



Public Works Act 1882

- Citation:** 46 V. No 37
- Date of Assent:** 13 September, 1882
- Commencement:** Date of Assent
- Repeal:** Repealed 24 October, 1894 by 1894, No 42
- Amendments:** 1883, No 38: General amendments involving mainly maintenance of roads, gorse etc.
 1884, No 14: General amendments involving mainly maintenance of roads, gorse etc.
 1885, No 7: See separate record.
 Deals mainly with taking of land for defence purposes.
 1885, No 42: General amendment includes s4(2) certain lands which may not be taken without consent – buildings, gardens, plantations etc.
 1887, No 36: See separate record.
 s13 repeals and replaces ss23 - 25
 s14 amends s26.
 1889, No 19: See separate record.
 NLCT to deal with compensation for taking Maori land.
- Type of Legislation:** Public
- Subject:** Public Works
 Survey Issues
 Lakes, Rivers, Beds, Foreshores etc
 Maori Land Court: Structures & Jurisdiction
 Reserved Land
- Relevant Sections:** s23: Power under Native Lands Act 1873 to take land held by Natives under Crown Grant for roads extended to taking land held by Natives under Certificate of Title or Memorial of ownership.
 s24: Whenever necessary to take land held or occupied by Natives for any Government work, Governor in Council may order works to be undertaken without complying with other provisions of this Act.
 s25: Two months after publication of Order in Council, Governor may take Native lands and enter to take surveys and levels without giving notice to owners or occupiers. Consent of owners/occupiers only required in the case of cultivations and dwellings.

Relevant Sections, Commentary and Cross Reference continued next page



- s26:* (1) Compensation to be made to persons owning or occupying the land taken, and
- (a) if Native title has not been extinguished the NLCt may ascertain the amount of compensation and to whom it should be paid,
 - (b) lands taken absolutely vested in Her Majesty,
 - (c) NLCt to act as Compensation Court under Part III of this Act.
- (2) If title is derived from the Crown, then compensation shall be payable as provided by Part III of this Act,
- (3) - (4) Criminal offences to obstruct engineers, surveyors etc.
- s31:* Compensation for lands taken out of Native reserves.
- s77:* Survey of Native land may take place with the signed authority of the Minister or under an Order in Council under *s24*.
- s126:* Power to alter or divert rivers, streams or watercourses for the purpose of public works.
- s127:* Land taken for a railway together with land on which railway works constructed to be deemed part of the railway.
- s130:* Governor may, by Proclamation, take any land required for a railway. The Proclamation is conclusive evidence that the land is vested in Her Majesty and no Proclamation may be legally challenged on any ground whatsoever.
- s135:* No compensation payable for any public reserves land taken for a railway.

Commentary: –

Cross Reference: –