

## New Zealand.



### ANALYSIS.

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1882, No. 2.—*Private.*

Title. AN ACT to amend "The Wellington Harbour Board and Corporation Land Act, 1880." [13th September, 1882.]

Preamble. WHEREAS by an Act of the General Assembly of New Zealand intituled "The Wellington Harbour Board and Corporation Land Act, 1880," certain lands defined in the Second Part of the Second Schedule to the said Act were vested in the Wellington Harbour Board, and certain other lands defined in the Third Schedule to the said Act were vested in the Corporation of the City of Wellington: And whereas by section ten of the said Act it was, amongst other things, enacted that the Corporation or Harbour Board should make, to every person having any estate or interest in any land injuriously affected by the said Act, and to every person who might suffer any loss or damage from the exercise of any of the powers thereby given, full compensation for the same, and that such compensation should be ascertained in the manner pointed out in Part III. of "The Public Works Act, 1876:" And whereas the said section was adopted without material alteration from "The Te Aro Reclamation Act, 1879," but its provisions are inapplicable in the case of lands vested in corporations by Act of Parliament, and the remedies intended to be thereby provided have been found not to be so provided: And whereas it is expedient that the said section ten of the said Act should be repealed and the said Act amended:

BE IT THEREFORE 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 Wellington Harbour Board and Corporation Land Act 1880 Amendment Act, 1882."

Short Title.

2. In the interpretation of this Act,—

Interpretation.

"The Board" means the Wellington Harbour Board, as constituted under "The Wellington Harbour Board Act, 1879:"

"The Corporation" means the Mayor, Councillors, and citizens of the City of Wellington, incorporated under the provisions of "The Municipal Corporations Act, 1876," and the Acts amending the same :

"The said Act" means "The Wellington Harbour Board and Corporation Land Act, 1880."

3. Section ten of the said Act is hereby repealed.

Repeal of section 10 of the said Act.

4. Every person who immediately before the date of the passing of the said Act had any estate or interest in, to, or out of the lands by the said Act vested in the Corporation, or any part of such lands, and every person who has suffered loss or damage by the vesting by the said Act of the said lands or any part thereof in the Corporation, may make a claim for and shall be entitled to receive full compensation from the Corporation :

Compensation to be paid by Corporation.

Provided always that, in ascertaining and determining the title of any claimant to compensation, the Compensation Court shall not be bound to regard strict legal rights only, but may award compensation in respect of any claim which the Compensation Court may consider reasonable and just, having regard to all the circumstances.

5. Every person who immediately before the date of the passing of the said Act had any estate or interest in, to, or out of the lands by the said Act vested in the Board, or any part of such lands, and every person who has suffered loss or damage by the vesting by the said Act of the said lands or any part thereof in the Board, may make a claim for and shall be entitled to receive full compensation from the Board :

Compensation to be paid by Harbour Board.

Provided always that, in ascertaining and determining the title of any person to compensation, the Compensation Court shall not be bound to regard strict legal rights only, but may award compensation in respect of any claim which the Compensation Court may consider reasonable and just, having regard to all the circumstances.

6. The compensation to be paid to any claimant by the Corporation or Harbour Board shall be ascertained in the manner prescribed in Part III. of "The Public Works Act, 1882," which said Part shall, save only such provisions thereof as are inconsistent with the provisions of this Act, be deemed to be incorporated with and form part of this Act and of the said Act.

Compensation to be ascertained.

7. In cases of claims for compensation made against the Corporation the Corporation shall be "the respondent"; and in cases of claims for compensation against the Board the Board shall be "the respondent."

Definition of "respondent."

8. If claims be made by any claimant against both the Corporation and the Board, and it shall appear to the Compensation Court sitting to hear either claim that the claimant is entitled to compensation under this Act against both the Corporation and the Board, such Compensation Court shall nevertheless assess the compensation

Where claims against both Corporation and Board, compensation to be assessed against both.

which ought to be paid by the respondent to the claim then being heard by such Compensation Court, and shall make its award accordingly :

Provided always that such assessment shall not be binding on the Compensation Court which shall sit to hear the claim against the other respondent, but such second Compensation Court shall in like manner assess the compensation which ought to be paid by the other respondent, and shall make its award accordingly.

No claim on the  
Crown under this  
Act.

9. Nothing in this Act contained shall in any way affect the Crown or the Government of New Zealand, or give any right, title, claim, or demand whatever to or for any sum of money or compensation to any person or corporation on any account whatsoever against the Crown or the Government of the colony.