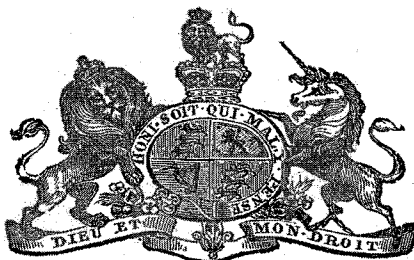


New Zealand.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Validation of construction of railway.</p> <p>3. Validation of Proclamations and Orders in Council.</p> | <p>4. Extension of powers under section 21 of said Act.</p> <p>5. Lease not to be forfeited for non-compliance with covenants.</p> |
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1892, No. 31.—*Local.*

AN ACT to amend "The Westland and Nelson Coalfields Administration Act, 1877," in this Act called "the said Act." Title.

[11th October, 1892.]

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 Westland and Nelson Coalfields Administration Act 1877 Amendment Act, 1892." Short Title.

2. In any case where a reservation of land has been made in pursuance of the twentieth section of the said Act, and a railway has been constructed over such land, but no formal Order in Council has been made under the provisions of the twenty-first section of the said Act, but notice of intention to construct such railway had been given by the promoters before the construction thereof to the Minister for Public Works for the time being, and he had permitted the same to proceed or had not objected to the same, it shall be lawful for the Governor, by Order in Council, to authorise the construction of such railway on such terms as he may think proper, and from any date (past or future) that he may think fit, and upon the issue of such Order in Council such railway shall be deemed to have been duly constructed and lawfully used in pursuance of the provisions of the said section from such date accordingly, and such use shall continue until the expiry or sooner determination of the lease held by the owners of the railway and by virtue of holding which their application was made. Validation of construction of railway.

3. All Proclamations and Orders in Council and all warrants under the twenty-seventh section of the said Act, and all agreements heretofore made under the said Act between the Governor or the Minister for Public Works and any owner of any railway constructed as mentioned in the second section of this Act, shall be valid and effectual, notwithstanding the omission of the Governor in Council Validation of Proclamations and Orders in Council.

to make an Order in Council as mentioned in the twenty-first section of the said Act. In the case of the railways constructed by the Moki-hinui Coal Company (Limited), such validation shall not take effect until the agreement between the Buller County and the owners of such railway has been carried out; such fulfilment of the said agreement being proved to the satisfaction of the Minister for Public Works by a certificate under the hand of the Engineer-in-Chief of the colony: Provided that nothing in respect of or arising out of the matters and things so validated shall be deemed to confer or have conferred any right or claim upon any person against the Queen or the General Government of the colony or against any local authority.

4. It is declared that the powers conferred by section twenty-one of the said Act shall extend and be deemed to have extended to permit the Governor by Order in Council to authorise the use, by the Minister for Public Works or any other person, for such period and upon such conditions as therein may be expressed, of any railway which may have been constructed or purported to have been constructed under the provisions of the said Act.

It is declared that the powers which, under the third section of "The Westland and Nelson Coalfields Administration Amendment Act, 1881," the Governor may confer on the Minister, may be conferred by the Governor upon the New Zealand Railway Commissioners, and that the said Commissioners may thereupon, from time to time, do all the things which, under the said section, the Minister would have been empowered or authorised to do; and the Governor may, if he thinks fit, from time to time authorise the Railway Commissioners, or any other persons, to connect their railways or sidings with any railway constructed under the authority of the said Act for the purpose of carrying on the traffic upon the same.

If any dispute or difference shall arise between any holder of any authority under the said twenty-first section of the said Act and any other person as to the proper exercise of any power, or as to the reasonableness of any charges, the same shall be referred to the Governor, whose decision in every case shall be final.

5. No authority which has been or may be given by the Governor in Council under the twenty-first section of the said Act, or the second section of this Act, and which shall have been declared to be concurrent with any lease, shall cease by reason of a forfeiture of such lease if such forfeiture shall take place only by reason of the non-fulfilment of output covenants or conditions, if it shall be made to appear to the reasonable satisfaction of the Minister of Mines that such output covenants or conditions cannot be complied with without loss; and no such authority shall in any case cease by reason of the forfeiture of the said lease until three months after the termination of the session of Parliament held next after such forfeiture.

Extension of powers
under section 21 of
said Act.

Lease not to be
forfeited for non-
compliance with
covenants.