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River Boards Act 1908

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Note

Changes authorised by subpart 2 of Part 3 of the Legislation Act 2019 have been made in this consolidation. See the notes at the end of this consolidation for further details.

This Act is administered by the Department of Internal Affairs.

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An Act to consolidate certain enactments of the General Assembly relating to the constitution of River Boards and the construction of river works

1 Short Title, etc

(1) The Short Title of this Act is the River Boards Act 1908.

(2) This Act is a consolidation of the enactments mentioned in Schedule 1 hereto, and with respect to those enactments the following provisions shall apply:

(a) all river districts and River Boards subsisting under those enactments on the coming into operation of this Act shall be deemed to be constituted under this Act as the same river districts and Boards under this Act:

(b) all members and Chairmen of Boards in office on the coming into operation of this Act shall, subject to the provisions of this Act, continue in office until the coming into office of their successors under this Act:

(c) all Corporations, Proclamations, Orders in Council, orders, warrants, petitions, special orders, regulations, resolutions, rolls, lists, ratebooks, rates, records, instruments, offices, appointments, and generally all acts of authority which originated under any of the said enactments or any enactment thereby repealed, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated:

(d) all matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

2 Interpretation

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

Clerk *[Repealed]*

Country lands means all lands other than town lands as herein defined

local authority means a territorial authority within the meaning of the Local Government Act 2002

ratepayer means the ratepayer for the property within the district liable to be rated under the Local Government (Rating) Act 2002 for the purposes of this Act

River Board or **Board** means a River Board constituted under this Act

River district or **district** means a river district established under this Act

Secretary means the Secretary of a River Board

Tidal lands means such parts of the bed, shore, or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides

Tidal water means any part of the sea or of a river within the ebb and flow of the tide at ordinary spring tides

Town lands means all lands within a borough or town district or in that part of the district of a territorial authority that immediately before the constitution of the district was or formed part of a borough or town district.

Compare: 1884 No 49 s 3

Clerk: this definition was repealed, as from 22 October 1952, by section 2(1) River Boards Amendment Act 1952 (1952 No 48).

Local authority: this definition was substituted, as from 1 April 1980, by section 8(3) Local Government Amendment Act 1979 (1979 No 59).

Local Authority: this definition was substituted, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

Ratepayer: this definition was substituted, as from 28 June 1988, by section 208(1) Rating Powers Act 1988 (1988 No 97).

Ratepayer: this definition was substituted, as from 1 July 2003, by section 137(1) Local Government (Rating) Act 2002 (2002 No 6). *See* section 137(2) of that Act as to the savings provision that provides that the changes apply for the purpose of rating in a financial year that begins on or after 1 July 2003.

Secretary: this definition was inserted, as from 22 October 1952, by section 2(2) River Boards Amendment Act 1952 (1952 No 48).

Town lands: this definition was substituted, as from 1 April 1980, by section 8(3) Local Government Amendment Act 1979 (1979 No 59).

Town lands: this definition was amended, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84) by substituting the words "territorial authority" for the words "district council". *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

Section 2 paragraph relating to **published**, and **publicly notified**, and **public notice**: repealed, on 6 June 2026, by section 222 of the Regulatory Systems (Internal Affairs) Amendment Act 2026 (2026 No 26).

3 Acts incorporated

The Local Electoral Act 2001, the Local Government (Rating) Act 2002, and the Public Works Act 1981 are hereby incorporated with this Act, and shall be read therewith.

The reference to the Local Elections and Polls Act 1908 was substituted, as from 1 April 1926, by a reference to the Local Elections and Polls Act 1925 by section 84 Local Elections and Polls Act 1925 (1925 No 35). That reference was in turn substituted, as from 27 August 1953, by section 103(1) Local Elections and Polls Act 1953 (1953 No 16). That reference was in turn substituted, as from 26 October 1966, by section 92(1) Local Elections and Polls Act 1966 (1966 No 101). That reference

was in turn substituted, as from 1 April 1977, by section 124(1) Local Elections and Polls Act 1976 (1976 No 144).

The reference to the Rating Act 1908 was substituted, as from 1 October 1925, by a reference to the Rating Act 1925, pursuant to section 120 Rating Act 1925 (1925 No 30). That reference was in turn substituted, as from 1 April 1968, by a reference to the Rating Act 1967 pursuant to section 177(1) Rating Act 1967 (1967 No 123). That reference was in turn substituted, as from 28 June 1988, by a reference to the Rating Powers Act 1988 pursuant to section 209(1) Rating Powers Act 1988 (1988 No 97).

