

Dunedin District Drainage and Sewerage Acts Amendment Act 1912

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An Act to amend the Dunedin District Drainage and Sewerage Act, 1900, and the Acts amending the same.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1 Short Title.

This Act may be cited as the Dunedin District Drainage and Sewerage Acts Amendment Act, 1912, and it shall form part of and be read together with the Dunedin District Drainage and Sewerage Act, 1900.

2 Interpretation.

In this Act, if not inconsistent with the context,—

“The principal Act” means the Dunedin District Drainage and Sewerage Act, 1900:

“The Amendment Act, 1906,” means the Dunedin District Drainage and Sewerage Act 1900 Amendment Act, 1906:

“The Amendment Act, 1907,” means the Dunedin District Drainage and Sewerage Act Amendment Act, 1907:

“The Amendment Act, 1909,” means the Dunedin District Drainage and Sewerage Acts Amendment Act, 1909:

“The Amendment Act, 1911,” means the Dunedin District Drainage and Sewerage Acts Amendment Act, 1911.

3 Borrowing-powers.

- (1.) The Board is hereby authorized to borrow further money for the purposes of the principal Act not exceeding the sum of one hundred thousand pounds, and section fifty-six of the principal Act shall be read and construed as if the words “five hundred and fifty thousand pounds” had been originally inserted therein instead of the words “two hundred thousand pounds.”
- (2.) The words “by instalments” in section seventy of the principal Act are hereby repealed, and the words “or under the provisions of any agreement with the Board or otherwise” inserted therein after the word “Act” wherever such last-mentioned word occurs in the said section, and the said section shall be read and construed as if the alterations hereby made therein had originally been made therein.

4 Deputies.

- (1.) The Board may, by resolution, from time to time appoint and remove and reappoint a Deputy Drainage Engineer and a Deputy Secretary respectively.
- (2.) The provisions of section twenty of the Amendment Act, 1906, shall apply to every such appointment.
- (3.) Unless otherwise directed by the Board, all the duties and powers by the principal Act or any amendment thereof, or the by-laws for the time being of the Board, or any deed, contract, or other instrument (whether the Board be a

party to such deed, contract, or instrument, or not) imposed upon, vested in, or exercisable by the Drainage Engineer of the Board, shall be imposed upon and be exercisable by the Deputy Drainage Engineer for the time being as well as the Drainage Engineer; and the expression "Drainage Engineer" in any such Act, by-law, deed, contract, or instrument shall include the Deputy Drainage Engineer.

- (4.) The provisions of the last preceding subsection shall, *mutatis mutandis*, apply to the Secretary and Deputy Secretary of the Board.

5 Powers of the Board.

- (1.) The Board may, by notice in writing, require the owner of any premises situated within the district to construct and provide any sanitary convenience or sanitary appliance in connection with such premises, and, in particular, may require the owner of a group or block of contiguous, or adjacent, or detached, or semi-detached buildings to construct and provide one water-closet for each such building.
- (2.) The incorporation of old work in any single drain or drain in common heretofore or hereafter provided, constructed, or laid by or by permission of the Board shall not prevent the Board from requiring new work to be substituted for such old work.
- (3.) If and whenever the Board shall in any part of the district construct a sewer to operate on the separate system with a sewer existing at the date of the passing of this Act, and shall require the connection with such new sewer of a drain in common existing at the time of the construction of such new sewer, the Board may make such connection (including the providing, constructing, and laying of a new drain in lieu of any part of such drain in common) at the cost of the owners of the premises served by such drain in common; and such cost shall be apportioned between or amongst and paid by such owners notwithstanding any previous apportionment (if any) of the cost of such drain in common; and paragraphs (a) to (f), both inclusive, of section six of the Amendment Act, 1906, shall extend and apply to the cost of such new connection.
- (4.) The Board may require and direct any works ordered pursuant to section twenty-five of the principal Act to be connected to a drain in common.
- (5.) If and whenever the Board shall make a requisition under or by virtue of the last preceding subsection, the owner of the premises in respect of which the requisition is made shall pay to the Board such proportion of the cost of such drain in common as the Drainage Engineer shall certify in writing.
- (a.) The provisions of this subsection shall not apply if the owner or his predecessor in title shall have already contributed to the cost of such drain in common.
- (b.) The moneys received by the Board pursuant to this subsection shall be held in trust for such persons as would be entitled to any compensation

payable under the said Acts if the premises served by such drain in common had been taken by the Board under the provisions of the said Acts or the Public Works Act, 1908, and in such proportions as the Drainage Engineer shall certify in writing.

