

Hon. Mr. Batchener.

PUBLIC WORKS AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p style="text-align: center;"><i>Aerodromes.</i></p> <p>2. Authorizing the taking, &c., under the principal Act of land required for an aerodrome.</p> <p>3. Term "local authority" to include recognized aviation authorities, if incorporated.</p> <p>4. Fixing maximum height of buildings and trees in vicinity of aerodromes for protection thereof.</p> <p>5. Removal of trees, buildings, &c., rendering aerodromes unsafe for aviation purposes.</p> <p>6. Minister may direct local authority to serve a notice under either of last two preceding sections and in default may serve notice on its behalf.</p> <p style="text-align: center;"><i>Irrigation and Water-supply.</i></p> <p>7. Section 277 of principal Act amended. Consequential repeal.</p> <p>8. Extending powers of Minister as to supply of water.</p> <p>9. Registration of charge against land and produce for moneys unpaid for supply of water where no irrigation agreement is registered.</p> <p style="text-align: center;"><i>Supply of Electrical Energy.</i></p> <p>10. Section 311 of principal Act (as to Minister's powers) amended.</p> | <p style="text-align: center;"><i>Electric Lines and Works.</i></p> <p>11. Interpretation.</p> <p>12. Electric lines and works to be constructed, &c., only pursuant to license. Exceptions.</p> <p>13. Regulations.</p> <p>14. Damage to electric lines and works.</p> <p>15. Prohibiting dealings with electric lines or works installed by licensees.</p> <p>16. Consequential repeals. Savings. Validation of certain regulations.</p> <p>17. Offence to bring any thing within prohibited relationship to an electric line.</p> <p style="text-align: center;"><i>Gates across Roads.</i></p> <p>18. Section 141 of principal Act (as to gates across roads) amended.</p> <p>19. Cattle-stops in conjunction with swing-gates on roads.</p> <p style="text-align: center;"><i>Miscellaneous.</i></p> <p>20. Prohibiting acquisition of rights by adverse user of land taken, &c., for public work.</p> <p>21. Section 9 of principal Act (as to execution of contracts for Government works) amended.</p> <p>22. Section 35 of principal Act (as to sale of land not wanted) amended.</p> <p>23. Motor-lorry regulations may authorize deduction of cost of apportioning license fees.</p> <p>24. Certain matters not to invalidate regulations.</p> |
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A BILL INTITULED

Title.	AN ACT to amend the Public Works Act, 1928.	
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—	5
Short Title.	1. This Act may be cited as the Public Works Amendment Act, 1935, and shall be read together with and deemed part of the Public Works Act, 1928 (hereinafter referred to as the principal Act.)	
See Reprint of Statutes, Vol. VII, p. 622		
	<i>Aerodromes.</i>	10
Authorizing the taking, &c., under the principal Act of land required for an aerodrome.	2. (1) The Governor-General or a local authority is hereby empowered to take or otherwise acquire under the provisions of the principal Act any area of land required for the purposes of an aerodrome.	
Ibid., Vol. I, p. 431	(2) Where any aviation authority that is a body corporate and is recognized under section three of the Local Authorities Empowering (Aviation Encouragement) Act, 1929, requires to take any land for the purposes of an aerodrome, the Governor-General, on the application and at the proper cost and charges of the aviation authority, may take the land or any part thereof under the principal Act, as for a public work under that Act.	15 20
	(3) All the provisions of the principal Act shall apply accordingly for the purposes of the <i>last preceding</i> subsection, but the effect of the Proclamation taking the land shall be to vest the land in the aviation authority instead of in His Majesty, and all proceedings after the issue of that Proclamation in respect of compensation and otherwise in respect of complying with the principal Act shall be against the aviation authority, and that authority shall be deemed to be the respondent, and shall be liable in respect of the taking in the same manner and to the same extent as His Majesty or the Minister would be liable in respect of the taking of the land for a Government work under the principal Act.	25 30 35
Term "local authority" to include recognized aviation authorities, if incorporated.	3. For the purposes of sections <i>four, five, and six</i> of this Act, the expression "local authority" includes an aviation authority that is a body corporate and is recognized under section three of the Local Authorities Empowering (Aviation Encouragement) Act, 1929.	40
Ibid., p. 431		

4. (1) For the purpose of making any aerodrome safe for aviation purposes the Minister, or the local authority controlling the aerodrome, may, by notice gazetted and publicly notified,—

Fixing maximum height of buildings and trees in vicinity of aerodromes for protection thereof.

