

New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Amending section 3 of principal Act. 3. Amending Third Schedule to principal Act. 4. Altering date of next general election of members. 5. When and how Chairman elected. 6. When Chairman comes into office. 7. Annual allowance to Chairman. 8. Allowances to members. 9. Lands of Trust unless let for term exceeding six months not deemed rateable property. 10. Extending power to exempt certain lands in Cust Subdivision from Trust's general or separate rates. 11. Directing Registrar or Chief Surveyor to notify Trust of lodgment for registration or deposit of dealings or plans affecting lands adjoining rivers, &c., in Trust's district. 12. Provision for vesting in the Trust the lands described in the First Schedule hereto. 13. Directing Trust within two months of passing of Act to publicly notify purport of sections 12 to 24 (both inclusive). 14. Trust to send notices to all persons having any interest in lands to be vested in Trust. | <ol style="list-style-type: none"> 15. Providing for claims for compensation. 16. Limit of time within which claims for compensation may be made. 17. Procedure, &c., on claims to be (as nearly as may be) same as under Part III of Public Works Act, 1928. 18. Empowering Trust by memorial to District Land Registrar to abandon and divest itself of lands vested by this Act, and such lands shall be deemed re-vested in previous owners. 19. On registration of memorial of abandonment compensation claims and awards to abate except as to costs. 20. Plans to be open for inspection at Trust's public office from passing of Act till twelve months after lands vested. 21. Acceptance of deposit plan by District Land Registrar conclusive that lands therein are the lands vested under section 12. 22. Empowering District Land Registrar, Christchurch, to issue titles for lands affected by memorial of abandonment. 23. Registrar to reissue partially cancelled titles. 24. Compensation payable under Act to be paid by Trust, and Crown under no liability. Schedules. |
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1933, No. 17.—*Local and Personal.*

Title.

AN ACT to amend the Waimakariri River Improvement Act, 1922 ; altering Method of Election of Chairman of Waimakariri River Trust ; providing for Allowances to Chairman and Members of Trust ; vesting certain Lands in the Trust ; and providing for Compensation to Persons suffering Loss from such Vesting.
[20th December, 1933.]

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

Short Title.

1. This Act may be cited as the Waimakariri River Improvement Amendment Act, 1933, and shall be read together with and deemed part of the Waimakariri River Improvement Act, 1922 (hereinafter referred to as the principal Act).

Amending
section 3 of
principal Act.

2. Section three of the principal Act is hereby amended by deleting the following words therefrom, namely : “ The Minister shall declare one of the Commissioners appointed by him to be the Chairman of the Trust ”.

Amending Third
Schedule to
principal Act.

3. The Third Schedule to the principal Act is hereby amended by omitting therefrom the reference to section twenty-seven of the River Boards Act, 1908.

Altering date of
next general
election of
members.

4. The next general election of members of the Trust shall be held on the second Wednesday in the month of May in the year nineteen hundred and thirty-five, and subsequent general elections of members shall be held on the second Wednesday in the month of May in every third year thereafter.

When and how
Chairman
elected.

5. At the first meeting of the Trust held after the month of May in each year until the next general election of members, and at the first meeting of the Trust held in each year after the next general election of members, the Trust shall elect one of its members to be Chairman.

When Chairman
comes into office.

6. The Chairman shall come into office on his election and shall hold office until the election of his successor, and when present shall preside at all meetings.

Annual allowance
to Chairman.

7. (1) The Chairman may be paid such allowance, not exceeding one hundred pounds per annum, out of the General Account of the Trust as the Trust may from time to time fix, but no alteration in the amount

of such allowance shall take place during the term of office of any Chairman.

(2) For the purpose of this section a person re-elected as Chairman shall be considered a new Chairman.

8. The Trust may out of its funds pay to any of its members such remuneration as it may deem reasonable, not exceeding one pound one shilling per diem for every day on which he may be engaged on the business of the Trust other than attendance at committee meetings, and not exceeding ten shillings and sixpence for attendance at each meeting of any committee of the Trust, but the amount payable to any member under this section shall not exceed the sum of twelve pounds twelve shillings in any period of twelve months.

Allowances to members.

9. Lands belonging to or vested in the Trust for river conservation or protection or for drainage purposes, and which are either occupied by the Trust or let by it to a tenant for a term not exceeding six months, shall be deemed not to be rateable property within the meaning of the Rating Act, 1925.

Lands of Trust unless let for term exceeding six months not deemed rateable property.

