a.) Cite any additional parties to be parties to the appeal;

(b.) Vary the proclaimed area by striking out any lands not likely to be benefited by the scheme, or adding others likely to be affected by drifting sand;

(c.) Confirm or vary the apportionment.

Scheme to bind all owners of land.

6. Subject to any order of the Magistrate, every such apportionment shall be binding on all owners of land within the proclaimed area.

Delegation to local authority.

7. The Minister may delegate to any local authority power to carry out the operations authorised by any scheme, and to recover from the owners of land within the proclaimed area, according to the apportionment fixed by the scheme, the expenses of and incidental to such operations, in the manner provided by "The Rating Act, 1894," with respect to rates; or he may himself carry out such operations, and recover such expenses, in the manner aforesaid: Provided that in recovering such expenses the Minister, or the local authority, as the case may be, shall be limited to the proceeds of the sale or letting of the land included in the proclaimed area.

Proviso.

Definition of "owner," and application to Crown and Native lands.

8. For the purposes of this Act—

"Owner" means the owner of land in fee-simple, and in the case of Crown lands of which there is no occupier within the meaning of "The Rating Act, 1894," or occupied as pastoral runs or small grazing-runs, means the Crown, and in the case of other Crown lands means the lessee or licensee, and in the case of land owned by Maoris means the owner or owners:

"Local authority" includes Maori Council.