5 (a) Prohibit, either absolutely or beyond the height specified in the notice, the erection, placing, or extension, without the consent of the Minister, of any building, pole, mast, or other structure of any kind on the land described in the notice :

10 (b) Limit the height to which trees may be grown on the land described in the notice without the consent of the Minister.

(2) A copy of the notice shall be served on the owners and occupiers of the land described in the notice, and all other persons having any interest in the land so far as they can be ascertained.

(3) Within *twenty-eight* days after the public notification of the notice, any owner or occupier of any land described in the notice, or any other person having any interest in the land, may, by complaint under the Justices of the Peace Act, 1927 (the provisions whereof shall, with the necessary modifications, apply), require the Minister or the local authority, as the case may be, to show cause before a Magistrate why the notice should not be set aside. On the hearing of the complaint the Magistrate, whose decision shall be final, shall decide whether the notice should or should not be set aside, and in the former case the notice shall be deemed to be void.

See Reprint of Statutes, Vol. II, p. 351

(4) Any notice under subsection *one* of this section may at any time in like manner be revoked or varied, and in the latter case the provisions of subsections *two* and *three* hereof shall apply to the notice as varied.

35 (5) If any notice as aforesaid is not set aside under subsection *three* hereof, a copy of the *Gazette* containing the notice shall be transmitted to the District Land Registrar or the Registrar of Deeds, as the case may require, who shall, without fee, deposit the copy in his office and register against the title to all land affected thereby a memorial that the land is subject to restrictions imposed by a notice under this section as specified in the deposited *Gazette* (which shall be identified by its date and also by the deposit number, if any).

(6) In the case of a notice which is registered as aforesaid, if any building, pole, mast, or other structure is erected, placed, or extended, or if any such work is commenced or continued, or if any tree is allowed to grow, in breach of the notice, the person for whom the work is done or who allows the tree to grow shall be liable to a fine of *twenty* pounds for every day during which the breach continues, and the Minister or the local authority, as the case may be, may cause the land to be entered upon and the breach remedied, and the cost of so doing may be recovered from that person as a debt due to the Crown or the local authority, as the case may be. 5 10

(7) The Minister may in any case, in his discretion, withhold his consent under subsection *one* of this section or give it unconditionally or subject to such conditions as he thinks fit. 15

(8) Any person having any interest in any land injuriously affected by the withholding of any such consent, or by the giving of consent subject to conditions, shall be entitled to compensation from the Minister where he served the notice or from the local authority where it served the notice, and if the compensation is not agreed upon it shall be determined as provided in the principal Act. 20

(9) No claim for compensation in respect of any decision of the Minister under subsection *seven* of this section shall be made after the expiration of twelve months from the date of the decision. 25

Removal of trees, buildings, &c., rendering aerodromes unsafe for aviation purposes.

5. (1) In any case where any tree, building, pole, mast, or other structure on any land interferes in any way with the use by aircraft of any aerodrome, the Minister, or the local authority controlling the aerodrome, may by notice in writing served on the owner and the occupier of the land and on all other persons having any interest in the land, or in the building, pole, mast, or other structure, so far as they can be ascertained, require the removal, lowering, or trimming of the tree, or the removal or lowering of the building, pole, mast, or other structure, to the satisfaction of the Minister or the local authority, as the case may be, within *two months* after service of the notice. 30 35 40

(2) Within *twenty-eight* days after the service of the notice any owner or occupier of the land, or any other person having any interest in the land, or in

the building, pole, mast, or other structure, may by complaint under the Justices of the Peace Act, 1927 (the provisions whereof shall, with the necessary modifications, apply), require the Minister, or the local authority, as the case may be, to show cause before a Magistrate why the notice should not be set aside. On the hearing of the complaint the Magistrate, whose decision shall be final, shall decide whether the notice should or should not be set aside, and in the former case the notice shall be deemed to be void.

