

**Version
as at 28 October 2021**

**Westland and Nelson Coal Fields Administration Act
1877**

Local Act 1877 No 73
Date of assent 8 December 1877

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An Act to render certain Lands in the Provincial Districts of Westland and Nelson, known as the Grey Coal Field Reserves, Securities for the Construction of the Greymouth-Brunner Coal Field Railway, and to regulate the Sale, Leasing, Disposal, and Occupation of such Lands.

The Title was amended, as from 21 December 1977, by sections 3(2) and 4(1) of the Reserves and Other Lands Disposal Act 1977 (1977 No 104) by omitting the words “and certain Lands in the Provincial District of Nelson, known as the Buller Coal Field and Westport Colliery Reserves, Securities for the Construction of the Westport-Ngakawau Coal Field Railway,”.

1 Short Title

The Short Title of this Act shall be the Westland and Nelson Coal Fields Administration Act 1877.

2 Repeal

The Acts and Ordinances and the parts of Acts and Ordinances specified in Schedule 5 to this Act are hereby repealed: Provided that nothing in this Act contained, except where otherwise expressly provided, shall affect any contract, promise, or engagement made previously to the coming into operation hereof, and then incomplete or unfulfilled; and nothing in this Act shall be deemed to affect any licenses or leases for the occupation of the lands described in Schedule 2, hereto, granted or issued under any of the Acts or Ordinances or parts of Acts or Ordinances hereby repealed, and existing and being in force before the tinge of the coming into operation of this Act; but such licenses and leases, and the rights of the holders thereof thereunder, except as expressly altered or varied by the provisions hereinafter contained, shall be and continue to be, during the term or currency of such licenses and leases, regulated by and subject to the Acts, Ordinances, and regulations which the same were subject to at the time of the coming into operation of this Act, notwithstanding the repeal of such Acts, Ordinances, or regulations respectively. The Governor shall, with respect to such licenses and leases, and such unfulfilled contracts, promises, and engagements, have all the powers and authorities, and shall perform all the duties, vested in and conferred on the Superintendent, or any Waste Land Board jointly, or each of them severally, by any of the Acts, Ordinances, or regulations by virtue of which such licenses and leases were issued or granted, or such contracts, promises, and engagements entered into.

Section 2 was amended, as from 21 December 1977, by sections 3(2) and 4(1) of the Reserves and Other Lands Disposal Act 1977 (1977 No 104) by omitting the words “3 and 4”.

Section 32 was amended, as from 14 January 1983, by section 13(9) Reserves and Other Lands Disposal Act 1982 (1982 No 133) by substituting the words “Schedule 2” for the words “Schedules 1 and 2”.

3 Interpretation

The several expressions following have in this Act the several meanings herein assigned to each respectively, unless anything in the subject or context is repugnant to such meaning; that is to say,—

lessee means the original lessee and the executors, administrators, successors, or assigns of such original lessee.

Minister of Lands shall include any Minister of the Crown, being a member of the Executive Council for the time being, acting as Minister of Lands.

Minister of Works and Development shall also include any Minister of the Crown, being a member of the Executive Council for the time being, acting as Minister of Works and Development.

Minister of Works and Development: this definition was amended by section 2(5) Ministry of Works Act 1943 (1943 No 3) by substituting the words “Minister of Works” for the words “Minister for Public Works”

Minister of Works and Development: this definition was amended, as from 21 November 1973, by section 2(4)(a) Public Works Amendment Act 1973 (1973 No 44) by substituting the words “Minister of Works and Development” for the words “Minister of Works”

Waste Lands Board means the Waste Lands Board for the time being of the land district in which the pieces of land described in Schedule 2, hereto are respectively situated.

Waste Lands Board: this definition was amended, as from 21 December 1977, by sections 3(2) and 4(1) of the Reserves and Other Lands Disposal Act 1977 (1977 No 104) by omitting the words “3 and 4”.

Waste Lands Board: this definition was amended, as from 14 January 1983, by section 13(9) Reserves and Other Lands Disposal Act 1982 (1982 No 133) by substituting the words “Schedule 2” for the words “Schedule 1 and 2”.

