

Hon. Mr. Hall-Jones.

PUBLIC WORKS.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Where land sold, road to give access to be dedicated to public use. Repeal.</p> <p>3. Where land fronts road or street of less width than 66 ft., frontage to be set back. Repeal.</p> <p>4. Maintenance and construction of road used by other districts.</p> <p>5. Heavy-traffic by-laws.</p> <p>6. Definition of "public work" extended.</p> <p>7. Section 100 of principal Act amended.</p>	<p>8. Roads in town districts.</p> <p>9. Section 11 of Amendment Act, 1900, amended.</p> <p>10. Section 151 of principal Act amended.</p> <p>11. Section 167 of principal Act amended.</p> <p>12. Section 231 of principal Act amended.</p> <p>13. Inquiries as to accidents.</p> <p>14. Land for public work to be taken under principal Act.</p> <p>15. Taking land for defence purposes.</p> <p>16. Forest plantations and preservation of scenery "public works."</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, 1903"; 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.) Where the owner of any land sells any part thereof he shall (unless such part has a frontage to an existing road, street, or private street) 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 part from some existing road, street, or private street:

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

Provided that this section shall not extend or apply to the sale of land to the owner of any adjoining land, nor to any case where the local authority is satisfied that the land sold is not intended to be used for the erection of a dwellinghouse, and resolves that this section shall not apply.

(2.) The owner shall form the road or street so dedicated to the satisfaction of the local authority, and shall, if so required by the local authority, metal the road or street, or any required portion thereof, to the satisfaction of the local authority, and shall also, where the road or street is in a borough or town district, construct in connection therewith such drains and footpaths as may be agreed upon between the owner and the local authority.

(3.) The dedication 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.

(4.) 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 section.

(5.) 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 deemed to be vested in His Majesty, and shall be under the control of the local authority. 5

(6.) For the purposes of this section—

“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 designated, constituted, or appointed, having power to dispose of land by way of sale or lease; 10 15

“Sale” includes gift, exchange, or other disposition affecting the fee-simple, and lease for any term (including renewals under the lease) of not less than fourteen years. 15

Repeal.

(7.) This section is in substitution for section twenty of “The Public Works Acts Amendment Act, 1900,” and that section is hereby accordingly repealed. 20

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

3. (1.) Where land having a frontage to an existing road or street of a less width than sixty-six feet is sold, or is subdivided for the purpose of sale, 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 so set back and the frontage line as previously existing: 25

Provided that this section shall not apply in any case where the local authority, by resolution, declares that the provisions hereof shall not apply to any specified road or street, or any specified part thereof, and such resolution is approved by the Minister. 30

(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. 35

(3.) The owner of the land so dedicated shall be entitled to compensation by the local authority in which the control of the road or street is vested; such compensation to be assessed under the provisions of the principal Act. 40

(4.) Subsections three to six of the *last preceding* section shall apply to this section.

Repeals.

(5.) This section is in substitution for section twenty-one of “The Public Works Acts Amendment Act, 1900,” and that section, and “The Public Works Amendment Act, 1901,” are hereby repealed. 45

Maintenance and construction of road used by other districts.

4. (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. 50

(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.

5 5. Subsection two of section thirteen of "The Public Works Acts Amendment Act, 1900," is hereby repealed, and the following subsection substituted in lieu thereof:—

"(2.) Any such by-law may prescribe—

10 " (a.) For the weighing of any vehicle or machine at any weighbridge;

" (b.) For the marking of the weight of any vehicle or machine on such vehicle or machine, and imposing a fine not exceeding *twenty* pounds for the incorrect marking of any such weight;

15 " (c.) For the weighing or measurement of the contents of any vehicle or machine at any weighbridge, or for the computation of the weight or measurement of such contents from the cubical or superficial measurement thereof."

20 6. The definition of "public work" in section two of the principal Act is hereby amended by inserting, after the word "Ordinance," the words "or for the construction or undertaking of which money is appropriated by Parliament."

7. Subsection of four section one hundred of the principal Act is hereby amended by repealing all words after the words "by or on behalf of," and substituting in lieu thereof the words "the Minister."

25 8. Section one hundred and two of the principal Act is hereby amended by adding thereto the following subsection next before subsection four thereof:—

30 "(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."

9. Section eleven of "The Public Works Acts Amendment Act, 1900," is hereby amended by repealing the words "of Lands."

35 10. Section one hundred and fifty-one of the principal Act (imposing a penalty on persons plying for hire across a stream near a ferry or bridge) is hereby extended to any case where the plying for hire is done by or by means of any mode of conveyance whatever.

40 11. Paragraph (e) of section one hundred and sixty-seven of the principal Act (authorising the taking of lands for railways) is hereby amended by adding, after the words "take any land required for the railway," the words "or for any road or street diversion in connection therewith, or road or street approach thereto."

45 12. 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 repealing the word "serious," and adding, after the words "employed thereon," the words "or with damage to the line, electric appliances, rolling-stock, or plant."

50 13. (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 *last preceding* section, and may direct the proprietors of the railway to make such alterations as he thinks fit in the construction or equip-

Heavy-traffic
by-laws.

Definition of
"public work"
extended.

Section 100 of
principal Act
amended.

Roads in town
districts.

Section 11 of
Amendment Act,
1900, amended.

Section 151 of
principal Act
amended.

Section 167 of
principal Act
amended.

Section 231 of
principal Act
amended.

Inquiries as to
accidents.

ment of the railway, or of the rolling-stock, plant, or machinery employed thereon or in connection therewith, or in the method of 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. 5

(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.

Land for public work to be taken under principal Act.

14. Section eleven of the principal Act is hereby repealed, and the following substituted in lieu thereof:— 10

“Land required for any public work may be taken under the provisions of this Act—

“(a.) If for a Government work, by the Minister;

“(b.) If for a local work, by the local authority.” 15

Taking land for defence purposes.

15. Land required for parade-grounds, camping-grounds, or rifle ranges, or for approaches thereto, may be taken as for a public work and in the manner prescribed by Part IX. of the principal Act for taking land for defence purposes.

Forest plantations and preservation of scenery “public works.”

16. Land may be taken under the principal Act for forest plantations or for the preservation of scenery as if such purposes were public works within the meaning of that Act. 20