See Reprint
of Statutes,
Vol. II, p. 351

(3) In the case of a notice which is not set aside as aforesaid, if the notice is not duly complied with within *two months* after the service thereof, or within *two months* after the Magistrate's decision, whichever period is the later to expire, the Minister or the local authority, as the case may be, may cause the land to be entered upon and the work to be done.

(4) The Minister, where he served the notice, or the local authority, where it served the notice, shall be liable to pay compensation for any damage, expense, or loss occasioned by the exercise of any of the powers conferred by this section, and if the compensation is not agreed upon it shall be determined as provided in the principal Act.

(5) No claim for compensation under this section shall be made after the expiration of twelve months from the doing of the work required by the notice.

6. (1) In any case where, in the opinion of the Minister, a notice under either of the last *two preceding* sections should be served by the local authority having the control of any aerodrome, the Minister may direct the local authority to serve a notice under and to exercise the powers conferred by the section concerned, and if it fails to serve the notice within two months after being so directed, the Minister may serve the notice and exercise the powers on behalf of the local authority, and may recover all costs, charges, and expenses incurred in so doing from the local authority in any Court of competent jurisdiction as a debt due to His Majesty.

Minister may
direct local
authority to
serve a notice
under either of
last two
preceding
sections and in
default may
serve notice on
its behalf.

(2) For the purposes of compensation, every notice served by the Minister under this section shall, if it contains a statement to that effect, but not otherwise, be deemed to have been served by the local authority specified in the notice.

Irrigation and Water-supply.

Section 277
of principal Act
amended.

7. (1) Section two hundred and seventy-seven of the principal Act is hereby amended as follows:—

(a) By repealing subsections one and two thereof, and substituting the following subsection:—

“ (1) Either before or after any Order in Council is issued authorizing the Minister to construct any water-race or water-supply works the Minister, for and on behalf of His Majesty the King, may enter into contracts with the owner or occupier of any land or the holder of any mining privilege for the supply of water from the works on such terms and conditions and for such consideration as the Minister thinks fit ” :

(b) By omitting from subsection three thereof the words “ In such case ” :

(c) By omitting from the said subsection three the words “ such contract ”, and substituting the words “ a contract to take such quantity of water, on such terms and conditions, and for such consideration, as the Governor-General thinks reasonable ”.

(2) Subsection eleven of section two hundred and seventy-eight of the principal Act is hereby repealed.

Consequential
repeal.

Extending
powers of
Minister as to
supply of water.

8. (1) In addition to the powers conferred on him by the principal Act, the Minister may, for and on behalf of His Majesty the King, supply water from any water-race, water-supply works, or irrigation works, constructed, maintained, or controlled by the Minister, whether under the authority of the principal Act or otherwise, to any person on such terms and conditions and for such consideration as the Minister thinks fit.

(2) The provisions of the principal Act shall apply with respect to every agreement made in writing for the supply of water under this section as if it were an irrigation agreement made under section two hundred and seventy-seven of that Act.

Registration of
charge against
land and
produce for
moneys unpaid
for supply of
water where no
irrigation
agreement is
registered.

