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Hon. Mr. Hall-Jones.

PUBLIC WORKS.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Section 17 of principal Act not to apply to roads for railways. Repeal.</p> <p>3. Section 24 of principal Act amended.</p> <p>4. Repeal. Notice that claim is not admitted. Claim to be filed in Supreme Court. Extended time for giving notice.</p> <p>5. Where land subdivided, road to give access to be dedicated to public use.</p> <p>6. Where land fronts road or street of less width than 66 ft. frontage to be set back. Compensation.</p> <p>7. Dedication of road or street.</p>	<p>8. Questions in dispute to be referred to Minister of Lands.</p> <p>9. Interpretation.</p> <p>10. Repeals.</p> <p>11. Definition of "Minister." Repeal.</p> <p>12. Chief Engineer of Roads.</p> <p>13. Plans of roads taken. Compensation.</p> <p>14. Roads in town districts.</p> <p>15. Registration of Proclamations under the Land Act.</p> <p>16. Maintenance and construction of road used by other districts.</p> <p>17. Section 151 of principal Act amended.</p> <p>18. Section 2 of Act of 1895 amended.</p> <p>19. Approaches to railway.</p>
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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 Act, 1902," 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.

2. (1.) The provisions of section seventeen of the principal Act shall not apply to the taking of lands for roads in connection with railways, and such lands may be taken in the manner prescribed by subsections one, two, and four of section eighteen of the principal Act.

Section 17 of principal Act not to apply to roads for railways.

15 (2.) Section three of "The Public Works Acts Amendment Act, 1900," is hereby repealed.

Repeal.

20 3. Section twenty-four of the principal Act (prescribing the mode of recording a Proclamation taking lands which is not registerable) is hereby amended by repealing the words "and of the map referred to therein."

Section 24 of principal Act amended.

4. Section forty-four of the principal Act is hereby repealed, and the following substituted in lieu thereof :—

Repeal.

25 " (1.) If the respondent does not within sixty days after receiving such claim give notice in writing to the claimant that he does not admit it, he shall be deemed to have admitted the claim, and shall not thereafter dispute the same except as hereinafter provided.

Notice that claim is not admitted.

30 " (2.) If on the expiration of such sixty days the respondent has not given the notice referred to in the preceding subsection, the claimant may file a copy of his claim, together

Claim to be filed in Supreme Court.

with the receipt for the service thereof, in the Supreme Court; and thereupon such claim shall have the effect of a judgment of the Supreme Court, and may (subject to the provisions of this Act) be enforced accordingly.

Extended time for giving notice.

“(3.) Notwithstanding that any claim has been filed as aforesaid, the Supreme Court or a Judge thereof may, if it appears reasonable so to do, set aside the claim, and, if necessary, stay or set aside any proceedings subsequent to the filing of the claim, and may allow further time within which the respondent may give the notice referred to in this section, and on such terms as the Court or Judge deems just.” 5

Where land subdivided, road to give access to be dedicated to public use.

5. (1.) Where land is subdivided so that any subdivision has not a frontage to an existing road or street, the owner of the land shall provide and dedicate as a public road or street a strip of land of not less than sixty-six feet in width, giving access to such subdivision from some existing road or street. 15

(2.) If in a borough or town district, the owner shall form and metal the road or street so dedicated to the satisfaction of the local authority, and shall also construct in connection therewith such drains and footpaths as may be agreed upon between the owner and the local authority. 20

(3.) If outside a borough or town district, the owner shall form the road to such width and in such manner as the local authority considers necessary. 25

Where land fronts road or street of less width than 66 ft. frontage to be set back.

6. (1.) Where land having a frontage to an existing road or street of a less width than sixty-six feet is disposed of, whether by way of sale, gift, or devise, or by lease for any term which (with the term of any renewal thereby provided) is not less than fourteen years, or is subdivided for the purpose of such disposal, the owner shall set back the frontage of the land to a distance of at least thirty-three feet from the centre line of the road or street, and shall dedicate as a public road or street the strip of land between the frontage-line as so set back and the frontage-line as previously existing: 30

Provided that this subsection shall not apply in any case where the local authority by resolution declares that the provisions hereof shall not apply to any road or street, and such resolution is approved by the Minister. 35

(2.) In cases where the frontage on either side of any road or street has already been set back under the operation of this or any other Act, or voluntarily by the owner, or by arrangement with the local authority, the centre line of the road or street shall be taken to mean the centre of the road or street as it originally existed; and in cases where a road or street is not of uniform width throughout its entire length, the Chief Surveyor of the district shall define the centre line of such road or street. 40 45

Compensation.

(3.) Where the area of the land at the time of such disposal or subdivision together with any contiguous land the property of the same owner did not exceed one acre, but not otherwise, the owner shall be entitled to compensation by the local authority for the land so dedicated; such compensation to be assessed under the provisions of the principal Act. 50

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7. (1.) The dedication required by the *two* last preceding sections shall be by instrument in writing under the hand of the owner, and registered by him in the office of the District Land Registrar, or, as the case may require, of the Registrar of Deeds.

Dedication of road or street.

