

LAND DRAINAGE AMENDMENT BILL

EXPLANATORY NOTE

This Bill makes miscellaneous amendments to the Land Drainage Act 1908.

Clause 2: Section 31 (1) of the principal Act provides that the maximum rate which a Land Drainage Board may levy shall be six farthings in the pound on the rateable value of property in its district. The effect of this is that the maximum rate will be six farthings in the pound on the annual value or the capital value or the unimproved value, in accordance with the system of rating adopted by the Board. This clause provides that the maximum rate is not to exceed six farthings in the pound on the capital value, or its equivalent on the unimproved value or the annual value where the Board rates on the annual value or the unimproved value, as the case may be.

Clause 3 amends the title of the Clerk of a Drainage Board to that of Secretary.

Clause 4 extends the powers of Drainage Boards to make by-laws. It authorizes the making of by-laws preventing or regulating the pumping or releasing of water into any drain under the control of the Board, and also preventing or regulating the planting of trees, hedges, &c., or the erection of structures on or within a specified distance from the banks of any drain where they are likely to interfere with the free passage of drain cleaning machinery or apparatus. The by-laws may also require owners and occupiers of land on which trees, hedges, &c., are planted or structures erected in breach of the by-laws to remove the same.

Clause 5: Section 53 of the principal Act enables the Board to be represented in legal proceedings by the Chairman or the Secretary. This clause enables the Board to appoint any other person to represent it in legal proceedings.

Clause 6 authorizes the Board to insure its members against personal accident arising out of and in the course of the exercise of their powers or duties as members of the Board.

Hon. Mr. Bodkin

LAND DRAINAGE AMENDMENT

ANALYSIS

Title.	
1. Short Title.	4. Additional powers to make by-laws.
2. Amending provisions as to maximum rate.	5. Representation of the Board in legal proceedings.
3. Amending title of Clerk of Drainage Board.	6. Board may insure members against personal accident while engaged in duties.

A BILL INTITULED

AN ACT to amend the Land Drainage Act 1908.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Land Drainage Amendment Act 1952, and shall be read together with and deemed part of the Land Drainage Act 1908 (hereinafter referred to as the principal Act).
2. (1) Section thirty-one of the principal Act is hereby amended by omitting from subsection one the words "not exceeding six farthings in the pound on the rateable value", and substituting the words "of such amount as will not produce more than would be produced by a uniform rate of six farthings in the pound on the capital value of all rateable property in the district, or its equivalent on the unimproved value or annual value".

Short Title.

See Reprint of Statutes, Vol. IV, p. 466

Amending provisions as to maximum rate.

See Reprint
of Statutes,
Vol. IV, p. 501

(2) Section two of the Land Drainage Amendment Act 1913 is hereby amended by inserting in subsection one, after the words "threepence in the pound", the words "on the capital value of all rateable property in the district, or its equivalent on the unimproved value or annual value," 5

Amending title
of Clerk of
Drainage Board.

3. (1) Section forty-three of the principal Act is hereby amended by omitting from subsection one and also from subsection three the word "clerk", and substituting in each case the word "secretary". 10

(2) The principal Act is hereby consequentially amended as follows:—

(a) By omitting from subsection three of section eleven the word "Clerk", and substituting the word "Secretary": 15

(b) By omitting from subsection two of section twenty-one the word "Clerk", and substituting the word "Secretary":

(c) By omitting from sections fifty-one, fifty-two, and fifty-three the word "Clerk" wherever it appears, and substituting in each case the word "Secretary". 20

(3) All references to the Clerk of a Drainage Board in any other Act, or in any regulation, Order in Council, or by-law, or in any contract, agreement, deed, instrument, application, or other document shall hereafter be read as references to the Secretary of a Drainage Board. 25

Additional
powers to
make by-laws.

4. Section fifty of the principal Act is hereby amended by adding to subsection one the following paragraphs:— 30

"(c) Preventing or regulating the pumping or releasing of water into any drain under the control of the Board:

"(d) Preventing or regulating the planting of any trees, hedges, or other plants or the erection of any structures on or within a specified distance from the banks of any drain under the control of the Board where they will obstruct or be likely to obstruct the free passage along the banks of the drain of machinery or apparatus used for drain cleaning purposes, and requiring owners and occupiers of land on which any trees, hedges, or other plants are planted or structures are erected in breach of the by-laws to remove the same." 35 40 45

5 5. Section fifty-three of the principal Act, as amended
by section *three* of this Act, is hereby further amended
as follows:—

Representation
of the Board
in legal
proceedings.

- 5 (a) By inserting in subsection one, after the words
“ Secretary of the Board ”, the words “ or
any other person from time to time appointed
by the Board for the purpose ”:
- 10 (b) By inserting in the same subsection, before the
words “ and not of the Board ”, the words
“ or other appointed person ”:
- (c) By inserting in subsection two, after the words
“ Secretary of the Board ”, the words “ or
any other person from time to time appointed
by the Board for the purpose ”:
- 15 (d) By inserting in subsection three, after the words
“ Chairman or Secretary ”, the words “ or
other appointed person ”.

20 6. It shall be lawful and be deemed to have always
been lawful for any Board from time to time to enter
into contracts of insurance insuring members of the
Board against loss from personal accident arising out
of and in the course of the exercise of their powers or
duties as members of the Board, and to pay the
premiums payable in respect of those contracts.

Board may
insure members
against personal
accident while
engaged in
duties.