Cf. 1933,
No. 41, s. 36

9. (1) If at any time any moneys are due to the Crown and unpaid in respect of water supplied by or on behalf of His Majesty to or for the benefit of any land in respect of which no irrigation agreement is registered, the District Engineer of the Public Works Department for the district in which the land is situated may, without fee, deposit with the District Land Registrar or the Registrar of Deeds, as the case may be, in the land registration district in which the land is situated

a certificate under his hand describing the land and specifying the amount due and unpaid in respect thereof, and the Registrar shall thereupon register the certificate in respect of that land. While the certificate is so
5 registered no transfer, conveyance, mortgage, lease, or other instrument affecting the land, or any estate or interest therein, or any part thereof, shall be registered without the prior consent of the Minister.

(2) The moneys specified in a certificate registered
10 under this section in respect of any land shall, until payment thereof, be a charge on the land, and on the stock for the time being depastured on the land, and on the produce of that land and stock, and on the proceeds of the sale of that stock or produce or any part thereof.
15 The charge shall be deemed to have been created at the time of the registration of the certificate, and that registration shall be deemed to be registration of the charge for the purposes of the Statutory Land Charges Registration Act, 1928.

(3) In the case of land held under a lease or license a
20 charge under this section shall extend to the interest (if any) of the lessee or licensee in any improvements to the land, or in any moneys that may be payable by the lessor or licensor or by an incoming tenant or otherwise
25 for any such improvements, whether during the term of the lease or license or thereafter.

(4) Every charge created by virtue of this section shall, save as hereinafter provided, have priority over all
30 existing or subsequent mortgages, instruments by way of security, charges, assignments, or encumbrances howsoever created. Notwithstanding anything to the contrary in any other Act, if any land or other property subject to a charge created by this section is also subject to a
35 charge created by that other Act, the charges shall rank equally with each other unless by virtue of that other Act the charge created thereby would be deferred to the charge created by this section.

(5) If, at any time while any moneys specified in a
40 certificate registered under this section in respect of any land are unpaid, any person who is not otherwise liable to pay those moneys receives the whole or any portion of the stock for the time being depastured on the land, or of the produce of that land or stock, or of the proceeds of the sale of that stock or produce or any part thereof,

See Reprint
of Statutes,
Vol. VII, p. 1280

he shall be liable to pay to the Crown as a debt due by him the moneys so due and unpaid, or the value of the stock and produce and the amount of proceeds so received by him, whichever is the less.

(6) In addition to all other powers and remedies conferred on him by any Act, agreement, or instrument, His Majesty the King shall, for the recovery of the moneys specified in any certificate registered under this section in respect of any land, have the same powers and remedies under the Land Transfer Act, 1915, or under the Property Law Act, 1908, as the case may be, as if the certificate were a mortgage of that land in favour of His Majesty.

See Reprint
of Statutes,
Vol. VII, pp.
1181, 1077

(7) Upon payment to the Crown of the full amount in respect of which a certificate has been registered under this section, the District Engineer shall forthwith cause a withdrawal of the certificate to be registered, and the District Land Registrar or the Registrar of Deeds, as the case may be, shall, without fee, register the withdrawal.

(8) Notwithstanding anything to the contrary in the Land Transfer Act, 1915, a certificate or a withdrawal of a certificate under this section may be registered in respect of any land that is protected by a caveat in the Form L in the Second Schedule to that Act.

Ibid., p. 1244

(9) The foregoing provisions of this section, with the substitution of references to the Mining Registrar for references to the District Land Registrar or the Registrar of Deeds, as the case may be, and with all other necessary modifications, shall apply with respect to moneys due for the supply of water to mining privileges, as if a mining privilege were land to which the Property Law Act, 1908, applied.

Supply of Electrical Energy.

Section 311 of
principal Act
(as to Minister's
powers)
amended.

10. Section three hundred and eleven of the principal Act is hereby amended as follows:—

- (a) By inserting, after the word “construct” in paragraph (a) of subsection one, the word “purchase”:
- (b) By omitting from the said paragraph (a) the words “the utilization of water-power for”, and also the words “when so generated”:
- (c) By inserting, after the said paragraph (a), the following new paragraph:—

- 5 “(aa) Purchase electrical energy, and arrange for the maintenance or provision by other persons of such works, appliances, and conveniences as may be necessary to make electrical energy available as and when required by the Minister upon such terms and conditions as he thinks fit”:
- (d) By omitting from paragraph (b) of the said subsection one the words “when so generated”:
- 10 (e) By inserting, in paragraph (e) of the said subsection one, after the words “sell electrical energy”, the words “upon such terms and conditions as the Minister thinks fit”.