The reference to the Public Works Act 1908 was substituted, as from 6 October 1928, by a reference to the Public Works Act 1928 by section 346 Public Works Act 1928 (1928 No 21). That Act was in turn repealed, as from 1 February 1982, by section 248(1) Public Works Act 1981 (1981 No 35).

Section 3 was amended, as from 1 July 2003, by section 137(1) Local Government (Rating) Act 2002 (2002 No 6) by substituting the words "Local Government (Rating) Act 2002" for the words "Rating Powers Act 1988". *See* section 137(2) of that Act as to the savings provision that provides that the changes apply for the purpose of rating in a financial year that begins on or after 1 July 2003.

Section 3 was amended, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84) by substituting the words "The Local Electoral Act 2001" for the words "The Local Elections and Polls Act 1976". *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

Petitions

4 Provisions as to petitions

The following provisions shall apply to all petitions under this Act:

(a) The signatures to any such petition shall be verified by the solemn declaration in the form following, signed by some person or persons residing in the district to which such petition refers:

"I, A. B., do solemnly declare that the signatures affixed to the above petition initialled by me [*or* which I have marked (*Describing the mark*)] are the genuine signatures of the persons whose they purport to be, and that such persons are district electors of the [*Naming the river or other district*] to which the petition relates [*or* are ratepayers of the river district to which the petition relates].":

(b) Every person who forges any such petition or any signature thereto, or utters the same knowing it to be forged, or makes any such declaration knowing the same to be false, is liable to a fine not exceeding $100:

(c) If it is represented to the Governor-General that any of the signatures to any such petition or declaration are false, or that any of the persons signing were not entitled so to sign, or that the statements in such petition are untrue, or that the provisions of this Act in respect to such petition have not been complied with, the Governor-General may cause an inquiry to be made, and may adjourn the consideration of such petition till the result of such inquiry is known:

(d) The Governor-General may appoint one or more persons to make such inquiry, who shall have all the powers in respect to the summoning of witnesses and their examination upon oath, and to calling for the produc-

tion of books and papers touching such inquiry, as may be exercised by or under any law for the time being in force by Justices; and any person interested shall be at liberty, by himself or his counsel, to appear before such persons and make such statements and produce such evidence as he thinks material:

(e) The Governor-General shall not grant the prayer of any petition if the result of any such inquiry as aforesaid proves that there are not sufficient true signatures to such petition to make up the number required by this Act, or that the statements in such petitions are untrue, or that the provisions of this Act in respect to such petition have not been complied with.

Compare: 1884 No 49 s 4

The expression "$100" was substituted, as from 10 July 1967, for the expression "fifty pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Section 4(d): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

5 Petitioners may set after their names number of votes they may be entitled to exercise

[Repealed]

Section 5 was repealed, as from 1 April 1974, by section 9(2) Counties Amendment Act 1974 (1974 No 8).

River districts

New districts

6 Governor-General may on petition constitute river districts

[Repealed]

Subsection (1)(a) was amended, as from 2 November 1910, by section 7 River Boards Amendment Act 1910 (1910 No 23) by substituting the word "one-fourth" for the word "two-thirds".

Subsection (1)(a) was further amended, as from 4 December 1913, by section 2(1) River Boards Amendment Act 1913 (1913 No 35) by substituting the words "a majority" for the words "not less than one-fourth in number".

Sections 6 to 14 were repealed, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

7 Borough and town district to form separate subdivision

[Repealed]

The words "and that part of the district of a district council that immediately before the constitution of the district was or formed part of a borough or town district" were inserted, as from 1 April 1980, by section 8(3) Local Government Amendment Act 1979 (1979 No 59).

Sections 6 to 14 were repealed, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

8 Provision for first elections of new Boards, etc Roll of electors

[Repealed]

In subsection (2) the words "territorial authority within the meaning of the Local Government Act 1974" were substituted, as from 1 April 1980, for the words "riding of a county, or for any road district, town district, or borough" by section 8(3) Local Government Amendment Act 1979 (1979 No 59).

Subsection (3) was substituted, as from 1 April 1974, by section 9(2) Counties Amendment Act 1974 (1974 No 8).

