

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
21st November, 1903.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. Hall-Jones.

PUBLIC WORKS.

[ANALYSIS.]

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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.

10 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.

15 Provided that this section shall, so far as it relates to land within a borough, be read subject to the provisions of section two hundred and thirty-six of "The Municipal Corporations Act, 1900," and 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

20 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, where the road or street is in a borough or town district, if so required by the local

25 authority, metal the street, or any required portion thereof, 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.

(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

(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. 10

(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; 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. 20

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. 25

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

3. (1.) Where ~~land having the part sold as aforesaid has a frontage to an existing road or street of a less width than sixty-six feet is subdivided into allotments 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, and the land so dedicated shall form part of such existing road or street: 30

Provided that this section shall not apply in any case where the local authority having control of the road or street, 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~~ *Governor in Council*. 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. 40

(3.) The owner of the land so dedicated shall be entitled to compensation by the local authority having control of the road or street; such compensation to be assessed under the provisions of the principal Act. 45

(4.) If any question or dispute arises hereunder between the owner and a local authority, or the owner or local authority and the District Land Registrar or Registrar of Deeds, such question or dispute shall be referred to the Minister, 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. 50

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

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

4. Notwithstanding anything to the contrary in any Act, a local body may, if it thinks fit, take over and maintain any road or street existing at the passing of this Act within its district where such 10 road or street is less than sixty-six feet wide, but not less than forty eight feet.

5. (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*, 15 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.

(2.) The word "road" in the said section eight and in this section includes, in the case of a borough, a street or other thorough- 20 fare.

6. 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—

25 " (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 *non-marking* or in- 30 correct marking of any such weight ;

" (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."

7. 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."

8. Subsection four of section one hundred of the principal Act 40 is hereby amended by repealing all words after the words "by or on behalf of," and substituting in lieu thereof the words "the Minister."

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

45 " (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."

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

11. Section one hundred and fifty-one of the principal Act (imposing a penalty on persons plying for hire across a stream near 50

Repeals.

Existing roads of less than 66 ft. wide.

Maintenance and construction of road used by other districts.

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.

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.

Section 167 of principal Act amended.

12. 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." 5

New clause.

Removal of obstacles from river-beds.

12A. (1.) A River Board shall have and may exercise the powers and privileges conferred on local authorities by section one hundred and sixty-one of the principal Act, as if the words "whereby any road or street under the control of such local authority may be injured" were omitted therefrom: 10

Provided that the Board shall be liable to pay compensation for any damage occasioned by the exercise of such powers. 15

(2.) The local authority may dispose of anything removed under this section in such manner as it thinks fit, and the proceeds of such disposal shall form part of its ordinary funds.

Land for public work to be taken under principal Act.

13. Section eleven of the principal Act is hereby repealed, and the following substituted in lieu thereof:— 20

"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."

Width of tramway rolling-stock.

14. Notwithstanding anything in any Act, the Governor may allow carriages and rolling-stock up to eight feet in width to be used on any private railway or tramway in cases where he is satisfied that they may be safely and conveniently used without danger to the public. 25

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. 30

Forest plantations and preservation of scenery "public works."

16. Land may be taken under the principal Act for forest plantations, or recreation-grounds, or for the preservation of scenery as if such purposes were public works within the meaning of that Act. 35

Governor may issue warrant.

17. The Governor may, on the application of the Bruce County Council and the Kaitangata Borough Council, issue a warrant under subsection two (e) of section one hundred and thirteen of the principal Act, authorising the construction of a bridge over the Matau River at Kaitangata and apportioning the cost thereof between the said Councils, notwithstanding that the steps precedent thereto required by the said section have not been taken and that the bridge has already been constructed. 40