Electric Lines and Works.

15 11. (1) For the purposes of Part XIII of the principal Act,— Interpretation.

20 “Electric line” or “electric line or work” means any wire or wires or other conductor, instrument, apparatus, device, or means used or intended to be used or reasonably capable of being used for generating, transmitting, transforming, converting, distributing, or otherwise conducting electrical energy, or for the consumption or application of electrical energy, or for purposes of radio-telegraphy, radio-telephony, radio-vision, the radio-transmission of electrical energy, or the radio-control of apparatus; and includes any insulator, casing, tube, pole, or support, or any other thing, whether of similar kind or not, connected with or used for the purposes of an electric line or work:

“Licensee” means the holder of a license issued under the *next succeeding* section.

35 (2) This section and sections *twelve* to *seventeen* of this Act shall be deemed to be part of Part XIII of the principal Act.

40 (3) Part XIII of the principal Act shall not apply to any electric line or work which is used exclusively for purposes of telegraphy or telephony (other than radio-telegraphy or radio-telephony), nor to any electric line or work which is used exclusively for the transmission, consumption, or application of electrical energy for electric tramway purposes under the authority of an authorizing order issued under the Tramways Act, 1908.

See Reprint
of Statutes,
Vol. VI, p. 910

Electric lines
and works to be
constructed,
&c., only
pursuant to
license.

Exceptions.

(4) Except as provided in the principal Act, the provisions of Division II of the Post and Telegraph Act, 1928, shall not apply to electric lines or works, not being wireless-telegraphic apparatus within the meaning of that Act, to which Part XIII of the principal Act applies. 5

12. (1) Notwithstanding anything to the contrary in any Act, no person shall construct, maintain, or use any electric line or work except under the authority of a license issued by the Governor-General in Council under this section. The issuing of any such license shall be in the discretion of the Governor-General. Every person who commits a breach of this provision is liable to a fine of *one hundred* pounds. 10

(2) A license may be issued under this section in such form and upon and subject to such terms and conditions as may be prescribed or as the Governor-General in Council thinks fit. No license issued (whether before or after the passing of this Act) under this section or under the authority of any enactment repealed by this Act, and no condition in any such license, shall be deemed to be invalid because the form of the license or the condition, as the case may be, has not been prescribed by regulations under this Act or any other Act. 15 20

(3) Subsection *one* hereof shall not apply to any electric line or work— 25

(a) If the electrical energy for the purposes of the electric line or work is supplied exclusively under the authority of a license under this section, and is consumed entirely within the limits of the premises in which it is so supplied and entirely within the limits of the area within which the license authorizes electrical energy to be supplied; or 30

(b) If the electric line or work is not constructed, maintained, or used, or is not intended to be constructed, maintained, or used, beyond the limits of the premises in which the electrical energy is generated for the purposes of that electric line or work. 35

(4) For the purposes of paragraph (b) of the *last preceding* subsection an electric line or work shall not be deemed to be constructed, maintained, or used, or intended to be constructed, maintained, or used, beyond the limits of the premises in which the electrical energy is generated 40

for the purposes of that electric line or work by reason of the fact that the premises are divided by a road, street, railway, or stream, and that the electric line or work is constructed, maintained, or used, or intended to be constructed, maintained, or used, across the road, street, 5 railway, or stream for the purpose of connecting the severed portions of the premises ; but with respect to the construction, maintenance, and use of any such electric line or work the following provisions shall apply :—

10 (a) No person shall construct, maintain, or use any electric line or work across any road, street, railway, or stream dividing any premises for the purpose of connecting the severed portions of the premises, except under the authority of a permit issued to him by the Minister under 15 this section :

(b) In issuing any permit the Minister may impose such conditions as to the construction, maintenance, and use of the electric line or work as he thinks fit :

20 (c) A permit shall not be granted for a longer period than *five* years from the date of the issue thereof, but may from time to time be renewed by the Minister for successive periods not exceeding *five* years at any one time on the same terms or on such other terms as he thinks fit :

(d) The Minister may at any time revoke any permit.

