

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,

1st November, 1904.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. Hall-Jones.

PUBLIC WORKS AMENDMENT.

ANALYSIS.

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1. Short Title.	9. Powers of Borough Council to acquire land.
2. Private railway or tramway not to be opened without certificate of inspection.	10. Section 121 of principal Act amended as regards closing roads on river-banks.
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A BILL INTITULED

AN ACT to amend "The Public Works Act, 1894."

Title.

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 Public Works Amendment Act, 1904"; and it shall form part of and be read together with "The Public Works Act, 1894" (hereinafter referred to as "the principal Act"). Short Title.
- 10 2. Section two hundred and thirty of the principal Act is hereby amended by adding thereto the following subsection:— Private railway or tramway not to be opened without certificate of inspection.

"(2A.) No railway or portion thereof shall be opened unless and until the Minister has intimated in writing to the proprietors thereof that he has received from an engineer appointed under section two hundred and twenty-seven hereof a certificate that the railway or portion thereof is safe and fit for traffic."
- 15 3. Section two hundred and thirty-one of the principal Act (providing for notice of accidents on private railways or tramways being given) is hereby amended by adding, after the words Section 231 of principal Act amended.

20 "employed thereon," the words "or with serious damage to the line, appliances, rolling-stock, or plant."
- 25 4. (1.) The Minister may cause an inquiry to be held in such manner as he thinks fit as to any accident referred to in section two hundred and thirty-one of the principal Act as amended by the Inquiry as to accidents.

last preceding section, and, for the purpose of preventing the recurrence of any such accident, may direct the proprietors of the railway to make such alterations as he thinks fit in the construction or equipment of the railway, or of the rolling-stock, plant, or machinery employed thereon or in connection therewith, or in the method of

30 working the same, and to discontinue the working of the railway or

the use of such rolling-stock, plant, or machinery, or the method of working the same, as the case may require, until such alteration has been made.

(2.) If any such direction is not complied with the proprietors of the railway shall be liable to a fine not exceeding *two hundred* pounds for every day during which such non-compliance continues. 5

Transfers of land abutting on certain roads may be registered.

5. The provisions of ~~subsection one of section two or subsection one of sections two and three~~ of "The Public Works Act, 1903," shall not be deemed to prevent the registration of any transfer or conveyance of any allotment or subdivision of land abutting on any road or street of not less than forty feet in width shown on any plan of subdivision deposited in any Land Registry Office or Deeds Register Office before the passing of "The Public Works Acts Amendment Act, 1900." 10

Expenditure of "thirds" and "fourths."

6. Where any local authority is notified that accrued "thirds" or "fourths" are available for expenditure, and for a period of not less than eighteen months fails to utilise the same, the Minister for Public Works may give such local authority six months' notice to put in hand works approved by the Land Board to the value thereof; and if during that period they fail so to do, the expenditure of the "thirds" or "fourths" as aforesaid may be undertaken by the Minister, and all rights of the local authority thereto shall be determined. 15 20

Extended powers of the Governor over Government roads.

7. All the rights and powers vested in any local authority by any Act in respect to,— 25

(a.) The care, management, or control of roads or streets;

(b.) The management, restriction, or prohibition of any traffic thereon;

(c.) The use of any vehicle, engine, machine, or thing thereon, including the power to impose any charge or tax thereon; 30

(d.) The abatement or prohibition of any nuisance thereon;

(e.) The power to make and enforce by-laws for any or all of such purposes,

may, in the case of a Government road, or road or street being constructed, improved, or maintained by Government, be exercised by the Governor. 35

Taking land for paddocks for driven cattle.

8. Land may be taken under the principal Act by any local authority for the purpose of paddocking driven cattle as if such purpose were a public work.

Powers of Borough Council to acquire land.

9. The powers conferred on a Council by subsection three of section two hundred and three of "The Municipal Corporations Act, 1900," to acquire land shall not be limited to Part II. of the principal Act, but may be exercised in such manner provided by that Act as the circumstances of the case require. 40

Struck out.

Section 121 of principal Act amended as regards closing roads on river-banks.

10. Notwithstanding the provisions of section one hundred and twenty-one of the principal Act, referring to roads along the bank of a river, the Governor, by Order in Council, may consent to the stopping of any such road in terms of section twelve of "The Public Works Act Amendment Act, 1900," on being satisfied that through natural causes any such road has become unfit for general use, and that another road has been provided in lieu thereof: 50

Provided that the closing of such road shall not prejudice the rights of the public to access to the river.

11. Paragraph (j) of subsection two of section one hundred and thirty of the principal Act is hereby amended by the addition of the words "or the weight of the load which any traction-engine may draw."

Additional powers to make by-laws regulating weight of load of traction-engines.

5 12. (4.) Section one hundred and thirty-eight of the principal Act is hereby amended by the insertion of the words "~~or in consequence of~~" after the word "by" in line six thereof, and of inserting after the words "by whose order" the words "or for whose benefit" after the word "~~order~~" in line seven thereof.

Extraordinary traffic: section 138 of the principal Act amended.

10 *Separate clause (formerly part of clause 12).*

(2.) 12A. (1.) Where the local authority is of opinion that the carriage of any particular weight, or the conduct of any particular kind of traffic, will cause serious injury to a road, the local authority may ~~by public notice forbid~~ make a by-law forbidding such carriage or traffic unless the cost, as estimated by the local authority, of reinstating the road shall previously be paid to it: *Provided that the provisions of paragraph (c) of section two of "The Public Works and Government Railways Act, 1895," shall apply to every such by-law.*

20 (2.) Every person concerned in carrying a weight or conducting any traffic on a road in contravention of the terms of such public notice shall be who commits a breach of any such by-law is liable to a fine not exceeding twenty pounds.

25 13. A local authority may by by-law prohibit the cutting of grass for seed ~~in~~ on any road or street under its control without the previous consent in writing of such authority, and such by-law may apply to all roads or streets under the control of the authority, or to any specified road or street, and for the whole year or to any specified part of the year.

Grass-seed on road or street.

30 14. *So far as the County of Selwyn is concerned* subsection two of section two of "The Public Works Act, 1903," is hereby amended by repealing the following words: "where the road or street is in a borough or town district."

Subsection (2) of section 2 of Act of 1903 amended.