

Mr. Izard.

PUBLIC WORKS AMENDMENT.

ANALYSIS.

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| Title.
1. Short Title.
2. Amendment of section 116, Public Works Act, 1908.
3. Provisions of principal Act to apply.
4. Owners, &c., to furnish statement of compensation claimed. | 5. Local authority may apply to Court to determine amount of compensation.
6. If local authority abandons proposal, costs incurred to be paid to owners, &c.
7. Section 146 of principal Act amended. |
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A BILL INTITULED

AN ACT to amend the Public Works Act, 19058.

Title.

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

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| 5 | 1. This Act may be cited as the Public Works Amendment Act, 1908, and it shall form part of and be read together with the Public Works Act, 19058 (hereinafter referred to as the principal Act). | Short Title. |
| 10 | 2. Anything in the Public Works Act, 19058, or any other Act to the contrary notwithstanding, where the configuration of any district or inexpedient to construct a street or road of the width of not less than sixty-six feet, the local authority having control of streets or roads within such area may by resolution so declare, and the Governor | Amendment of section 116, Public Works Act, 1908. |
| 15 | may by Order in Council permit and authorise the local authority to permit the construction of a street or road not being less than twenty feet in width upon condition that no building shall be erected within thirty-three feet from the centre of such street or road. | |
| 20 | 3. The provisions of section three, subsection one (b), subsection three of section one hundred and seventeen of the Public Works Act Amendment Act, 1906, principal Act shall apply to such resolution and Order in Council. | Provisions of principal Act to apply. |

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| 25 | 4. When and so soon as any local authority proposing to take any land for any public work shall have taken the proceedings prescribed by section eighteen of the principal Act, such local authority may by notice in writing call upon each and every person having an interest in such land, either as owner or occupier or otherwise, to furnish in writing to the said local authority a statement | Owners, &c., to furnish statement of compensation claimed. |
| 30 | of the amount of compensation which would be claimed by him | |

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in respect of such interest in the event of such land being so taken, and if on receipt of such statements of claim the local authority shall elect not to proceed, then such local authority shall refund to each such person any reasonable costs and expenses incurred by him in ascertaining or assessing such compensation. 5

Local authority may apply to Court to determine amount of compensation.

5. If the compensation claimed in respect of such land is, in the opinion of the local authority, excessive, or if any person shall have failed to furnish the statement of claim mentioned in the preceding section, then the local authority may apply to the Court to fix and determine the amount of compensation to be paid, in the event of such land being taken, to each owner, occupier, or other person having an interest therein. 10

If local authority abandons proposal, costs incurred to be paid to owners, &c.

6. If, upon the amount of compensation being so ascertained and fixed by the Court, the local authority shall elect not to apply for the issue of a Proclamation under subsection (d) of section nineteen of the said Act, then such local authority shall gazette a notice under the hand of the chairman or clerk that the proposal to take the land is abandoned, and thereupon every owner, occupier, or other person in respect of whose interest the Court shall have made any award shall be entitled to payment by the local authority of the proper costs and expenses incurred by him up to the date of such notice of abandonment, and the amount thereof shall, where necessary, be fixed by the Court. 20

Section 146 of the principal Act amended.

7. Section one hundred and forty-six of the principal Act is hereby amended by inserting in the fourth line thereof next after the word "street," the words following—namely, "or to obscure or partially obscure the view at any bend, corner, or junction, so as to render such road or street dangerous to traffic." 25