4 The pieces of land described in Schedule 2 declared to be Crown lands

The pieces of land described in Schedules 1, 2, hereto are hereby declared to be Crown lands;

Section 4 heading was amended, as from 21 December 1977, by sections 3(2) and 4(1) of the Reserves and Other Lands Disposal Act 1977 (1977 No 104) by omitting the words “3, and 4”.

Section 4 was amended, as from 21 December 1977, by section 3(2) Reserves and Other Lands Disposal Act 1977 (1977 No 104) by omitting the words “and 4”.

Section 4 was amended, as from 21 December 1977, by section 4(1) Reserves and Other Lands Disposal Act 1977 (1977 No 104) by omitting the words “and the pieces of land described in Schedule 3 hereto shall on the passing of this Act cease to be subject to the Public Reserves Act 1854, and to the trusts and purposes under and subject to which the same were Crown-granted, and shall become and be Crown lands”.

Section 4 was amended, as from 14 January 1983, by section 13(9) Reserves and Other Lands Disposal Act 1982 (1982 No 133) by substituting the words “Schedule 2” for the words “Schedule 1 and 2”.

5 The piece of land described in Schedule 1, and moneys arising therefrom, to be security for the construction of the Brunner Coal Field Railway and interest thereon

[Repealed]

Section 5 was repealed, as from 1 April 1935, by section 6(1) Greymouth Harbour Board Amendment Act 1935 (1935 No 26).

6 The piece of land described in Schedule 2, and moneys arising therefrom, to be security for the construction of the Brunner Coal Field Railway and interest thereon

[Repealed]

Section 6 was repealed, as from 1 April 1935, by section 6(1) Greymouth Harbour Board Amendment Act 1935 (1935 No 26).

7 The pieces of land described in Schedules 3 and 4, and moneys arising therefrom, to be security for cost of construction of the Westport-Ngakawau Coal Field Railway, and interest thereon

[Repealed]

Section 7 was repealed, as from 21 December 1977, by sections 3(2) and 4(1) of the Reserves and Other Lands Disposal Act 1977 (1977 No 104).

8 How land in Schedule 2, to be dealt with

The provisions of any law or regulation for the time being in force in the land district in which such pieces of land are respectively situated regulating the management, sale, letting, occupation, or disposal of the waste lands of the Crown in such land district, shall apply to the land specified in the said Schedules 1, 2,.

Section 8 was amended, as from 21 December 1977, by section 4(1) Reserves and Other Lands Disposal Act 1977 (1977 No 104) by omitting the words “and 3”.

Section 8 was amended, as from 14 January 1983, by section 13(9) Reserves and Other Lands Disposal Act 1982 (1982 No 133) by substituting the words “Schedule 2” for the words “Schedules 1 and 2”.

9 Extension, amalgamation, and assignment of coal-mining lease

Every lease of the said land heretofore or hereafter to be granted for coal-mining purposes may be extended to or granted for any term not exceeding 99 years, to take effect in possession and not in reversion. And such leases may, with the consent in writing of the Minister of Lands, be amalgamated or consolidated with other coal-mining leases of such lands.

Every lessee of a coal-mining lease may, with the consent in writing of the Minister of Lands first had and obtained, assign, underlet, or otherwise part with the possession of the demised premises or any part thereof, or his estate or interest therein, notwithstanding there shall be contained in any such lease, or in any Act or Ordinance under which such lease shall have been granted, any provision to the contrary, and no other consent whatsoever shall be requisite.

10 Land Board, with consent of Minister, may allow surrender or extension of leases

The Waste Land Board of the land district may, with the consent in writing of the Minister of Lands first had and obtained, allow any lessee of a coal-mining lease to surrender his lease, and may with the like consent grant to such lessee, or to any person appointed by him, a fresh lease for the whole or part of the demised land, for an extended term or otherwise, upon such terms and conditions, and under and subject to such rents and royalties, powers, provisions, and covenants, as may be agreed upon.

