

New Zealand.

## ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Section 11 of principal Act amended.</p> <p>3. Rating-powers in respect of existing loans. Repeal.</p> <p>4. Extension of Trust District.</p> | <p>5. Power to compel the erection and maintenance of fences to protect drains and levees. Power to make by-laws as to crossings over levees.</p> <p>6. Repeal of section 22 of the principal Act. Schedule.</p> |
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1939, No. 11.—*Local and Personal.*

AN ACT to amend the Lower Clutha River Improvement Act, 1938. Title.  
[29th September, 1939.]

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 Lower Clutha River Improvement Amendment Act, 1939, and shall be read together with and deemed part of the Lower Clutha River Improvement Act, 1938 (hereinafter referred to as the principal Act). Short Title.

2. Section eleven of the principal Act is hereby amended as from the passing of that Act by omitting from subsection three the word "three", and substituting the word "two". Section 11 of principal Act amended.

Rating-powers  
in respect of  
existing loans.

**3.** (1) The Trust is hereby authorized and empowered to make, levy, and collect three consolidated special rates of such amount in each case as in the opinion of the Trust is sufficient to service the loans raised respectively by the following Boards or local authorities abolished by the principal Act, that is to say:—

The Inch-Clutha River and Drainage Board:

The Otanomomo River Board:

The Matau River Board:

Provided that if at any time a Receiver is appointed in respect of any of the loans the Receiver shall have the same powers as if this section had not been passed.

(2) Such rates shall be made, levied, and collected in respect of the same areas of land as were originally affected by the special rates imposed by the said respective Boards in respect of the said loans, and the classification then in force shall be used as the basis for the making of said rates.

Repeal.

(3) This section is in substitution for section eight of the principal Act, and that section is hereby accordingly repealed.

Extension of  
Trust District.

**4.** (1) The Trust District is hereby extended by including therein the area described in the Schedule hereto, and the provisions of the principal Act shall apply thereto in the same manner as if the said area had been originally included in the Trust District constituted by the principal Act.

(2) The said area shall be included in the Balclutha Subdivision.

Power to  
compel the  
erection and  
maintenance  
of fences to  
protect drains  
and levees.

**5.** (1) The Trust is hereby empowered to call on and compel the occupier or the owner of any land through or on which any drain or levee is constructed to erect along either or both sides thereof a fence in such a position and of such a nature as to prevent cattle, sheep, horses, rabbits, or other animals from damaging the drain or levee; and in the event of such occupier or owner not erecting such a fence within two months of being called upon so to do, the Trust may erect the same, and the cost thereof shall operate as a first charge upon the land of such occupier or owner and shall be recovered in the same manner as a rate.

(2) The occupier or owner shall maintain such fence in good order and condition to the satisfaction of the Trust; and in the event of such occupier or owner failing for the space of one month to repair such fence after being called upon by the Trust so to do, the Trust may repair the same, and the cost thereof shall also operate as a first charge upon the land of such occupier or owner and shall be recovered in the same manner as a rate.

(3) The Trust may make by-laws regulating the construction of crossings over levees and requiring the occupiers or owners of lands through or on which such levees are constructed to construct and maintain such crossings in manner approved by the Trust.

Power to  
make by-laws  
as to crossings  
over levees.

6. Section twenty-two of the principal Act is hereby repealed.

Repeal of  
section 22  
of the  
principal Act.

#### SCHEDULE.

Schedule.

ALL that area in the Otago Land District, being the Clutha River, the bed thereof, and the islands therein, bounded as follows: commencing at a point on the right bank of the said river, in prolongation of the northern boundary of Section 11, Block XXXVI, Clutha Survey District, and proceeding thence in an easterly direction across the said river by a line in prolongation of the northern boundary of Section 11 aforesaid to the left bank of the said river; thence generally in a north-westerly direction along the left bank of the said river to a point thereon, in prolongation of the original southern boundary of Section 8, Block V, Teviot Survey District, which said Section 8 is now included in Section 48, Block V, Teviot Survey District; thence in a westerly direction across the said river by a line in prolongation of the southern boundary of Section 8 aforesaid to the right bank of the said river; thence generally in a south-easterly direction to the point of commencement.