- (c.) Paragraphs (d), (e), and (f) of section six of the Amendment Act, 1906, shall, *mutatis mutandis*, apply to the moneys payable to the Board under or by virtue of this subsection and to the premises of the said owner, and the charge shall take effect from the date of any notice or order given by the Board under or by virtue of the last preceding subsection.
- (6.) The powers conferred upon or vested in the Board under or by virtue of the said Acts, and, in particular, section twenty-six of the principal Act and section twelve of the Amendment Act, 1907, shall extend and apply to two or more premises vested in one owner, although the estate or interest of such owner in any of such premises be less than the fee-simple; but in such case the said respective premises shall for the purposes of the charge created by or by virtue of the said Acts, and the liability for and the recovery of the amount thereof and interest thereon, be regarded and treated as if the said premises were separately owned; and the cost of any works, materials, or things executed, provided, or done by the Board on or in connection with the drainage, sewerage, or sanitation of such premises shall be apportioned by the Drainage Engineer between or amongst such premises accordingly in accordance with paragraph (c) of section six of the Amendment Act, 1906.
- (7.) The last preceding subsection shall apply to a combined drain or drain in common constructed or laid by the Board by agreement with an owner of two or more premises as therein mentioned, which agreement the Board is hereby authorized to enter into.
- (8.) Nothing in this section contained shall be deemed to limit the powers of the Board under or by virtue of sections twenty-five or twenty-six of the principal Act, or section twelve of the Amendment Act, 1907.

6 Elections.

- (1.) Section nine of the principal Act is hereby repealed.
- (2.) The Local Elections and Polls Act, 1908, shall apply to all elections under the principal Act.

7 Amendment of Amendment Act, 1909.

Subsection two of section thirteen of the Amendment Act, 1909, is hereby amended by adding thereto, after the word "such," the word "Act."

8 Interest on charges.

Paragraph (d) of section eleven of the Amendment Act, 1911, is hereby amended by repealing the words "execution of the works as certified by the

Drainage Engineer,” and substituting therefor the words “certificate of the Drainage Engineer of the cost of the works.”

9 Consent to agreement.

The consent of any other person shall not be required or necessary to an agreement between the Board and an owner of premises for the execution of works on or in connection with such premises, and the absence of such consent shall not affect the validity of a charge created by or by virtue of the said Acts, the provisions of any lease or other document to the contrary notwithstanding.

10 Expenses of members.

The Board may reimburse to every member the expenses reasonably incurred and actually paid by him in making any journey on behalf of the Board when appointed by the Board to make such journey.

11 Power to lay private drain-connection.

- (1.) The Board may, at its discretion, provide, construct, and lay a private drain from a sewer to any point without the boundary of any premises within the district, or within such boundary as far as the position for the boundary trap of a private drain, as provided for by the by-laws for the time being of the Board for the service of such premises; or may provide, construct, and lay one drain to serve two or more premises, and execute all works incidental or appurtenant to such single or combined drain, including the boundary trap.
- (2.) The provisions of paragraphs (a) to (f), both inclusive, of section six of the Amendment Act, 1906, shall apply to works, materials, and things executed, provided, and done by the Board under or by virtue of this section and the cost thereof, and section twenty-eight of the principal Act shall apply to such cost and interest.
- (3.) The provisions of this section shall apply and operate notwithstanding that the sewer to which such single or combined drain is or is to be connected is only in course of construction.
- (4.) The Board may require and direct any works ordered to be executed under or by virtue of sections twenty-five or twenty-six of the principal Act, or section twelve of the Amendment Act, 1907, to be connected to any single or combined private drain provided, constructed, and laid by the Board as aforesaid, or itself connect the same in cases where the Board elects to execute the works.

12 Consent to works, &c.

A consent in writing by the owner of any premises within the district to the execution of any works, public or private, by the Board, or by any local authority within the district under an arrangement with the Board, or to the abandonment of any sewer or other works (which consent such owner is hereby authorized to give), shall, from and after the entry of a note or memorandum

thereof in the Board's Register of Charges, bind such premises and the owner thereof for the time being.

13 Amendment of Amendment Act, 1911.

Paragraph (b) of section eleven of the Amendment Act, 1911, is hereby amended by repealing the word "seven," and substituting therefor the word "fourteen."