11 Land Board of the district in which said pieces of land are not to alienate the same without approval of the Minister

No sale, lease, reserve, occupation, or disposal of the said pieces of land, or any part thereof, shall be authorized, made, or effected by the Waste Land Board of the land district, unless with the approval of the Minister of Lands.

12 All moneys arising from sale, &c, or rent, &c, under provisions of this Act, to be paid into special fund, and applied in liquidating cost of railways

[Repealed]

The first paragraph was repealed, as from 1 April 1935, by section 6(1) Greymouth Harbour Board Amendment Act 1935 (1935 No 26).

Section 12 was repealed, as from 21 December 1977, by sections 3(2) and 4(1) of the Reserves and Other Lands Disposal Act 1977 (1977 No 104).

13 Ultimate disposal of rents, &c, after cost of construction and interest thereon

[Repealed]

Subsections (1) and (2) were repealed, as from 1 April 1935, by section 6(1) Greymouth Harbour Board Amendment Act 1935 (1935 No 26).

Subsection (3) was repealed, as from 6 November 1884, by section 14 Westport Harbour Board Act 1884 (1884 No 10(L)).

Section 13 was repealed, as from 21 December 1977, by section 3(2) Reserves and Other Lands Disposal Act 1977 (1977 No 104).

14 Agricultural leases of land described in Schedule 3, made under the Gold Fields Act 1866, to be deemed valid

[Repealed]

Section 14 was repealed, as from 21 December 1977, by section 4(1) Reserves and Other Lands Disposal Act 1977 (1977 No 104).

15 The Gold Fields Act 1868, or miner's right under the Gold Fields Act 1866, not to be affected hereby

Nothing herein contained shall be deemed to affect the Gold Fields Act 1868, or any rights or interests acquired under any miners' rights, mining leases, or business licenses granted under the authority of the Gold Fields Act 1866, or any Act amending the same.

16 Governor may ratify any lease, &c., heretofore made

Any sale, lease, agreement, or other disposition of the said several pieces of land or any part thereof heretofore made or entered into may be ratified and confirmed by the Governor, if he think fit, in the name and on behalf of Her Majesty.

17 Unoccupied lands described in Schedule 4 to be let by auction; occupied lands to be leased to person in occupation or possession for a term not exceeding 21 years

[Repealed]

Section 17 was repealed by section 3(2) Reserves and Other Lands Disposal Act 1977 (1977 No 104). See section 3(3) to (7) of that Act as to leases granted under this section.

18 Mode of compensation for lands described Schedule 4 required for railway

[Repealed]

Section 18 was repealed by section 3(2) Reserves and Other Lands Disposal Act 1977 (1977 No 104).

19 Leases to be subject to reservation to the Queen of surface of soil, except what may be required for buildings, &c., other minerals than coal, and timber, except what may be necessary for working the mines

Every lease granted under the authority of any of the Acts or Ordinances hereby repealed, or under the authority of this Act for coal-mining purposes, shall be deemed to have been granted, subject to the following reservations and conditions:

- (1) The surface of the soil shall be and be deemed to have been excepted from any demise thereby made, and such surface shall be and be deemed to have been and continue to be vested in Her Majesty, except in so far as may be necessary for the construction by the lessee of any tramways, or the erection of buildings, machinery, and plant, or the storing coal, or as spoil-banks for waste coal or other refuse.
- (2) There shall be and be deemed to have been excepted out of any such demise unto Her Majesty, her successors and assigns, all mines and minerals other than coal that are, shall, or may be found upon the demised premises, with leave for Her Majesty, her successors or assigns, the Governor, and the Minister of Lands, and all persons authorized by her, him, or them, at all reasonable times to enter into and upon the demised premises, to search, dig, get, have, take, and carry away the same.
- (3) There shall be and be deemed to have been excepted out of any such demise unto Her Majesty, her successors and assigns, all timber trees, and trees likely to be timber, now standing growing, or being, or which at any time during the term of any such lease shall stand, grow, or be in or upon the said demised premises or any part thereof, together with free liberty of ingress, egress, and regress, to and for Her Majesty, her successors and assigns, the Governor, and the Minister of Lands, and all persons having her, his, or their authority so to do, to fell, cut, and carry away the same at fit and reasonable times: Provided nevertheless that every lessee of a coalmining lease shall and may cut down any timber trees for the purpose of constructing any tramway or railway thereon, or rolling-stock for such railway or tramway, or any buildings, or for prop-

wood or firewood, or other necessary purposes incidental to the proper working of any coal mine; railway, or tramway.

