

Hon. Sir W. J. Steward.

PUBLIC WORKS AMENDMENT (No. 2).

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A BILL INTITULED

AN ACT to amend the Public Works Act, 1908.

Title.

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

Short Title.

1. This Act may be cited as the Public Works Amendment Act, 1908 (No. 2).

2. (1.) Where a local authority has complied with the provisions of section eighteen of the Public Works Act, 1908 (hereinafter called the principal Act), it may, if it thinks fit, cause a notice to be gazetted and to be twice publicly notified calling upon all persons having any estate or interest in the land proposed to be taken to make their claims for compensation within one year from the first publication of such notice, and shall in such notice state that in the event of any such person not making his claim within that time all claims by him for compensation in the event of the land being taken as hereinafter provided will be barred.

Power of local authority to notify intention to take land.

(2.) The local authority shall also cause a copy of such notice to be served upon all persons known to such local authority to have any estate or interest in the said land.

(3.) Claims for compensation under this Act shall be made, and compensation in respect of such claims shall be awarded, with reference to the value of the land and other circumstances as existing at the date of the first publication of the said notice.

(4.) The provisions of sections thirty-nine to forty-three of the principal Act shall, with any necessary modifications, apply to every such claim.

3. In the event of any such person not making a claim for compensation within the time aforesaid, and of the land being taken as hereinafter provided, all right or title of such person to compensation in respect of such land shall absolutely cease.

Compensation barred unless claimed within a year from the notice.

Local authority may take the land within three months after the year, otherwise to pay claimant's costs.

4. The local authority may, not later than three calendar months after the expiration of the said year, proceed under section nineteen of the principal Act to take the land, but on failing so to proceed, or in the event of the land not being taken under the next section, shall pay to each such person as aforesaid who has made a claim for compensation within the time hereinbefore limited in that behalf any reasonable costs and expenses incurred by him in or about the making of his claim, such costs and expenses to be recovered as a debt in any Court of competent jurisdiction. 5

Procedure to follow upon the taking of the land.

5. If the Governor, in consequence of proceedings taken by the local authority under the *last preceding* section, declares by Proclamation publicly notified that the said land is taken, then the local authority may within sixty days from the gazetting of such Proclamation give notice in writing to each claimant that it does not admit the claim made by him as aforesaid, and all other proceedings shall be taken as provided in the principal Act in the case of a claim made under that Act after land has been taken, the time of the gazetting of the said Proclamation being deemed substituted for the date of the receipt of the claim; and every such claim shall be deemed a claim for compensation made under the principal Act, and shall be heard and determined accordingly. 10 15 20

Principal Act to apply where land is taken thereunder.

6. Nothing in this Act shall be deemed to prevent the local authority from proceeding to take land in accordance with the provisions of the principal Act and without giving the notice mentioned in section *two* of this Act, but in that case compensation shall be claimed and awarded as provided by that Act. 25

This Act not to apply to compensation where land not taken.

7. This Act shall not apply to any claim for compensation not made in respect of the taking of land.