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Hon. Major Steward.

ROADS OBSTRUCTION PREVENTION.

ANALYSIS.

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A BILL INTITULED

AN ACT to prevent the Obstruction of Public Roads.

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 Roads Obstruction Prevention Act, 1899."

Short Title.

2. From and after the passing of this Act it shall not be lawful for any local authority to grant permission for the erection or placing of any gate, fence, or other obstruction across or upon any public road-line in general or frequent use for horse or wheeled traffic.

Limitation of powers of local authority.

3. If at any time it shall be shown to the local authority, upon petition of any ratepayer or ratepayers, that any existing gate, fence, or other obstruction erected or placed across or upon any public road-line is or has become a public inconvenience, by reason of such road-line being in general or frequent use for horse or wheeled traffic, such local authority shall forthwith send notice in writing to the owner or owners of such gate, fence, or obstruction, ordering the removal thereof within a time (not exceeding fourteen days) to be appointed in such notice, and in default of compliance therewith such owner or owners shall be liable to a penalty of *one pound* per day for every day during which such default shall continue; and the local authority, or any ratepayer, may remove such gate, fence, or other obstruction, and recover from such owner or owners by summary process in any Stipendiary Magistrate's Court the cost of such removal, together with the penalties aforesaid and costs of Court.

Procedure for removal of existing obstruction.

4. If, after receipt of a petition, any local authority shall decline or neglect to issue a notice as in the last-preceding section prescribed, the petitioner or petitioners, or any ratepayer, may apply to a Stipendiary Magistrate for the issue of such notice; and upon receipt of such application the Stipendiary Magistrate shall fix a date

Procedure in case of default of local authority.

for the hearing thereof, and shall notify the same to the applicant or applicants, and to the local authority concerned, which shall be entitled to be heard against the granting of such application.

Order by Stipendiary
Magistrate.

5. If, upon the hearing of the application, the Stipendiary Magistrate shall find that the gate, fence, or other obstruction complained of is a public inconvenience within the meaning of section *three* of this Act, he shall make an order directing the issue, under the seal of the Court, of a notice to the owner or owners to remove the same, and thereupon the like consequences shall ensue as in the case of an order made by the local authority: Provided that such local authority shall be liable for all costs attendant upon the obtainment of the Magistrate's order, if such order be granted, and that, if such order be refused, then the applicant or applicants shall be liable for such costs. 5 10