Also conditions as to inspection

- (4) That the lessees shall and will permit the Queen or the Governor, or the Minister, or his or their agents, inspectors, viewers, workmen, servants, or any other person or persons whom she, he, or they may appoint, to enter upon the said demised land, mines, and premises at all reasonable times, and to survey and inspect and make plans of the said mines and works, and to see whether the said mines and works are in good and substantial order, condition, and repair, and are ventilated, worked, managed, and carried on in a proper and workmanlike manner, according to the true intent and meaning of such lease. And that the lessees shall and will help and assist such person or persons so entering as aforesaid, by means of their agents and other workmen, and permit them to have the use of the engines, implements, and utensils for the purpose of such inspection as aforesaid.

And every such lease shall be read and construed as if such exceptions, reservations, and conditions were set out in such lease in words at length.

20 Governor in Council may define what lands required for railways and stations to be reserved for that purpose and no other

- (1) The Governor may, by Order in Council, from time to time reserve such portions of the said lands, whether the same shall now be or shall at any time hereafter be comprised in a coal-mining lease, as he shall consider necessary or to be required for the use of the said railways, or for railway stations, or for any railways, tramways, bridges, inclines, and staiths, or other means of transit between any railway or tramway and any of the mines on the said lands, which may be constructed by the Minister of Works and Development, or by the lessee of any coal-mining lease, under the authority hereinafter contained, and thereafter the same shall be reserved and held for the said purposes, and no other.
- (2) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 20(1) was amended by section 2(5) Ministry of Works Act 1943 (1943 No 3) by substituting the words “Minister of Works” for the words “Minister of Public Works”

Section 20(1) was amended by section 2(4)(a) Public Works Amendment Act 1973 (1973 No 44) by substituting the words “Minister of Works and Development” for the words “Minister of Works”

Section 20(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

21 Governor may authorize Minister of Works and Development or any lessee to use railways or tramways made over a coal-mining lease on conditions

- (1) The Governor may, if he think fit, from time to time, by Order in Council, authorize the Minister of Works and Development, or any lessee under a lease granted or to be granted for coal-mining purposes, his or their servants and workmen, full and free liberty of making and using when so made any railways, tramways, bridges, inclines, staiths, or other means of transit over the lands described in Schedule 2, hereto, or any part thereof, and whether the same shall be demised by any lease for coal-mining purposes or not, and whether such lease shall be that of the lessee so authorized or that of any other lessee, for the purpose of connecting any mines with a Government or district railway, subject, however, to the conditions hereinafter provided.
- (2) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 21(1) was amended by section 2(5) Ministry of Works Act 1943 (1943 No 3) by substituting the words “Minister of Works” for the words “Minister of Public Works”

Section 21(1) was amended by section 2(4)(a) Public Works Amendment Act 1973 (1973 No 44) by substituting the words “Minister of Works and Development” for the words “Minister of Works”

Section 21(1) was amended, as from 21 December 1977, by section 4(1) Reserves and Other Lands Disposal Act 1977 (1977 No 104) by omitting the words “and 3”.

Section 21(1) was amended, as from 14 January 1983, by section 13(9) Reserves and Other Lands Disposal Act 1982 (1982 No 133) by substituting the words “Schedule 2” for the words “Schedules 1 and 2”.

Section 21(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

22 Lessee to deposit plans, specifications, &c., with Minister of Works and Development

Before any Order in Council shall be made authorizing a lessee to make any of the works aforesaid such lessee shall deposit with the Minister of Works and Development—

- (1) A true copy of the plans, specifications, and estimates of the proposed railway, tramway, bridge, incline, staitth, or other means of transit, as the case may be, accompanied with such documents as may be necessary to explain the same,

including an estimate of the cost thereof signed by some engineer or other competent person, and such other information relative thereto as the Minister may from time to time require:

- (2) Plans of the land over or on which the proposed work is intended to be constructed, and of any land proposed to be taken or reserved for the same:
- (3) A list of the names and addresses of every lessee or other person in possession of any land over or on which such work is intended to be constructed, or of the land proposed to be taken or reserved therefor; such list being verified as true by the statutory declaration of the lessee intending to construct the proposed work.

