

Provincial Councils Powers Extension Act 1863

Public Act 1863 No 9
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An Act to enable Provincial Councils to make Laws affecting Public Roads and Watercourses.

Preamble.

[Reserved for the signification of Her Majesty's pleasure thereon, 12th December, 1863.]

WHEREAS by the "Constitution Act" it is enacted that it shall not be lawful for the Superintendent and Provincial Council of any Province to make or ordain any Law or Ordinance for the purpose of affecting Lands of the Crown and whereas it is expedient that such restriction should not extend to land which has been given up for public highways nor to the beds of rivers streams and creeks:

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows:

I Short Title.

The Short Title of this Act shall be the “Provincial Councils Powers Extension Act 1863.”

II Laws may be passed by Provincial Councils affecting Lands of the Crown being highways and beds of rivers &c.

Whenever any Law or Ordinance shall be passed by any Provincial Council for the purpose of authorising the making or carrying on of some work of utility to the Public or to the Inhabitants of some particular Town Village or District such Law may so far as may be necessary for the making or carrying on of such work of utility affect any public street road or highway or the bed of any river stream or creek although the same respectively may be the lands of the Crown anything in the said recited “Constitution Act” to the contrary notwithstanding Provided that every such Law or Ordinance affecting any part of a navigable river stream or creek shall be reserved for the signification of the Governor’s pleasure thereon.

III Laws already passed to be deemed valid from passing thereof.

All provisions of any Acts or Ordinances passed by any Superintendent and Provincial Council which would have been legal and valid if this Act had been in force at the time of the passing of such Acts or Ordinances shall be and be deemed to have been valid as from the time of passing thereof and all acts done under the authority of any such provisions shall be effectual accordingly.