

Reprint
as at 19 April 2016



**Canterbury Earthquake (Local Government Act 2002—
Retaining Walls) Order 2013**
(SR 2013/33)

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 4th day of March 2013

Present:

His Excellency the Governor-General in Council

Pursuant to section 71 of the Canterbury Earthquake Recovery Act 2011, His Excellency the Governor-General makes the following order, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the relevant Minister made following the Canterbury Earthquake Recovery Review Panel's review of a draft of the order.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This order is administered by the Department of Internal Affairs.

6 Modification of section 181 of Act 2

Order

1 Title

This order is the Canterbury Earthquake (Local Government Act 2002—Retaining Walls) Order 2013.

2 Commencement

This order comes into force on the 28th day after the date of its notification in the *Gazette*.

3 Revocation of this order

This order is revoked on the close of 30 June 2021.

Clause 3: replaced, on 19 April 2016, by section 147(1)(b) of the Greater Christchurch Regeneration Act 2016 (2016 No 14).

4 Effect

The modifications and extensions to the Act made by this order do not affect the text of the Act but require it to be read as if it had been amended in the manner indicated in this order.

5 Interpretation

In this order, unless the context otherwise requires, **Act** means the Local Government Act 2002.

6 Modification of section 181 of Act

(1) While this order is in force, section 181 of the Act must be read as if the following subsections were inserted after subsection (1):

(1A) The Christchurch City Council may construct works on or under private land or under a building on private land that it considers necessary for the support and stability of public land or public infrastructure by means of retaining walls.

(1B) In this subsection and in subsections (1A) and (4A),—

greater Christchurch has the same meaning as in section 4 of the Greater Christchurch Regeneration Act 2016

private land means private land situated within greater Christchurch

public infrastructure means community infrastructure or network infrastructure

public land means land owned or controlled by the Crown (within the meaning of section 2(1) of the Public Finance Act 1989) or by a local authority.

- (2) While this order is in force, section 181(3) of the Act must be read as if “, subsection (1A),” were inserted after “subsection (1)”.
- (3) While this order is in force, section 181 of the Act must be read as if the following subsections were inserted after subsection (4):
- (4A) The Christchurch City Council may enter private land to inspect, alter, renew, repair, or clean any retaining walls owned or constructed by the council.
- (4B) Subsection (4A) applies regardless of whether or not—
- (a) the retaining walls were constructed under subsection (1A):
 - (b) the retaining walls were constructed before or after the commencement of the Canterbury Earthquake (Local Government Act 2002—Retaining Walls) Order 2013.
- (4) While this order is in force, section 181(5) of the Act must be read as if “or subsection (4A)” were inserted after “subsection (4)”.

Clause 6(1): amended, on 19 April 2016, by section 147(1)(b) of the Greater Christchurch Regeneration Act 2016 (2016 No 14).

Michael Webster,
for Clerk of the Executive Council.

Reprints notes

1 *General*

This is a reprint of the Canterbury Earthquake (Local Government Act 2002—Retaining Walls) Order 2013 that incorporates all the amendments to that order as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Greater Christchurch Regeneration Act 2016 (2016 No 14): section 147