Section 22 was amended by section 2(5) Ministry of Works Act 1943 (1943 No 3) by substituting the words “Minister of Works” for the words “Minister of Public Works”

Section 22 was amended by section 2(4)(a) Public Works Amendment Act 1973 (1973 No 44) by substituting the words “Minister of Works and Development” for the words “Minister of Works”

23 Powers of Minister of Works and Development to require alterations, &c., to be made

The Minister of Works and Development may—

- (1) Require the lessee to make such alterations in or additions to the proposed work, or the plans and specifications so deposited as aforesaid, as he thinks will be conducive to public utility, safety, or convenience:
- (2) May require the lessee to give such notices of the intended works to every lessee or other person named in any list deposited with him under subsection (3) of section 22, and otherwise as the Minister of Works and Development thinks fit:
- (3) May appoint a day for the hearing of any objections to the proposed work, and may either himself hear such objections, or appoint some other person to do so and to report thereon. The Minister of Works and Development, or any person so appointed, shall have all the powers in respect to summoning witnesses and their examination upon oath, and of calling for the production of books and papers, as may be exercised by or under any law for the time being in force by Justices exercising summary jurisdiction.

Section 23 was amended by section 2(5) Ministry of Works Act 1943 (1943 No 3) by substituting the words “Minister of Works” for the words “Minister of Public Works”

Section 23 was amended by section 2(4)(a) Public Works Amendment Act 1973 (1973 No 44) by substituting the words “Minister of Works and Development” for the words “Minister of Works”

24 Compensation

Every lessee of a coal-mining lease or other person who shall suffer damage by the construction of such works, or by the reservation of any land out of his lease, shall be entitled to compensation. All claims to such compensation, and all claims to compensation made by any person against the Governor, the Minister of Works and Development, lessee, or other person for any injury or damage alleged to be sustained by such person from or in any way arising out of

the exercise of any of the powers, rights, or privileges, or supposed powers, rights, or privileges, conferred by this Act or by any lease for coal-mining purposes, shall be ascertained in the manner set forth by Part 3 of the Public Works Act 1876, which said Part as amended by any other Act, and so far as applicable, is incorporated with and shall form part of this Act. In applying such Part the Minister of Works and Development or lessee constructing such works shall be the respondent. The Governor may, if he think fit, grant in lieu of any compensation awarded leases of other parts of the said lands, for such terms of years, at such rents, and upon such conditions as he may think fit, or may make such reductions in the rents or royalties payable under any lease held by the person to whom such compensation is awarded as may be agreed upon by the Governor and such person.

Section 24 was amended by section 2(5) Ministry of Works Act 1943 (1943 No 3) by substituting the words “Minister of Works” for the words “Minister of Public Works”

Section 24 was amended by section 2(4)(a) Public Works Amendment Act 1973 (1973 No 44) by substituting the words “Minister of Works and Development” for the words “Minister of Works”

25 Governor in Council may order that the powers vested in the Minister of Works and Development by sections 129 to 140, both inclusive of the Public Works Act 1876, with respect to any railway or tramway as aforesaid, may be vested in and exercised by the Governor, &c.

The Governor in Council may from time to time order and declare that the provisions of sections 129 to 140, both inclusive, of the Public Works Act 1876, or of any 1 or more of such sections shall, with such modifications as the circumstances require, apply to any tramway or railway authorized to be constructed as aforesaid, and may with respect to such railway or tramway vest in any person any of the powers, duties, and functions by such sections or any of them vested in the Governor, Minister of Works and Development, or Engineer-in-Chief, and may in like manner alter or revoke such order.