5 (2.) The Registrar shall refuse to register any instrument affecting the land unless and until he is satisfied that the owner has complied with the requirements of this and the *two last preceding* sections, or unless, in the case of the disposition or subdivision of land under section *six* hereof, the instrument is accompanied with  
10 a certified copy of a resolution of the local authority, as mentioned in subsection *one* of that section.

(3.) The road or street so dedicated shall be deemed to be vested in and under the control of the Borough Council where the road or street is within a borough, and in all other cases shall be  
15 deemed to be vested in His Majesty, and shall be under the control of the local authority.

8. If any question or dispute arises between the owner and a local authority, or the owner or local authority and the Registrar, concerning any matter provided for in sections *five* to *seven* hereof,  
20 such question or dispute shall be referred to the Minister of Lands, whose decision in writing shall be final and conclusive on all parties; and he may for the purposes of such decision cause an inquiry to be held in the manner set forth in section one hundred and fourteen of the principal Act.

Questions in dispute to be referred to Minister of Lands.

25 9. For the purposes of sections *five* to *eight* hereof—

Interpretation.

“Owner” means the owner in fee-simple, whether beneficially or as trustee, and includes a mortgagee acting in exercise of power of sale, the Public Trustee, and any local authority, Board, or other body or authority, howsoever  
30 designated, constituted, or appointed, having power to dispose of land by way of sale or lease.

10. The provisions of sections *five* to *nine* hereof are in substitution of those contained in sections twenty and twenty-one of “The Public Works Acts Amendment Act, 1900,” and in “The  
35 Public Works Amendment Act, 1901,” which enactments are hereby accordingly repealed.

Repeals.

11. (1.) In the application of the principal Act and this Act to the taking and closing of land for roads or bridges and to compensation therefor, and in all other matters relating to roads or bridges,  
40 ferries, fords, tolls, or other structures or works on roads, the expression “Minister” wherever it occurs throughout the Act means the Minister of Lands.

Definition of “Minister.”

(2.) Section ninety-nine of the principal Act is hereby repealed.

Repeal.

12. (1.) The Governor may from time to time appoint a fit  
45 person to be Chief Engineer of Roads, who shall, under the Minister’s direction, administer such of the provisions of the principal Act and of any other Act, including this Act, relating to roads, bridges, ferries, and fords, and the taking of land therefor respectively, as the Minister directs.

Chief Engineer of Roads.

50 (2.) The officer at present holding the position of Chief Engineer of Roads shall be deemed to have been appointed under this Act.

13. (1.) The District Land Registrar or the Registrar of Deeds of the district is hereby authorised and required to register the plans referred to in subsection four of section one hundred of the principal  
55 Act when presented for registration by or on behalf of the Chief Engineer of Roads, together with a certificate under his hand that

Plans of roads taken.

the road to which the plans and certificate refer has been used and formed as provided by that subsection, and that subsection is hereby amended accordingly.

Compensation.

(2.) Where a plan has been deposited under the said subsection four or under this section at the instance of a local authority, and it is afterwards found that the area taken is in excess of what ought to be taken, the local authority shall be liable for compensation for such excess in the manner prescribed in Part III. of the principal Act. 5

Roads in town districts.

14. Section one hundred and two of the principal Act is hereby amended by adding thereto the following subsection next before subsection four thereof:-- 10

“(3B.) The Governor may in like manner declare that any road or street constructed or controlled by the Governor within the limits of a town district shall be under the control and management of the Town Board.” 15

Registration of Proclamations under the Land Act.

15. Where land is proclaimed under section thirteen of “The Land Act, 1892,” as a street or road, or where any street or road is closed under the same section, the District Land Registrar shall register the Proclamation in manner provided by section twenty-three of the principal Act. 20

Maintenance and construction of road used by other districts.

16. (1.) For the purpose of giving effect to section eight of “The Public Works Acts Amendment Act, 1900,” the provisions of section one hundred and thirteen of the principal Act shall, *mutatis mutandis*, apply in the case of the construction or reconstruction of the road, and the provisions of section one hundred and fourteen of the same Act in the case of the maintenance of the road. 25

(2.) The word “road” in the said section eight and in this section includes, in the case of a borough, a street or other thoroughfare. 30

(3.) The foregoing provisions of this section shall be deemed to have been in operation from the twentieth day of October, one thousand nine hundred.

(4.) No apportionment under the said section eight shall hereafter be made unless the Governor is of opinion that the traffic on any road arising outside the district in which the road is situated is in excess of the traffic on the same road arising within the district in which the road is situated. 35

Section 151 of principal Act amended.

17. Section one hundred and fifty-one of the principal Act (providing a penalty for persons plying for hire across a stream near a ferry or bridge) is hereby amended by inserting, after the words “in any boat or punt” (wherever they occur), the words “or other conveyance.” 40

Section 2 of Act of 1895 amended.

18. Section two of “The Public Works and Government Railways Acts Amendment Act, 1895” (relating to by-laws regulating heavy traffic), is hereby amended by repealing the words “within twelve months” in subsection one thereof. 45

Approaches to railway.

19. Where in the construction of any railway it is found necessary to divert any road or street, and where any road or street approach to a railway-station is constructed in connection with any railway, such road or street diversion and so much of such approach road as lies outside the boundary-fences of the railway shall, on completion, be under the control of the local authority of the district, and, if within a borough, shall vest in the Council thereof. 50