25 13. (1) The Governor-General may from time to time, Regulations.
by Order in Council, make regulations—

30 (a) Prescribing forms of licenses under the *last preceding* section :

(b) Prescribing conditions upon which licenses may be issued, and conditions to which they shall be subject :

35 (c) Providing for the transfer and surrender of licenses, whenever issued, and for the revocation of any license issued after the passing of this Act :

(d) Providing for the manner in which permits issued under the *last preceding* section may be revoked :

40 (e) Authorizing and controlling the construction, maintenance, use, inspection, and testing of electric lines or works, and the inspection and testing of materials, appliances, apparatus, and accessories intended to be used in the construction,

maintenance, or use of electric lines or works, and prohibiting the manufacture and sale of any appliances, apparatus, and accessories not so authorized to be constructed or used :

- (f) Providing for the alteration or removal, at the expense in each case of the owner thereof, of dangerous electric lines or works, and of electric lines or works constructed, maintained, or used in breach of the *last preceding* section, or of any regulation made under this section, or of any condition to which a license or permit is subject :
- (g) Defining what may be deemed a dangerous electric line or work for the purposes of any regulations hereunder :
- (h) Prescribing fees to be paid in connection with any application for a license or permit, or on the issue of any license or permit, or for any inspection or testing authorized by any regulations hereunder :
- (i) Prescribing fees to be paid by a consumer to any licensee for reconnection of supply after it has been lawfully disconnected, for the testing of meters if required by a consumer, and for inspection on completion of new installations, save that one such inspection shall in all cases be carried out without fee :
- (j) Prescribing fines, not exceeding *one hundred* pounds in any case, for the breach of any regulation made under this section or for the breach of any condition to which a license or permit is subject :
- (k) Generally for the purpose of giving effect to the provisions of this Act and the principal Act relating to electric lines or works.

(2) Regulations made under this section may apply to all licenses or permits, or to any specified class or classes of licenses or permits, and may apply to all electric lines or works, or to any specified class or classes thereof, whether or not constructed, maintained, or used pursuant to a special Act or pursuant to a license or permit issued under this or any other Act, and shall so apply notwithstanding the provisions of any special Act or the terms of any conditions to which a license or permit is subject, and whether the special Act is passed or the license or permit is issued before or after the coming into force of the regulations.

14. (1) Every person who by any act or omission causes damage or a reasonable apprehension of damage to any electric line or work shall be liable for the cost of repairing the damage so caused and of taking reasonable steps to prevent the damage so apprehended. Such cost may be recovered in the manner in which fines are recoverable under the principal Act.

Damage to electric lines and works.

(2) Every person who unlawfully and maliciously cuts or injures any electric line or work with intent to cut off supply of electrical energy commits an offence, and is liable to imprisonment for a term of *two* years or to a fine of *one hundred* pounds, or to both such imprisonment and such fine.

(3) Every person who unlawfully and maliciously cuts or injures any electric line or work in such a manner as to cause the line or work to become dangerous to human life or likely to cause serious injury to any person commits an offence, and is liable to imprisonment for a term of *ten* years or to a fine of *five hundred* pounds, or to both such imprisonment and such fine.

15. (1) Where any licensee, for the purpose of supplying electrical energy pursuant to a license issued under this Act, places or leaves any electric line or work belonging to the licensee in or upon any premises in the possession of any other person in pursuance of an agreement in writing which provides that the property in the electric line or work shall not pass from the licensee in any event, or shall not so pass until the happening of specified events, or shall only conditionally so pass until the happening of specified events, the following provisions of this section shall have effect.