Section 25 was amended by section 2(5) Ministry of Works Act 1943 (1943 No 3) by substituting the words “Minister of Works” for the words “Minister of Public Works”

Section 25 was amended by section 2(4)(a) Public Works Amendment Act 1973 (1973 No 44) by substituting the words “Minister of Works and Development” for the words “Minister of Works”

26 Minister of Works and Development or lessee who has erected a railway or tramway shall carry passengers, goods, &c., subject to certain provisions

The Minister of Works and Development or the lessee of a coal lease who shall under the authority of an Order in Council erect any railway or tramway, shall carry and convey on such railway or tramway passengers, animals, and goods, and, subject to the provisions hereinafter contained, all persons shall be entitled to use any such tramway or railway upon payment of the fares or charges fixed for such use.

Section 26 was amended by section 2(5) Ministry of Works Act 1943 (1943 No 3) by substituting the words “Minister of Works” for the words “Minister of Public Works”

Section 26 was amended by section 2(4)(a) Public Works Amendment Act 1973 (1973 No 44) by substituting the words “Minister of Works and Development” for the words “Minister of Works”

27 Governor, by warrant, may make, alter, and revoke regulations,

(1) The Governor may from time to time, by warrant, make, alter, and revoke regulations,—

- Fixing the tolls, rates, fares, and rent to be charged by the Minister of Works and Development or the lessee for the carriage of passengers, produce, animals, goods, merchandise, articles matters, and things on such railway or tramway, and for the storage of goods in any of the sheds or warehouses used in connection therewith; and the tolls, fares, rates, and charges so fixed for the time being shall be deemed to be the tolls, fares, rates, and charges authorized to be taken by the Minister of Works and Development or the lessee;
- Regulating the number of trains to run each day, and the time of their arrival and departure from the terminal and intermediate stations;
- Prescribing the description and quantity of rolling-stock which the Minister of Works and Development or the lessee shall keep on the line or lines to be specified in such regulations, and the state and condition in which the same shall be kept and maintained;
- Generally may make regulations and may thereby impose such restrictions upon the conduct of the business and traffic of the Minister of Works and Development or the lessee as may, in the opinion of the Governor, be most conducive to the public safety, interest, and welfare.

In and by any such regulations the Governor may affix a penalty of not exceeding £100 to the breach of any of the regulations so to be made as aforesaid.

(2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 27 heading: amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 27(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 27(1) was amended by section 2(5) Ministry of Works Act 1943 (1943 No 3) by substituting the words “Minister of Works” for the words “Minister of Public Works”

Section 27(1) was amended by section 2(4)(a) Public Works Amendment Act 1973 (1973 No 44) by substituting the words “Minister of Works and Development” for the words “Minister of Works”

Section 27(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

28 Regulations authorized may be made generally, or applicable either to whole or part of such railway or tramway, as the Governor may prescribe

The regulations hereby authorized may be made either generally for all lines of railway or tramway constructed under the authority of this Act, or for any particular railway or tramway, and the same may be made applicable either to the whole or to any part of such railway or tramway as the Governor may prescribe in that behalf.

29 Governor may declare any railway or tramway subject to the by-laws and regulations in force on any railway under the Public Works Act 1876.

The Governor may, if he thinks fit, by warrant duly gazetted, declare that any railway or tramway constructed under this Act shall be subject to the by-laws and regulations, or any of them, in force upon any railway constructed under the Public Works Act 1876, or any of the Acts repealed by said Act, and vested in Her Majesty the Queen.

30 Sections 146 to 150, both inclusive, and 156 to 162, both inclusive, of the Public Works Act 1876, to be incorporated with this Act

The following provisions of the Public Works Act 1876, shall, so far as the same can be applied to any railway, tramway, incline, bridge, staith, or other means of transit constructed under the authority of this Act, be deemed to be incorporated with this Act, that is to say,—

- Sections 146 to 150, both inclusive
- Sections 156 to 162, both inclusive.

Wherever in such sections any power, duty, or function is given to or imposed upon the Minister of Works and Development, such power, duty, or function shall be given to, imposed upon, and may be exercised by the lessee.