10. Notwithstanding anything in section two of the Waimakariri River Improvement Amendment Act, 1927, the Trust in making and levying, or directing to be made and levied, any general or separate rate may exempt therefrom the land described in the Third Schedule hereto, although no special rate is levied thereon.

Extending power to exempt certain lands in Cust Subdivision from Trust's general or separate rates.

11. In any case in which any document dealing with any land or interest therein in the district of the Trust, which land adjoins any river or watercourse under the control of the Trust within the Trust's district, shall be presented for registration at the office of the District Land Registrar at Christchurch, and such document has thereon or attached thereto a plan of the land or any portion of the land affected by such document, or in any case in which a plan of any such land shall be presented or prepared at the office of the Chief Surveyor at Christchurch, either for the approval of the Chief Surveyor or for record in his said office, or shall be presented at the office of the said District Land Registrar for approval and deposit, the said District Land Registrar or the said Chief Surveyor (as the case may be) shall, before registering such document or accepting such plan for deposit or record, or approving

Directing Registrar or Chief Surveyor to notify Trust of lodgment for registration or deposit of dealings or plans affecting lands adjoining rivers, &c., in Trust's district.

of the same, give notice of such presentation for registration, or for deposit, record, or approval, to the Trust, by notice in writing by post in a prepaid letter addressed to the Trust at its public office for the time being. No such document shall be registered by the said District Land Registrar, and no such plan shall be accepted for deposit or record by the said District Land Registrar or Chief Surveyor (as the case may be), or be approved of by the said Chief Surveyor, until after the expiration of such time from the date of such notification having been given to the Trust as the District Land Registrar or the Chief Surveyor (as the case may be) in his discretion may deem reasonable.

Provision for vesting in the Trust the lands described in the First Schedule hereto.

12. (1) Not later than the expiration of a period of twelve months after the passing of this Act the Trust may apply to the District Land Registrar at Christchurch, by memorial under the seal of the Trust in the Form Number 1 in the Second Schedule hereto or to effect thereof, for the issue to the Trust of a certificate of title for an estate in fee-simple in respect of the lands generally described in the First Schedule hereto or any part or parts of such lands.

(2) If any land mentioned in the memorial is, in the opinion of the District Land Registrar, not sufficiently set out or delineated on any of the plans mentioned in the said First Schedule, he may require the Trust to present for approval and deposit a plan or plans in compliance with the requirements of the Land Transfer Act, 1915, save that no consent of any person or local authority shall be required.

(3) On presentation of the memorial and on compliance with his requirements (if any) under the last preceding subsection, the District Land Registrar shall, without requiring production of the outstanding copy of the certificate of title,—

- (a) Cause the memorial to be registered against any certificate of title affected thereby; and
- (b) By registered letter send notice of the receipt of the memorial to every person having any interest in any of the lands to which the memorial relates and to every person whose name is set out in the second schedule to the memorial.

(4) Not earlier than six months after the date of the receipt by him of the memorial or the date on which his requirements under subsection two hereof were complied with (whichever date is the later), the District Land Registrar shall issue to the Trust one or more certificates of title for an estate in fee-simple free from all encumbrances, liens, and interests of any description in respect of the lands to which the memorial relates, or such of them as the Trust has not then abandoned its rights thereto as provided in section eighteen hereof.

(5) On the issue of any certificate of title pursuant to the last preceding subsection, the lands comprised therein shall vest in the Trust as endowments, but with unrestricted right for the Trust to use the same for the purposes of its works.

13. Within two calendar months of the passing of this Act the said Trust shall cause a notice of the general purport of sections twelve to twenty-four (both inclusive) of this Act and referring therein particularly to the said plans numbered L.P. 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, and 1275 to be publicly notified not less than three times in the aggregate in some newspaper or newspapers circulating in the district of the Trust and also once in the *New Zealand Gazette*.

Directing Trust within two months of passing of Act to publicly notify purport of sections 12 to 24 (both inclusive).

14. Within the period prescribed by the last preceding section the said Trust shall also cause to be sent to each person who, it is reasonable to suppose, has or might have any claim to or interest in any of the said lands (so far as such persons can be reasonably ascertained) a copy of the said notice referred to in the last preceding section in a prepaid envelope by post addressed to such person at his last known or usual place of abode in New Zealand:

Trust to send notices to all persons having any interest in lands to be vested in Trust.

Provided, however, that the non-receipt thereof by such person shall not in any way invalidate or affect the vesting of any of the said lands or any subsequent proceedings under this Act in regard thereto.

