

NATIONAL ROADS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill makes miscellaneous amendments to the National Roads Act 1953.

Clause 2: Section 7 (9) of the principal Act provides that the National Roads Board may appoint a deputy of the District Commissioner of Works to act in the absence of the District Commissioner from any meeting of a District Roads Council. This clause extends this provision, and empowers the Board to appoint a deputy of any member of a District Roads Council.

Clause 3: Section 7 (3) of the principal Act provides that each District Roads Council is to include one member appointed on the recommendation of each County Council or Road Board in the district and one member for each two or part of two members so appointed, the last-mentioned member to be appointed on the joint recommendation of the Borough Councils and independent Town Councils in the district. This clause provides that, where any county or road district is abolished, the member appointed on the recommendation of the County Council or Road Board is to cease to hold office, but any necessary reduction in the number of members appointed on the joint recommendations of the Borough Councils and Town Councils in the district is not to take effect until a vacancy occurs in the office of any such member by effluxion of time or for any other cause.

Clause 4: Section 9 (2) (a) of the principal Act includes provisions authorising payment to members of the executive body of a District Roads Council of allowances in respect of their attendance at meetings of that body at such rate as may be prescribed by regulations. The effect of *paragraph (a)* of this clause is to enable the rates to be fixed by the Minister of Finance. The effect of *paragraph (b)* is that members of the executive body of a District Roads Council will also be entitled to travelling expenses when attending meetings of the Council or when making a tour of the Council's district.

Clause 5 provides that the Board may declare to be a subsidised highway any carriageway that is under the control of a local authority or public body and is or will be regularly or continuously for any period available for public use. Where such a declaration is made, the local authority or public body having the control of the carriageway will have the powers, duties, liabilities, and obligations of a local authority under the principal Act as if the carriageway were a main highway the control of which had been delegated to it under the principal Act, and the Board may make contributions out of the National Roads Fund in respect of the construction, maintenance, and control of the

carriageway. The purpose of this provision is to enable subsidies to be paid by the Board in respect of temporary or seasonal diversions of main highways over private land, and it will also enable subsidies to be paid in respect of approaches to the Auckland Harbour Bridge and other similar carriageways.

Clause 6: Section 13 (1) of the principal Act includes provisions authorising the Board to delegate its powers in respect of any main highway to the local authority in whose district the main highway is situated. The effect of this clause is that, where the boundary between two local authorities runs along a main highway, the Board may delegate its powers in respect of that portion of the main highway to either of those local authorities as if the whole of that portion were situated in the district of the local authority.

Clause 7: Section 23 (5) of the principal Act provides that the subsidies payable to a local authority out of the National Roads Fund are to be not less than the total amount received by the local authority during the financial year ended 31 March 1954 by way of heavy traffic fees and Government subsidy, and that where the district of the local authority is reduced by an alteration of boundaries the Board shall make an appropriate adjustment in the amount of subsidy payable. The effect of this clause is to provide for an adjustment on any alteration of boundaries, whether resulting in a reduction or in an increase of the district of the local authority.

Clause 8 enables the National Roads Board to expend up to £5,000 in each financial year for unauthorised purposes.

Clause 9 validates refunds of motor spirits tax made by the National Roads Board out of the National Roads Fund which would have been valid if the claims for refund had been made within the time prescribed in that behalf by the Transport Act 1949.

Hon. Mr Goosman

NATIONAL ROADS AMENDMENT

ANALYSIS

Title	5. Subsidised highways
1. Short Title	6. Delegation of powers of Board to local authority
2. Deputies of members of District Roads Councils	7. Subsidies to local authorities on alteration of boundaries
3. Members of District Roads Councils	8. Unauthorised expenditure
4. Allowances to members of District Roads Councils	9. Validation of refunds of motor spirits tax

A BILL INTITULED

An Act to amend the National Roads Act 1953

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

1. Short Title—This Act may be cited as the National Roads Amendment Act 1956, and shall be read together with and deemed part of the National Roads Act 1953 (hereinafter referred to as the principal Act).