Section 30 was amended by section 2(5) Ministry of Works Act 1943 (1943 No 3) by substituting the words “Minister of Works” for the words “Minister of Public Works”

Section 30 was amended by section 2(4)(a) Public Works Amendment Act 1973 (1973 No 44) by substituting the words “Minister of Works and Development” for the words “Minister of Works”

31 Every lessee required to carry free of charge mails, &c.

Every lessee who, under the authority of this Act, has constructed any railway or tramway, shall be required to carry on such railway or tramway, free of charge, all mails (including in that term all boxes, bags, or other receptacles) sent or transmitted by or under the authority of the Postmaster-General, and all constables or police officers travelling on duty, and their arms and baggage, if any; and in the event of war or civil commotion shall, on the requisition of the

Governor or any 2 Justices of the Peace, place the whole of the resources of the railway at his or their disposal, at the charges actually incurred.

32 Recovery of possession of land from persons holding illegal possession

When any person shall, without any right, title, or license, or whose right, title, or license has expired or been forfeited or cancelled, be in occupation of any of the lands described in Schedule 2 to the said Act, and whether such lands be within or outside of any mining district, the Minister of Lands, or the Minister of Works and Development, or any person appointed in writing by either or both, may enter a plaint in the District Court of the district in which the land lies to recover possession thereof; and the jurisdiction of the court or District Court Judge shall not be ousted on the plea that a question of title is involved in any such case, or that the value of the premises of which possession is sought to be recovered is in excess of the ordinary jurisdiction of such court or District Court Judge.

Section 32 was substituted, as from 23 September 1881, by section 4 Westland and Nelson Coal Fields Administration Amendment Act 1881 (1881 No 4(L)).

Section 32 was amended by section 2(5) Ministry of Works Act 1943 (1943 No 3) by substituting the words “Minister of Works” for the words “Minister of Public Works”

Section 32 was amended by section 2(4)(a) Public Works Amendment Act 1973 (1973 No 44) by substituting the words “Minister of Works and Development” for the words “Minister of Works”

Section 32 was amended, as from 21 December 1977, by section 4(1) Reserves and Other Lands Disposal Act 1977 (1977 No 104) by omitting the words “and 3”.

Section 32 was amended, as from 14 January 1983, by section 13(9) Reserves and Other Lands Disposal Act 1982 (1982 No 133) by substituting the words “Schedule 2” for the words “Schedule 1 and 2”.

33 Hearing, and subsequent proceedings

If upon the hearing of such plaint the defendant shall not appear, or shall appear but shall fail to establish in himself an absolute right and title to the possession of such land, the court may order that possession thereof be given by the defendant to the plaintiff, either forthwith or on or before such day as the court thinks fit to name, and that the defendant do pay the costs. If delivery of the land be not made in pursuance of such order, the court, or the District Court Judge of the district, or any Justice of the Peace, may issue his warrant authorizing and requiring the bailiff of the court or any constable to give possession of such land to the plaintiff. The provisions of sections 91 to 95, both inclusive, of the Resident Magistrates Act 1867, shall apply to any proceedings under this and the last preceding section.

Section 33 was amended, as from 1 March 1894, by section 14 Magistrates’ Court Act 1893 by substituting the words “Stipendiary Magistrate” for the words “Resident Magistrate”.

Section 33 was amended, as from 1 April 1980, by section 18(2) District Courts Amendment Act 1979 (1979 No 125) by substituting the words “District Court Judge” for the words “Stipendiary Magistrate”.

34 Penalty for trespass

- (1) If any person shall, without right, title, or license, allow any cattle, horses, or any other animals to trespass on such land, or shall fell or remove or sell any of the timber growing or being thereon, or otherwise unlawfully trespass on the same, every such person shall, on conviction of any of the acts hereinbefore mentioned, and for every such offence, forfeit and pay any sum not exceeding 50 pounds, to be recovered in accordance with Part 3 of the Summary Proceedings Act 1957.
- (2) Only the Minister of Land Information, or a person appointed in writing by the Minister of Land Information, may file a charging document for any of the offences mentioned in this section.