15. Any person (other than the Crown) claiming to have any right, title, or interest (other than as a member of the public) in any lands proposed to be vested pursuant to section twelve hereof or in any lands that will be injuriously affected by such vesting may, by notice in writing served upon the Trust at its public

Providing for claims for compensation.

office, or sent to the Trust at such office in a prepaid envelope by registered post, within the time limited by the next succeeding section, complain to the Trust against such proposed vesting and claim compensation for any damage that will be sustained by or by reason of such vesting.

Limit of time within which claims for compensation may be made.

16. No claim for compensation of any description under this Act shall be made unless the claim referred to in the last preceding section is served upon or received by the Trust before the expiration of six calendar months after the posting of the notice mentioned in paragraph (b) of subsection three of section twelve hereof, and all right and title to any compensation (other than that comprised in any claim so served on or received by the Trust as aforesaid) arising out of any vesting pursuant to the said section twelve shall, after the said period of six months, absolutely cease.

Procedure, &c., on claims to be (as nearly as may be) same as under Part III of Public Works Act, 1928.

17. Any claim made under and in pursuance of the last preceding section shall be made, prosecuted, and determined as nearly as may be in the same form and manner and with the same particularity as if the same were a claim for compensation for lands taken or lands injuriously affected by such taking (as the case may be) under Part III of the Public Works Act, 1928, and the provisions of the said Act (except section forty-five thereof) and any regulations thereunder, including the power of any Court to determine and award costs, shall, so far as the same are applicable, *mutatis mutandis*, apply to any such claim.

Empowering Trust by memorial to District Land Registrar to abandon and divest itself of lands vested by this Act, and such lands shall be deemed revested in previous owners.

18. The Trust may, in its discretion, either before or after the hearing of any such claim for compensation, but not later than three calendar months after the making of any award thereon, abandon its right to any such land vested in it under this Act as may be the subject-matter of any claim made for compensation hereunder by executing under its seal a memorial affecting the said land in or to the effect of the Form Number II set out in the Second Schedule hereto, and causing such memorial to be registered against such land in the Lands Registry Office at Christchurch. The said District Land Registrar is hereby authorized and directed to register any such memorial, and note the same on the certificates of title (if any) affecting the land referred to in any such

Amendment

memorial, and on such registration the lands set out or referred to therein shall be divested from the said Trust, and shall be deemed to be revested in the persons in whom the same were vested immediately prior to the vesting of the same in the trust under this Act (according to their respective rights and interests) together with and subject to all easements, encumbrances, liens, and interests, and all roads, rights of way, or other rights of ingress, egress, or regress over the same at the time of the passing of this Act in the same manner as if this Act had never been passed.

19. On the registration of any such memorial of abandonment against any land the subject-matter of any claim for compensation or any award made thereon under this Act, such claim and all proceedings thereon shall cease and abate, except as to any award made or to be made against the said Trust for the payment of legal and other costs incurred by any claimant in connection with the making and prosecution of such claim.

On registration of memorial of abandonment compensation claims and awards to abate except as to costs.

20. From the date of the passing of this Act until the lodging for deposit with the said District Land Registrar of any plan required in accordance with the requirements of section twelve hereof a true copy of the said plans numbered L.P. 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, and 1275, and deposited in the office of the Chief Surveyor, shall remain open for public inspection free of charge at the public office for the time being of the Trust during office hours, and from and after the date of the lodging for deposit with the said District Land Registrar of any plan required in accordance with the requirements of section twelve hereof until the expiration of twelve calendar months from the date of such lodging true copies of the said plans numbered L.P. 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, and 1275, and of the said plan to be lodged in compliance with section twelve hereof shall remain open for inspection as aforesaid at the public office for the time being of the Trust.

Plans to be open for inspection at Trust's public office from passing of Act till twelve months after lands vested.

21. The acceptance by the said District Land Registrar for deposit of any plan deposited in accordance with the requirements of section twelve hereof shall be conclusive evidence that the lands comprised in and delineated on such plan are lands comprised in or

Acceptance of deposit plan by District Land Registrar conclusive that lands therein are the lands vested under section 12.

delineated on the said plans deposited with the Chief Surveyor as numbers L.P. 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, and 1275, and that the same are vested in the Trust by virtue of this Act.

Empowering District Land Registrar, Christchurch, to issue titles for lands affected by memorial of abandonment.

22. The said District Land Registrar is hereby empowered, at his discretion, to issue a certificate of title under the Land Transfer Act, 1915, to any person he may deem entitled to the same for any estate in fee-simple or any lesser estate, and subject or not to any easements, encumbrances, liens or interest, roads or rights of way, or other rights of ingress, egress, or regress affecting any land described or referred to in any memorial of abandonment registered by him in pursuance of this Act, and he may include in such certificate of title any adjoining land owned by the said person.

