



ANALYSIS

Title.	1. Short Title.
	2. Discontinuance of water race.

1955, No. 4

AN ACT to amend the Water Supply Act 1908.

Title.

[12 May 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 Water Supply Amendment Act 1955, and shall be read together with and deemed part of the Water Supply Act 1908 (hereinafter referred to as the principal Act).

Short Title.

See Reprint
of Statutes,
Vol. VIII,
p. 1093

2. (1) The principal Act is hereby amended by inserting, after section fifty-one, the following section:

Discontinuance
of water race.

“51A. (1) The Council may, pursuant to a special order in that behalf, discontinue any water race from a date to be fixed in the special order, being not earlier than three months after the date of the making of the special order.

“(2) Without limiting the power of the Council to have regard to any other relevant matters, the Council, in deciding whether or not any water race should be discontinued, shall have regard to—

“(a) The cost of maintaining the water race;

“(b) The revenue derived by the Council in respect of the water race;

“(c) The number of persons who for the time being are using water from the water race;

“(d) The availability and cost to those persons of any alternative supplies of water; and

“(e) Any change in the circumstances since the construction of the water race.

“(3) Within one month after the date of the making of a special order under this section any person entitled to use the water from the water race may apply to a Magistrate’s Court for an order setting aside the special order. Pending the determination of the application the Council shall not be entitled to discontinue the water race.

“(4) On the hearing of the application the Court, whose decision shall be final, shall determine whether the special order should or should not be set aside, and in the former case the special order shall be deemed to be void.

“(5) Where the Court determines that any such special order shall not be set aside, the Council may discontinue the water race at any time after the expiration of three months from the date of the giving of the decision of the Court.

“(6) All applications to a Magistrate’s Court under this section shall be made by way of originating application in accordance with the rules of that Court, and the fees prescribed by those rules in respect of originating applications shall be payable.

“(7) Notwithstanding anything in section seventy-five of this Act, the provisions of this section shall apply with respect to water races to which the said section seventy-five applies.”

(2) The principal Act is hereby consequentially amended as follows:

(a) By inserting in subsection one of section thirty-one, after the word “alteration”, the words “or discontinuance”:

(b) By inserting in subsection one of section fifty-one, after the word “abandoned”, the words “or discontinued”.
