

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]

House of Representatives, 24th August, 1928.

Hon. Mr. Nosworthy.

ASHBURTON WATER-SUPPLY (LAGMHOR CREEK).

[LOCAL BILL.]

ANALYSIS.

- Title.
- Preamble.
- 1. Short Title.
- 2. Tinwald Town District constituted part of Ashburton Water-race District.
- 3. Empowering Ashburton County Council to take full control of Lagmhor Creek and its branches and diversions, and declaring same a water-race.

- 4. Constituting Lagmhor Creek and its branches and diversions an integral part of the Ashburton Water-race District and declaring occupiers of land adjacent to be subject to the Water-supply Act, 1908, and to by-laws of Ashburton County Council.
- 5. Validation of past acts of Ashburton County Council in respect of Lagmhor Creek and its branches and diversions within Tinwald Town District.

A BILL INTITULED

Struck out.

5 AN ACT constituting the Tinwald Town District Part of the Ashburton Water-race District, and placing Lagmhor Creek and its Branches and Diversions within the Area of the Tinwald Town District under the Full Control of the Ashburton County Council as a Water-race and Part of the Ashburton Water-race System. Title.

New.

10 AN ACT placing Lagmhor Creek and its Branches and Diversions within the Area of the Tinwald Town District, under the full Control of the Ashburton County Council, as a Water-race and Part of the Ashburton Water-race System.

Struck out.

15 WHEREAS the Ashburton County Council has from time to time declared the whole (or major part) of the Ashburton County to be a water-race district under the provisions of the Water-supply Act, 1908 : Preamble.
 20 And whereas at the time of the constitution of such district the Tinwald Town District did not form part of the said Ashburton County : And whereas a certain stream commonly called the Lagmhor Creek flows
 25 partly through the said Ashburton Water-race District and partly through the Tinwald Town District : And whereas such Lagmhor Creek has always been treated by the Ashburton County Council having control over the Ashburton Water-race District as an integral part of the said Ashburton Water-race System, and the said Ashburton County Council has for some time past exercised powers over the said Lagmhor

Struck out.

Creek above and below the Town of Tinwald, and has also with the consent of the Tinwald Town Board exercised certain powers over the said Lagmhor Creek within the said Tinwald Town District: And whereas it is deemed desirable both by the Ashburton County Council and the Tinwald Town Board that the Ashburton County Council should be enabled to exercise full and unrestricted power and control over the said Lagmhor Creek and its branches and diversions within the area of the Tinwald Town District: And whereas it is now deemed expedient that the Town District of Tinwald should be merged and included in and constituted part of the said Ashburton Water-race District in the same manner as if such Tinwald Town District formed part of the Ashburton County, anything to the contrary in the Water-supply Act, 1908, or the Town Boards Act, 1908, or their amendments notwithstanding: And whereas by the provisions of subsection two of section six of the Water-supply Act, 1908, no town district shall be included in any water-race district constituted by a County Council unless by a separate petition signed by not less than one-half of the ratepayers within such town district representing at least three-fifths of the rateable value of the rateable property in the town district: And whereas it is deemed difficult and impracticable to comply with the provisions of such subsection two of section six of the Water-supply Act, 1908: And whereas the Tinwald Town Board is agreeable and has consented to the inclusion of the Tinwald Town District in the Ashburton Water-race District and to the said Lagmhor Creek and its branches and diversions flowing through the Tinwald Town District being placed under the full control of the Ashburton County Council as a water-race and part of the Ashburton Water-race system:

New.

WHEREAS the Ashburton County Council has from time to time declared the whole (or major part) of the Ashburton County to be a water-race district under the provisions of the Water-supply Act, 1908: And whereas the Tinwald Town District does not form part of the said Ashburton County: And whereas a certain stream commonly called the Lagmhor Creek flows partly through the said Ashburton Water-race District and partly through the Tinwald Town District: And whereas such Lagmhor Creek has always been treated by the Ashburton County Council having control over the Ashburton Water-race District as an integral part of the said Ashburton water-race system, and the said Ashburton County Council has for some time past exercised powers over the said Lagmhor Creek above and below the Town of Tinwald, and has also, with the consent of the Tinwald Town Board, exercised certain powers over the said Lagmhor Creek within the said Tinwald Town District: And whereas it is deemed desirable both by the Ashburton County Council and the Tinwald Town Board that the Ashburton County Council should be enabled to exercise full and unrestricted power and control over the said Lagmhor Creek and its branches and diversions within the area of the Tinwald Town District: And whereas the Tinwald Town Board is agreeable and has consented to the said Lagmhor Creek, its branches and diversions, flowing through the Tinwald Town District being placed under the full control of the Ashburton County Council as a water-race and part of the Ashburton water-race system:

BE IT THEREFORE 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 Ashburton Water-supply (Lagmhor Creek) Act, 1928. Short Title.

Struck out.

2. It is hereby declared that the whole of the Tinwald Town District shall be and is hereby constituted part of the Ashburton Water-race District under the provisions of the last-mentioned Act in the same manner as if such Tinwald Town District formed part of the Ashburton County, anything to the contrary in the Water-supply Act, 1908, or the Town Boards Act, 1908, or their amendments notwithstanding.

Tinwald Town District constituted part of Ashburton Water-race District.

3. The Ashburton County Council is hereby empowered to take full control of the stream known as the Lagmhor Creek and its branches and diversions and the water therein within the area of the Tinwald Town District, and the said Lagmhor Creek and its branches and diversions, notwithstanding that the Tinwald Town Board may have exercised acts of authority and jurisdiction over the same, shall be deemed to be a water-race within the meaning of the Water-supply Act, 1908.

Empowering Ashburton County Council to take full control of Lagmhor Creek and its branches and diversions, and declaring same a water-race.

4. The whole of such Lagmhor Creek and its branches and diversions are hereby constituted an integral part of the Ashburton Water-race System, and the occupiers of land adjacent to such creek and its branches and diversions are hereby declared to be subject to provisions of the Water-supply Act, 1908, and *subject as is hereinafter mentioned* to the by-laws of the Ashburton County Council made under the provisions of that Act.

Constituting Lagmhor Creek and its branches and diversions an integral part of the Ashburton Water-race District and declaring occupiers of land adjacent to be subject to the Water-supply Act, 1908, and to by-laws of Ashburton County Council.

4A. Nothing herein or in the said by-laws contained shall operate so as to render any such adjacent occupiers or any other person or persons whomsoever resident within the area of the Tinwald Town District liable for payment of annual water rates or annual water charges, but in all other respects the said by-laws shall operate, apply, and be of full force and effect.

Excluding adjacent occupiers and others resident within the Tinwald Town District from liability for water charges.

5. Notwithstanding anything to the contrary in the Water-supply Act, 1908, or the Town Boards Act, 1908, or their amendments, any acts done or powers ~~of~~ of jurisdiction exercised heretofore by the Ashburton County Council in respect of such Lagmhor Creek and its branches and diversions within the area of the Tinwald Town District are hereby validated.

Validation of past acts of Ashburton County Council in respect of Lagmhor Creek and its branches and diversions within Tinwald Town District.