Registrar to reissue partially cancelled titles.

23. Upon the partial cancellation of any existing certificate of title pursuant to the provisions of this Act the District Land Registrar shall reissue such partially cancelled certificate of title for the balance of the land comprised therein, or he may issue a new certificate of title for such balance of land.

Compensation payable under Act to be paid by Trust, and Crown under no liability.

24. Any compensation payable under this Act shall be paid by the said Trust, and the Crown shall be under no liability in regard thereto.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

ALL that area in the Canterbury Land District, situated in Blocks VII, VIII, and XII of the Oxford Survey District, Blocks IX, X, XIV, XV, and XVI of the Mairaki Survey District, Blocks XIII, XIV, and XV of the Rangiora Survey District, and Block I of the Christchurch Survey District, and being all the land more particularly delineated on the plans marked L.P. 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, and 1274, deposited in the office of the Chief Surveyor at Christchurch, and thereon bordered red (including parts of the beds, natural and artificial, of the Rivers Cust and Eyre and of the bed of the North Branch of the Old Waimakariri River as shown on the said plan, or any other plans, as provided for in section 12 hereof).

Also all that area in the Canterbury Land District, situated in Blocks VIII and XII of the Mairaki Survey District, and Block IX of the Rangiora Survey District, and being all the land more particularly delineated on the plan marked L.P. 1275, deposited in the office of the Chief Surveyor at Christchurch, and thereon bordered red.

SECOND SCHEDULE.

[Form I.

MEMORIAL REQUESTING ISSUE OF CERTIFICATE OF TITLE.

To the District Land Registrar, Christchurch.

IN pursuance of the provisions of section 12 of the Waimakariri River Improvement Amendment Act, 1933, the Waimakariri River Trust hereby requests you to issue to it a certificate of title for an estate in fee-simple of and in the lands defined in the first schedule hereto free from all encumbrances, liens, or interests of any description as endowments, but with unrestricted right to the Trust to use the said land for the purposes of its works.

The names and addresses of the occupiers of the said lands and of the lands adjoining the same so far as they are known to the Trust are set out in the second schedule hereto.

First Schedule.

Second Schedule.

The seal of the Waimakariri River Trust was hereto
affixed this day of , 19 , in
pursuance of a resolution of the Trust passed on the [SEAL.]
day of , 19 , in the presence of—

..... }
..... } Members of the Trust.

....., Secretary to the Trust.

[Form II.

MEMORIAL OF ABANDONMENT.

WHEREAS, in pursuance of section 12 of the Waimakariri River Improvement Amendment Act, 1933, the lands described in the schedule hereto (*inter alia*) became vested in the Waimakariri River Trust subject to the right of abandonment and divesting contained in section 18 of the said Act: Now these presents witness that the Waimakariri River Trust hereby abandons and divests itself of any interest in the said land which may have become vested in it by virtue of the said section 12, and declares that all interest so abandoned and divested shall henceforth be deemed to be re-vested in the persons in

whom the same was vested immediately prior to the vesting of the same in the Trust in pursuance of the said Act according to their respective rights and interests.

Schedule.

The seal of the Waimakariri River Trust was hereto
affixed this day of , 19 , in
pursuance of a resolution of the Trust passed on the
day of , 19 , in the presence of— } [SEAL.]

..... }
..... } Members of the Trust.

....., Secretary to the Trust.

THIRD SCHEDULE.

ALL that area in the Canterbury Land District, being part of the Cust Subdivision of the Trust District situated in Blocks VI, VII, and VIII of the Mairaki Survey District, in the County of Rangiora, and bounded as follows: commencing at the south-west corner of Rural Section 7332 in Block VI of the Mairaki Survey District; thence by the western boundary of that section to its intersection with the Cust River; thence by the southern bank of such river to its intersection with the road forming the western boundary of Rural Section 6413; thence by the eastern side of such road to the north-west corner of Rural Section 7287; thence by the northern boundary of such section to its intersection with Ashley Road; thence in a general easterly direction following the southern side of Ashley and Terrace Roads to the north-west corner of Rural Section 8884 at the intersection of Terrace and Lower Cust Roads; thence by the northern boundary of Rural Section 8884 to its north-east corner; thence by a right line intersecting Rural Sections 4217, 4206, 4048, and 10813 to the south-east corner of Rural Section 10813; thence following the Cust River to its intersection with the Oxford-Rangiora Railway-line; thence in a general westerly direction following such railway-line to the commencing-point.