Sections 6 to 14 were repealed, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

Union of districts

9 Districts may be united

[Repealed]

Sections 6 to 14 were repealed, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

10 Governor-General to fix number of members of Board of united district

[Repealed]

Sections 6 to 14 were repealed, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

11 Boards of districts united to be dissolved

[Repealed]

Sections 6 to 14 were repealed, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

12 Property, etc, of districts united to vest in new district

[Repealed]

Sections 6 to 14 were repealed, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

13 Governor-General to provide for first elections

[Repealed]

Sections 6 to 14 were repealed, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

Alteration of districts

14 Alteration or abolition of districts

[Repealed]

Subsection (1) was repealed, as from 4 December 1913, by section 3(3) River Boards Amendment Act 1913 (1913 No 35). *See* now section 3 of that Act as to the Governor-General being conferred with the power on petition to alter or abolish districts.

Subsection (1) was amended, as from 2 November 1910, by section 7 River Boards Amendment Act 1910 (1910 No 23) by substituting the word "one-fourth" for the word "two-thirds".

Sections 6 to 14 were repealed, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

River boards

Number of members of the Board—elections

15 Constitution of Board

(1) In every river district there shall be a River Board, consisting in districts not divided into subdivisions, of not less than 5 nor more than 9 members, and in districts divided into subdivisions, of the members for each subdivision, but so that there shall be not less than 5 nor more than 9 members of the Board, nor less than one nor more than 4 members for each subdivision.

(2) Every such Board shall be a Corporation under the name of "The [*Stating the name*] River Board", having perpetual succession and a common seal, with power to make, alter, and renew the same, to purchase, take, hold, and transfer property, real and personal, and to sue and be sued in any Court, and to do and suffer all other acts and things which a body corporate may lawfully do and suffer.

Compare: 1884 No 49 ss 15, 16

In subsection (1) the figure "4" was substituted, as from 4 December 1913, for the figure "3" by section 5 River Boards Amendment Act 1913 (1913 No 35).

16 Boards prior to 10 November 1884

(1) Notwithstanding anything in the last preceding section, it is hereby declared that in the case of Boards constituted prior to the 10 November 1884 (being the date of the coming into operation of the River Boards Act 1884), the number of their members and the mode of electing, appointing, or selecting the members shall continue under the respective enactments regulating the same and in force immediately prior to the coming into operation of this Act; for which purpose those enactments shall, notwithstanding the repeal thereof, be deemed to remain in operation.

(2) Notwithstanding anything in subsection (1) of this section, every person who votes at an election of a member or members of a Board held in accordance with any such enactment shall be entitled to exercise only one vote.

Compare: 1884 No 49 s 17

Subsection (2) was inserted, as from 1 April 1974, by section 9(2) Counties Amendment Act 1974 (1974 No 8).

17 By whom members elected

In the case of every river district constituted on or after the date last aforesaid the members of the Board shall be elected by the ratepayers of the district, and

if the district is subdivided, then the ratepayers of each subdivision shall elect the member or members for such subdivision.

Compare: 1884 No 49 s 18

18 Provision where a local authority forms or elects Board

The provisions of this Act respecting election of members shall have no application in any case where the members of a local authority—

(a) form the Board; in which case the Board so constituted shall be a River Board within the meaning of this Act, and continue to perform the functions of such Board from time to time without complying with the provisions of this Act relating to elections:

(b) elect any member of the Board; in which case the local authority shall conduct the election in manner as it determines; but in case of failure in making such election an extraordinary vacancy shall be created, and the Governor-General shall nominate a person to be member of the Board to supply such vacancy.

Compare: 1884 No 49 s 19

19 Governor-General in Council may declare what bodies shall return members in certain cases

(1) If at any time it appears to the Governor-General that a local authority or association electing or appointing a member or members of the Board has ceased to exist, or has been incorporated with or united to some other local authority or association, the Governor-General may by Order in Council declare what other local authority or association shall return a member in lieu of the authority or association so ceasing to exist or being incorporated or united as aforesaid.

(2) If any such authority or association becomes divided into 2 or more like bodies, the Governor-General in Council may order that the original bodies or associations and the new bodies or associations shall unite in electing or appointing a member or members of the Board, as the case may be.

(3) If the name of any such local authority or association is changed, but such body or association in other respects remains unaltered, such change of name shall not affect the right of such body or association to elect a member.

(4) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1884 No 49 s 20

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 *Gazette*	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 19(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

20 Conditions on which Board may alter number of members

The Board may, at any time after the creation of the district, by special order from time to time divide any undivided district into subdivisions, or increase or diminish the number of any subdivisions, and change the names thereof, and may abolish the whole or any of such subdivisions, and fix or vary the number of members to be elected for each district or any subdivision, but subject to the provisions of section 15 hereof.

