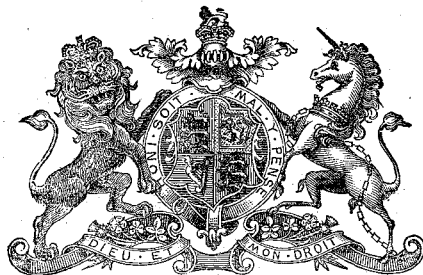


New Zealand.



ANALYSIS

<p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Private railway or tramway not to be opened without certificate of inspection. 3. Section 231 of principal Act amended. 4. Inquiry as to accidents. 5. Transfers of land abutting on certain roads may be registered. 6. Expenditure of "thirds" and "fourths." 7. Extended powers of the Governor over Government roads. 	<ol style="list-style-type: none"> 8. Taking land for paddocks for driven cattle. 9. Powers of Borough Council to acquire land. 10. Additional powers to make by-laws regulating weight of load of traction-engines. 11. Extraordinary traffic: section 138 of principal Act amended. 12. Power to make by-laws forbidding certain traffic. 13. Grass-seed on road or street. 14. Subsection (2) of section 2 of Act of 1903 amended.
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1904, No. 46.

AN ACT to amend "The Public Works Act, 1894."

[8th November, 1904.]

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 Public Works Amendment Act, 1904"; and it shall form part of and be read together with "The Public Works Act, 1894" (hereinafter referred to as "the principal Act").

2. Section two hundred and thirty of the principal Act is hereby amended by adding thereto the following subsection:—

"(2A.) No railway or portion thereof shall be opened unless and until the Minister has intimated in writing to the proprietors thereof that he has received from an engineer appointed under section two hundred and twenty-seven hereof a certificate that the railway or portion thereof is safe and fit for traffic."

3. Section two hundred and thirty-one of the principal Act (providing for notice of accidents on private railways or tramways being given) is hereby amended by adding, after the words "employed thereon," the words "or with serious damage to the line, appliances, rolling-stock, or plant."

4. (1.) The Minister may cause an inquiry to be held, in such manner as he thinks fit, as to any accident referred to in section two hundred and thirty-one of the principal Act as amended by the last preceding section, and, for the purpose of preventing the recurrence

Title.

Short Title.

Private railway or tramway not to be opened without certificate of inspection.

Section 231 of principal Act amended.

Inquiry as to accidents.

of any such accident, may direct the proprietors of the railway to make such alterations as he thinks fit in the construction or equipment of the railway, or of the rolling-stock, plant, or machinery employed thereon or in connection therewith, or in the method of working the same, and to discontinue the working of the railway, or the use of such rolling-stock, plant, or machinery, or the method of working the same, as the case may require, until such alteration has been made.

(2.) If any such direction is not complied with the proprietors of the railway shall be liable to a fine not exceeding two hundred pounds for every day during which such non-compliance continues.

Transfers of land abutting on certain roads may be registered.

5. The provisions of sections two and three of "The Public Works Act, 1903," shall not be deemed to prevent the registration of any transfer or conveyance of any allotment or subdivision of land abutting on any road or street of not less than forty feet in width shown on any plan of subdivision deposited in any Land Registry Office or Deeds Register Office before the passing of "The Public Works Acts Amendment Act, 1900."

Expenditure of "thirds" and "fourths."

6. Where any local authority is notified that accrued "thirds" or "fourths" are available for expenditure, and for a period of not less than eighteen months fails to utilise the same, the Minister for Public Works may give such local authority six months' notice to put in hand works approved by the Land Board to the value thereof; and if during that period they fail so to do, the expenditure of the "thirds" or "fourths" as aforesaid may be undertaken by the Minister, and all rights of the local authority thereto shall be determined.

Extended powers of the Governor over Government roads.

7. All the rights and powers vested in any local authority by any Act in respect to—

- (a.) The care, management, or control of roads or streets;
- (b.) The management, restriction, or prohibition of any traffic thereon;
- (c.) The use of any vehicle, engine, machine, or thing thereon, including the power to impose any charge or tax thereon;
- (d.) The abatement or prohibition of any nuisance thereon;
- (e.) The power to make and enforce by-laws for any or all of such purposes,

may, in the case of a Government road, or road or street being constructed, improved, or maintained by Government, be exercised by the Governor.

Taking land for paddocks for driven cattle.

8. Land may be taken under the principal Act by any local authority for the purpose of paddocking driven cattle as if such purpose were a public work.

Powers of Borough Council to acquire land.

9. The powers conferred on a Council by subsection three of section two hundred and three of "The Municipal Corporations Act, 1900," to acquire land shall not be limited to Part II. of the principal Act, but may be exercised in such manner provided by that Act as the circumstances of the case require.

Additional powers to make by-laws regulating weight of load of traction-engines.

10. Paragraph (j) of subsection two of section one hundred and thirty of the principal Act is hereby amended by the addition of the words "or the weight of the load which any traction-engine may draw."

11. Section one hundred and thirty-eight of the principal Act is hereby amended by inserting after the words "by whose order" the words "or for whose benefit."

Extraordinary traffic: section 138 of principal Act amended.

12. (1.) Where the local authority is of opinion that the carriage of any particular weight, or the conduct of any particular kind of traffic, will cause serious injury to a road, the local authority may make a by-law forbidding such carriage or traffic unless the cost, as estimated by the local authority, of reinstating the road shall previously be paid to it: Provided that the provisions of paragraph (c) of section two of "The Public Works and Government Railways Act, 1895," shall apply to every such by-law.

Power to make by-laws forbidding certain traffic.

(2.) Every person who commits a breach of any such by-law is liable to a fine not exceeding twenty pounds.

13. A local authority may by by-law prohibit the cutting of grass for seed on any road or street under its control without the previous consent in writing of such authority, and such by-law may apply to all roads or streets under the control of the authority, or to any specified road or street, and for the whole year or to any specified part of the year.

Grass-seed on road or street.

14. So far as the County of Selwyn is concerned, subsection two of section two of "The Public Works Act, 1903," is hereby amended by repealing the following words: "where the road or street is in a borough or town district."

Subsection (2) of section 2 of Act of 1903 amended.