

Fencing Act 1847

Public Act 1847 No 8
Date of assent 2 October 1847

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No. VIII.

An Ordinance to encourage the Fencing of Land.

Preamble.

BE IT ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1 Cost of erecting dividing fence to be borne by adjoining owners.

If any person shall heretofore have erected or shall hereafter erect a sufficient fence dividing his land from the land adjoining thereto, and the occupier of the adjoining land shall, after the first day of January, one thousand eight hundred and forty-eight, in enclosing the same avail himself of the dividing fence so erected or of any part thereof, he shall be liable to pay to the owner of the adjoining land by whom the dividing fence was erected, or to the then owner of such land, the half of the then value of so much of such dividing fence as shall be made available as a fence to such adjoining land.

2 And to be recovered summarily.

If the person liable to pay the half of the value of such fence as aforesaid shall not forthwith pay the same on demand, to be made in that behalf in writing by the person to whom the same shall be payable, the amount payable in respect

of such fence shall be recoverable in a summary way before any two Justices of the Peace: Provided always that it shall be lawful for such Justices to direct the payment of the same either altogether or by instalments and at such times as to the said Justices shall seem meet.

3 Expense of repairs to be borne in like manner.

When any such dividing fence shall be out of repair, and become insufficient, any occupier of adjoining land having given notice in writing to the other occupier of the land divided by such fence may, on the refusal or neglect of such last-mentioned occupier for the space of one week to contribute to the maintenance thereof, cause the same to be repaired and made a sufficient fence, and shall thereupon be entitled to recover from such adjoining occupier one-half of the cost of repairing such fence in a summary way as aforesaid.

4 Limitation of amount.

Provided always that no greater sum shall be recovered under the provisions of this Ordinance in respect of the making or repairing of any such fence than the sum of two shillings per rod.

5 Interpretation.

In the construction of this Ordinance the word "Owner" shall be taken to include the tenant in fee simple, a tenant in tail, a tenant for life, and a tenant for any term of years not being less than seven years.