Prohibiting dealings with electric lines or works installed by licensees.

(2) The agreement, and any assignment thereof, whether absolute or by way of mortgage, shall be valid and effectual for all purposes without registration under the Chattels Transfer Act, 1924.

(3) The electric line or work shall not be deemed to be in the order and disposition of any person other than the licensee within the meaning of any law relating to bankruptcy or insolvency.

See Reprint of Statutes, Vol. I, p. 632

(4) No person other than the licensee shall have any right to sell, deal with, or dispose of the electric line or work otherwise than as may be specially provided in the agreement or specially authorized by the licensee; and no sale, dealing, or other disposition purporting to

be made by any person other than the licensee otherwise than as so provided or authorized shall be effectual to confer title upon any person as against the licensee or his assigns.

(5) The electric line or work shall, notwithstanding any rule of law to the contrary, remain and be deemed to have remained in all respects a chattel although it may have been fixed or attached to any land or building, and shall be removable by the licensee at any time after he has become entitled to the possession of it under the provisions of the agreement. 5

(6) The *last three preceding* subsections shall apply so long as the electric line or work remains subject to the agreement, and thereafter so long as it remains in or upon the premises and is either the property of the licensee or subject to a further agreement under subsection *one* of this section. 10

(7) This section shall not apply to any electric line or work which at the passing of this Act is the subject of any action or proceeding in any Court of law. 20

(8) This section shall be in addition to and not in restriction of section fifty-seven of the Chattels Transfer Act, 1924.

See Reprint
of Statutes,
Vol. I, p. 655

Consequential
repeals.

16. (1) Sections *eleven* to *fifteen* of this Act are in substitution for sections three hundred and nineteen to three hundred and twenty-two of the principal Act. 25

(2) The said sections three hundred and nineteen to three hundred and twenty-two are hereby accordingly repealed, and with respect to those sections the following provisions shall apply :— 30

Savings.

(a) All offices, appointments, Proclamations, Orders in Council, orders, warrants, regulations, notifications, records, licenses, permits, agreements, instruments, and generally all acts of authority which originated under any of the said sections or any corresponding enactment previously in force and are subsisting or in force on the passing of this Act shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated : 35 40

(b) All matters and proceedings commenced under any of the said sections three hundred and nineteen to three hundred and twenty-two or any corresponding enactment previously in force and pending or in progress on the passing of this Act may be continued, completed, and enforced under the corresponding provisions of this Act.

(3) The Electrical Supply Regulations, 1935, and the Electrical Wiring Regulations, 1935 (both dated the twenty-third day of July, nineteen hundred and thirty-five, and published in the *Gazette* of the sixth day of September, nineteen hundred and thirty-five), are hereby declared to be valid and to have been valid from the respective dates on which they purported to come into force.

Validation of certain regulations.

17. (1) Where by virtue of any Act, regulation, or by-law (whether passed or made before or after the passing of this Act) it is an offence in any circumstances to erect or place an electric line in a specified relationship to any other thing, it shall be an offence in the same circumstances to erect or place any such thing in the specified relationship to an electric line :

Offence to bring any thing within prohibited relationship to an electric line.

Provided that this subsection shall not be construed to make it an offence to do anything that is authorized by and done in conformity with the provisions of any Act, regulation, or by-law.

(2) The penalty for an offence against this section shall be the same as the penalty provided by the Act, regulation, or by-law for the offence created thereby, unless, in the opinion of the Court by which the offender is convicted, the penalty is not appropriate, in which case, as well as in any case where no penalty is provided by the Act, regulation, or by-law, the penalty for an offence against this section shall be a fine of *one hundred* pounds.

Gates across Roads.

18. Section one hundred and forty - one of the principal Act is hereby amended by inserting, after the words "sparsely populated district", the words "or of any road that in the opinion of the Minister or the local authority is difficult to fence may erect or".