Section 34(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 34(1) proviso: repealed, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 34(2): inserted, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

35 Governor may, on recommendation of the Waste Land Boards of the land districts affected, appoint persons for carrying out the objects and provisions of this Act

The Governor may, on the recommendation of the Waste Land Boards of the land districts affected by this Act, appoint such agents, inspectors, coal-viewers, or such other persons as may be necessary for carrying out the objects and provisions of this Act, at such salaries as the Governor shall determine; such salaries to be paid out of the revenues derivable under this Act,

Schedule 1

Westland—Grey Coal Field Reserve

Five thousand acres, more or less, situate on the west coast of the Middle Island; bounded by a line commencing at a point on the south bank of the River Grey, in the Provincial District of Westland, the same being the north-west corner of the reserve for Native purposes containing 250 acres, and numbered 34 of the General Government reserves in the Grey District; thence southerly and easterly, following along the western and southern boundaries of the said reserves to the River Arnold; thence following the western bank of that river in a southerly direction to a point on the same, being 194 chains measured in a straight line from the confluence of the before-mentioned Rivers Grey and Arnold; thence westerly, following a right line to a point being 15 chains distant from and in continuation of the eastern boundary of the reserves for Native purposes, containing 250 acres, and numbered 33 of the General Government reserves; thence following a straight line to the south-eastern corner of that reserve, and onwards in the same straight line along the eastern boundary thereof to the River Grey aforesaid; and from thence returning along the southern bank of that river to the commencing point.

Schedule 2

Nelson—Grey Coal Field Reserve

Ten thousand acres, more or less, situate on the west coast of the Middle Island; bounded by a line commencing at a point on the north bank of the River Grey, in the Provincial District of Nelson, the same being the south-western corner of the Coal Pit Heath Mining Company's lease; thence following along the boundaries of the Said Company's lease, westerly 11500 links, and northerly 5300 links; thence northerly through Crown land to a point on the West Coast, 70 chains, more or less, north-north-east of the mouth of the Seven-Mile Creek, 36200 links; thence along high watermark on the West Coast to a point 130 chains, more or less, north of the Eleven-Mile Creek, being the westerly boundary of the Point Elizabeth Mining Company's lease; thence easterly 8000 links, being the northern boundary of said Company's lease; thence southerly 30000 links, being the eastern boundary of said Company's lease; thence south-easterly through Crown land to a point being the northern corner of the Brunner Coal Mining Company's lease, 25100 links; thence following the boundary of the said Company's lease south-easterly, 16000 links; thence along the north bank of the River Grey, being also the boundary of the said Company's lease, to the north-eastern boundary of the Coal Pit Heath Mining Company's lease, 11000 links; thence along said bank of the River Grey, being also the boundary of the said Coal Pit Heath Mining Company's lease, to the south-western corner of said lease at Taylorville, the commencing point as above, 3400 links: be all the aforesaid distances more or less.

Schedule 3

Buller Coal Field Reserve

[Repealed]

Schedule 3 was repealed, as from 21 December 1977, by section 4(1) Reserves and Other Lands Disposal Act 1977 (1977 No 104)

Schedule 4

Westport Colliery Reserve

[Repealed]

Schedule 4 was repealed, as from 21 December 1977, by section 3(2) Reserves and Other Lands Disposal Act 1977 (1977 No 104)

Schedule 5

Portions of Acts of the General Assembly repealed by this Act

The whole of section 19 of The Railways Act 1873.

The whole of section 6 of The Railways Act 1874.

The whole of sections 23 to 28, both inclusive, of The Immigration and Public Works Act 1875.

Acts of the province of Nelson repealed by this Act

The whole of the Buller Reserves Administration Act 1863.

The whole of the Buller Reserves Administration Amendment Act 1866.

The whole of the Buller Reserves Administration Amendment Act 1874.

Consolidation notes**1 *General***

This is a consolidation of the Westland and Nelson Coal Fields Administration Act 1877 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *About this consolidation*

This consolidation is not an official version of the legislation under section 78 of the Legislation Act 2019.

3 *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3

Criminal Procedure Act 2011 (2011 No 81): section 413