

Napier Borough Empowering Act 1943

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Contents

	Page
Title	1
1 Short Title.	1
2 Definitions.	1
3 Service-lane included in the definition of “street” in the principal Act, and the provisions of the principal Act relating to streets to apply, with certain exceptions, to service-lanes.	2
4 Council empowered to approve or authorize service-lanes.	2
5 Service-lanes not to afford any right of frontage.	2
6 Width of service-lanes.	2
7 Provisions of sections 125 and 128 of the Public Works Act, 1928, not to apply to land fronting service-lanes.	2

An Act to confer Additional Powers on the Napier Borough Council and to authorize the Construction of Back Access ways to Properties in the Borough, to be known as “Service-lanes”.

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 Napier Borough Empowering Act, 1943.

2 Definitions.

In this Act, unless inconsistent with the context,—

“Borough” means the Borough of Napier:

“Corporation” means the Mayor, Councillors, and Burgesses of the Borough of Napier:

“Council” means the Napier Borough Council:

“Principal Act” means the Municipal Corporations Act, 1933:

“Service-lane” means a way heretofore or hereafter laid out by the Council on land belonging to the Corporation for the purpose of back access way to premises.

3 Service-lane included in the definition of “street” in the principal Act, and the provisions of the principal Act relating to streets to apply, with certain exceptions, to service-lanes.

All service-lanes shall be included in the term “street” as defined in section one hundred and seventy-four of the principal Act, but the following provisions of the principal Act—namely, subsection three and paragraphs (*e*), (*k*), and (*n*) of subsection four, and subsection six of section one hundred and seventy-five, sections one hundred and seventy-six, one hundred and eighty-one, one hundred and eighty-two, one hundred and ninety, one hundred and ninety-two, and one hundred and ninety-six, and section two hundred and four, relating to streets, shall not apply to any service-lane.

4 Council empowered to approve or authorize service-lanes.

The Council, by resolution, may declare any way heretofore laid out by the Council in the borough on land belonging to the Corporation to be a service-lane for the purposes of this Act, and may authorize the construction and laying-out of service-lanes in the borough on land belonging to the Corporation.

5 Service-lanes not to afford any right of frontage.

- (1) The Council shall not authorize any person to erect a building on any site fronting any service-lane unless such site has a frontage to some other street, or to some private street, or some duly authorized private way, as the same are defined by the principal Act.
- (2) No person shall acquire any right to erect any building by reason of the existence or construction of any service-lane.

6 Width of service-lanes.

No service-lane shall be less than ten feet wide or more than twenty-four feet wide, measured at right angles to its course.

7 Provisions of sections 125 and 128 of the Public Works Act, 1928, not to apply to land fronting service-lanes.

- (1) Service-lanes shall not be deemed to be streets for the purpose of section one hundred and twenty-five of the Public Works Act, 1928.

- (2) All service-lanes are hereby unconditionally exempted from the provisions of section one hundred and twenty-eight of the Public Works Act, 1928.