Section 141 of principal Act (as to gates across roads) amended.

Cattle-stops in
conjunction
with swing-gates
on roads.

19. (1) In any case where, pursuant to section one hundred and forty-one or to section one hundred and forty-two or to section one hundred and forty-four of the principal Act, a swing-gate has been erected across a road, or the erection of such a gate is authorized (in either case whether before or after the passing of this Act), the Minister or the local authority having control of the road may erect, or may by writing permit any person to erect, a cattle-stop across the road in conjunction with the gate. 5 10

(2) Subject to the provisions of this section, sections one hundred and forty-one, one hundred and forty-two, and one hundred and forty-four to one hundred and forty-six of the principal Act shall apply with respect to every such cattle-stop as if it were a part of the gate in conjunction with which it is erected or is proposed to be erected. 15

(3) Permission to erect a cattle-stop across any road shall not be granted unless and until notice of any application in that behalf has been given at least once in each of two consecutive weeks in some newspaper circulating in the district, and the cost of the notices shall be defrayed by the person applying for permission. 20

(4) The erection of any gate and cattle-stop, or of any cattle-stop in conjunction with an existing gate, shall not be commenced unless and until plans of the gate and cattle-stop have been submitted to and approved by the Minister. The Minister may make such alterations in or additions to the plans as he thinks fit, and may require the erection of such protective and warning devices as he deems necessary; and the cattle-stop and gate shall be erected in accordance with such plans and requirements, and in such position as the Minister directs. 25 30

(5) Neither the Minister nor the local authority shall be liable for damages in respect of any accident arising out of the existence of a cattle-stop on any road. 35

(6) All such cattle-stops as aforesaid erected before the passing of this Act shall be deemed to have been lawfully erected. 40

Miscellaneous.

20. (1) Notwithstanding any statute of limitation, no title to any land held, taken, purchased, acquired, or set apart for any public work, and no right, privilege, or easement in, upon, or over any such land, shall be acquired by possession or user adversely to or in derogation of the title of His Majesty or of any local authority in which the land is vested.

Prohibiting acquisition of rights by adverse user of land taken, &c., for public work.

(2) The foregoing provisions of this section shall be in addition to and not in restriction of the provisions of section sixty of the Land Transfer Act, 1915.

See Reprint of Statutes, Vol. VII, p. 1184

21. Section nine of the principal Act is hereby amended by omitting the words "by the Governor-General on his behalf", and substituting the words "on his behalf by the Governor-General, or by the Minister, or by any person authorized by the Minister in that behalf, either generally or in respect of any specified contract or of any specified class or classes of contracts".

Section 9 of principal Act (as to execution of contracts for Government works) amended.

22. Section thirty-five of the principal Act is hereby amended by repealing paragraph (b), and substituting the following paragraph:—

Section 35 of principal Act (as to sale of land not wanted) amended.

"(b) The Minister or the local authority, as the case may be, shall cause the land to be sold either by private contract to the owner of any adjacent lands, at a price fixed by a competent valuer, or by public auction or by public tender. Public notice shall be given of every auction or invitation for tenders under this section, and, in addition, written notice thereof shall be served on every owner of land adjacent to the land proposed to be sold, so far as they can be ascertained, not later than *ten* days before the date fixed for the auction or for the closing of the tenders, as the case may be:"

Motor-lorry
regulations may
authorize
deduction of
cost of
apportioning
license fees.

23. Section one hundred and sixty-six of the principal Act is hereby amended by adding to paragraph (e) of subsection two the following words: "and for the deduction from the license fees and payment to the Minister or to a local authority of such amounts or 5 proportions as the Minister determines in respect of the cost of making the apportionment or of collecting and distributing the license fees".

Certain
matters not to
invalidate
regulations.

24. No regulation under this Act or under the principal Act shall be deemed invalid because it delegates 10 to or confers upon the Governor-General or upon any other person or body any discretionary authority, whether judicial, administrative, or otherwise.