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Hon. Mr. Richardson.

PUBLIC WORKS ACT 1882 AMENDMENT.

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A BILL INTITULED

AN ACT to amend "The Public Works Act, 1882."

WHEREAS it is desirable that "The Public Works Act, 1882," should be so amended as to enable Her Majesty to resume possession of land necessary for fortifications and other works connected therewith:

BE IT THEREFORE 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 Public Works Act 1882 Amendment Act, 1885."

2. In this Act, if not inconsistent with the context,—  
 "Public work" means and includes any fortification or other work, however designated, constructed, or intended to be used for the purposes of defence, and all roads and other works that may be requisite for approach to or otherwise necessary or convenient for the purposes of any such public works:

"Obstruction" means and includes houses and erections of any kind, trees, shrubs, fences, banks, mounds, ditches, and generally any erection or thing which would or at any time might interfere with the range of fire from any public work, or obstruct the clear view therefrom, or be available for any hostile purpose against such fortification.

No. 90.—1.

Title.

Preamble.

Short Title.

Interpretation.

“The said Act” means “The Public Works Act, 1882,” and includes any Act amending that Act.

Minister may take land for fortification purposes.

3. The Minister is hereby empowered, on behalf of Her Majesty the Queen, to take any lands that may be necessary for the construction of any public work, and also to require that any lands shall be kept free from obstruction in respect of the use of any such work, and from time to time to exercise all such powers and authorities as are contained in the said Act and this Act. 5

Minister may erect or construct fortifications.

4. The Minister for Public Works may, whenever he deems it expedient, authorize any officer, surveyor, or other person or persons to enter on any land he may deem necessary for defence purposes, and erect or construct any public work thereon, without complying with any of the provisions of Part II. of the said Act. 10

After the entry by the Minister on any lands taken as aforesaid, the provisions of Part II. of the said Act shall, so far as applicable, apply and extend to such lands, except that the twentieth section of the said Act shall not apply to any lands taken or affected by this Act. 15

Preceding sections to apply to land kept free from obstructions.

5. The preceding sections of this Act shall extend and apply to cases where the land affected is to be kept free from obstruction, except that such land shall not vest absolutely in Her Majesty; but the Proclamation issued in respect thereof shall have the effect of a separate covenant between every person having any estate or interest in the land, and all persons claiming under him, with Her Majesty the Queen, that such land shall at all times be kept free from obstruction within the meaning of this Act, unless the Minister shall agree to the release of such covenant, either wholly or in part, which he is hereby empowered to do in any case he thinks fit. And on the deposit of the Proclamation and map, in accordance with section twelve of the said Act, the proper officer of the District Land Registry Office for the district where such land is, shall make such entries in respect thereof, and do such acts and sign such documents as the Governor in Council may from time to time prescribe. 20 25 30

Compensation for land taken, how settled.

6. Compensation for the land taken or required to be kept free from obstruction shall be settled by a compensation Court in the manner provided by Part III. of the said Act; but no person shall have any claim to compensation by reason of the firing of artillery from any fortification or the use or working thereof or otherwise under this Act, except for land actually taken or required to be kept free from obstruction under the powers of this Act. 35

Penalty for destroying, altering, &c., fortification, &c.

7. Every person who, on land taken or required to be kept free from obstruction under this Act, shall mutilate, deface, take away, destroy, or alter the position of any fortification, building, erection, survey-peg, mark, or pole set up or affixed thereon, or who shall construct or set up any erection of any kind on any such land without authority of the Minister, or who wilfully obstructs any officer, surveyor, or his assistants or workmen engaged in carrying on any works authorized to be executed or constructed under this Act, or any survey of any land taken or required as aforesaid, shall be liable to a penalty not exceeding *fifty* pounds. 40 45

Saving of existing law under which breaches of this Act could be punished.

8. Nothing herein shall be deemed to interfere with or restrict the provisions of any other law or statute under which any such person could be punished for any such offence, so as such person be not punished twice for the same offence. 50

9. If, in any case where by this Act the Minister is authorized to take possession of or to enter upon any lands affected by or subject to the operation of this Act, any person refuses to give up possession thereof, or obstructs the Minister or any person or persons authorized  
5 by him in taking such possession or entering upon the same for any purpose authorized by or under this Act, any Resident Magistrate may issue his warrant under his hand empowering any constable to deliver possession of such lands to the person named in the warrant, and such warrant shall be sufficient authority to any such constable  
10 to enter on the said lands, and deliver possession thereof accordingly.

Penalty for refusing to give up possession of land or obstructing Minister.

10. All land which subsequently to the first day of January last has been taken, used, or occupied for the purposes of any fortification or any works connected therewith in any part of the colony, shall be deemed to have been so taken, used, or occupied under this Act, and  
15 every person who shall have entered upon any such land by the authority of or on behalf of the Government of the colony is hereby indemnified from all actions and proceedings in respect of such entry, use, or occupation, or the construction or erection of such fortification or works thereon; and no owner or person having any estate  
20 or interest in such land shall have any claim or demand in respect thereof otherwise than under this Act.

Land taken for fortifications previous to coming into operation of this Act deemed to have been taken under this Act.

If any action or prosecution has been or shall hereafter be commenced for or arising out of any of the matters aforesaid, the person or persons who may have taken, used, or occupied any such land for  
25 the purposes and in the manner aforesaid, may apply to a Judge of the Supreme Court in a summary way to stay such action or prosecution upon such terms as the Judge thinks fit, and the same shall be stayed by the said Court accordingly.

Proceedings against persons who have taken land for fortifications previous to the coming into operation of this Act may be stayed.

All claims to compensation in respect of such entry, use, or  
30 occupation, or the doing of any such acts as hereinbefore mentioned, may be made and settled under this Act, and proceedings for that purpose shall be commenced within three months after the passing of this Act.

Claims to compensation to be settled under this Act, and proceedings to be commenced within three months.