10 **2. Deputies of members of District Roads Councils**—Section seven of the principal Act is hereby amended by repealing subsection nine, and substituting the following subsections:

15 “(9) The Board may appoint any person to be the deputy of any member of a District Roads Council, to act, pursuant to the terms of his appointment, in the event of the absence

from any meeting of the Council of the member whose deputy he is. The deputy of the District Commissioner of Works, when so acting, shall be the Chairman of the Council.

“(10) Where any member of the Council was appointed on the recommendation of any local authority or person, his deputy shall be appointed by the Board on a like recommendation.” 5

3. Members of District Roads Councils—(1) Section seven of the principal Act is hereby further amended by inserting, after subsection three, the following subsection: 10

“(3A) Where any county or road district is abolished, the member of the District Roads Council appointed on the recommendation of the County Council or Road Board shall cease to hold office as a member of the District Roads Council. If, as a result of the vacation of office by that member, the number of members of the Council appointed under paragraph (c) of subsection three of this section is required to be reduced, the reduction shall not take effect until a member of the Council appointed under that paragraph vacates his office by effluxion of time or for any other cause.” 15 20

(2) Section eight of the principal Act is hereby amended by inserting in subsection one, before the words “Every member”, the words “Subject to the provisions of subsection three A of section seven of this Act”.

4. Allowances to members of District Roads Councils— 25
Section nine of the principal Act is hereby amended as follows:

(a) By omitting from paragraph (a) of subsection one the words “an allowance at such rate as may be prescribed”, and substituting the words “such remuneration as is approved from time to time by the Minister of Finance for each day or part of a day that the member attends any meeting of the executive body”: 30

(b) By omitting from paragraph (b) of subsection one the words “any other member”, and substituting the words “any member”. 35

5. Subsidised highways—The principal Act is hereby amended by inserting, after section twelve, the following section:

“12A. (1) Notwithstanding anything in this Act or in any other Act, the Board may from time to time, by resolution gazetted, determine that any carriageway which is under the control of a local authority or public body and is, or in the opinion of the Board will be, regularly or continuously for any period available for public use, shall while it is so available, be a subsidised highway; and thereupon—

“(a) All the provisions of this Act, or such of them as are specified in the resolution, shall apply to that carriageway as if it were a main highway;

“(b) The local authority or public body having control thereof shall, while it is a subsidised highway, be deemed to be a local authority for the purposes of this Act, with all the powers, rights, duties, liabilities, and obligations of a local authority specified in this Act, as if the carriageway were a main highway and as if the Board had delegated its powers in respect thereof to the local authority or public body; and

“(c) The amount to be contributed by the Board to the local authority or public body in respect of the construction, maintenance, or control of the carriageway shall be such as the Board from time to time by resolution determines.

“(2) Any resolution under this section may be at any time in like manner varied or revoked.”

6. Delegation of powers of Board to local authority—

Section thirteen of the principal Act is hereby amended by inserting in the first proviso to subsection one, after the word “situated”, the words “or, where the boundary between the districts of any local authorities runs along any main highway, be delegated by the Board to such of those local authorities as the Board decides as if the main highway or portion of main highway were wholly in the district of that local authority”.

7. Subsidies to local authorities on alteration of boundaries—

Section twenty-three of the principal Act is hereby amended by omitting from the proviso to subsection five the words “where the district of the local authority has been reduced by alteration of boundaries”, and substituting the words “where the boundaries of the district of the local authority have been altered”.

8. Unauthorised expenditure—The principal Act is hereby amended by inserting, after section twenty-eight, the following section:

“28A. In every financial year the Board may, for its own purposes or for purposes of District Roads Councils (being purposes not authorised by any Act or law for the time being in force), expend out of the Fund any sum or sums not amounting in the aggregate to more than five thousand pounds.” 5

9. Validation of refunds of motor spirits tax—All refunds of motor spirits tax made by the Board out of the National Roads Fund before the passing of this Act which would have been lawful if the claims for refund had been made within the time prescribed in that behalf by the Transport Act 1949 are hereby validated and declared to have been lawfully made. 10
15