Compare: 1884 No 49 s 21

Dissolution and reconstitution of boards

21 Governor-General, on request, may dissolve and reconstitute a Board

(1) Any Board may, by resolution passed by an absolute majority of its members, request the Governor-General in Council to dissolve the Board and the Governor-General may dissolve such Board accordingly.

(2) In voting on any resolution under this section the Chairman shall have only a deliberative and not a casting vote.

Compare: 1884 No 49 s 22

22 Corporation to continue, and property of Board dissolved to belong to new Board

Where a Board is dissolved under the last preceding section, then, on a day to be fixed by the Governor-General in Council, an election of a new Board shall be held, and the following provisions shall apply:

(a) the new Board when elected shall be deemed to be the same Corporation as that of the Board which was dissolved (herein referred to as **the former Board**):

(b) all property, real or personal, belonging to the former Board shall become vested in the new Board, and shall be deemed to have been so vested on the day of the dissolution of the former Board:

(c) all rates or other money payable to the former Board shall become payable to the new Board:

(d) all the liabilities and engagements of the former Board shall become liabilities and engagements of the new Board:

(e) all actions and proceedings pending by or against the former Board may be carried on and prosecuted by or against the new Board.

Compare: 1884 No 49 s 23

23 Governor-General may appoint a person to make inquiries into property of Board

In the exercise of the powers given to him by section 21 hereof, the Governor-General may appoint a fit person to make all such inquiries, and examine and inspect all books, papers, and accounts, as may be necessary to ascertain the debts and liabilities of the Board at the time of its dissolution or immediately prior to such time, and what property was or is vested in it; and all expenses incident to the making of such inquiries shall be defrayed by the Board out of its funds.

Compare: 1884 No 49 s 24

24 Refusing information, etc

If any Board about to be dissolved, or the Chairman or any member or officer of any such Board, or any person who at the time of the dissolution of the Board was its Chairman or a member or officer thereof, refuses to give information to any person so appointed, or to produce any books, papers, or accounts in its or their custody or possession, every person so offending shall be liable to a fine not exceeding $100.

Compare: 1884 No 49 s 24

The expression "$100" was substituted, as from 10 July 1967, for the expression "fifty pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

25 Term of office of members returned at a special election

[Repealed]

Section 25 was repealed, as from 31 October 1934, by section 2(3) River Boards Amendment Act 1934 (1934 No 23).

Conduct of elections

26 Local Electoral Act 2001 to apply

Subject to the provisions of this Act, all elections under this Act must be conducted under the provisions of the Local Electoral Act 2001.

The reference to the Local Elections and Polls Act 1908 was substituted, as from 1 April 1926, by a reference to the Local Elections and Polls Act 1925 by section 84 Local Elections and Polls Act 1925 (1925 No 35).

That Act was in turn repealed, as from 27 August 1953, by section 103(1) Local Elections and Polls Act 1953 (1953 No 16).

That Act was in turn repealed, as from 26 October 1966, by section 92(1) Local Elections and Polls Act 1966 (1966 No 101).

That Act was in turn repealed, as from 1 April 1977, by section 124(1) Local Elections and Polls Act 1976 (1976 No 144). *See* section 6 of the River Boards Amendment Act 1913 (1913 No 35) as to action on failure to elect.

Section 26 was substituted, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

27 General election in January every three years

[Repealed]

Section 27 was repealed, as from 31 October 1934, by section 2(3) River Boards Amendment Act 1934 (1934 No 23).

28 Who qualified to be member

Every ratepayer, except as provided in section 112 of the Local Elections and Polls Act 1976 or as hereinafter provided, shall be qualified to be a member of the Board.

Section 28 was amended, as from 21 October 1982, by section 33 Local Elections and Polls Amendment Act 1982 (1982 No 33) by inserting the words "as provided in section 112 of the Local Elections and Polls Act 1976 or".

29 Disqualification of members

(1) No person who—

(a) is convicted of any offence punishable by death or a term of imprisonment of 2 years or more, unless (in the case of a person seeking election) he has obtained a pardon or has served his sentence or otherwise suffered the penalty imposed on him:

(b) *[Repealed]*

shall be capable of being elected to be a member of a Board or of remaining as a member of a Board.

(2) In any case to which subsection (1) of this section applies—

(a) the disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against the conviction, until the appeal is determined; and

(b) the member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.

Subsection (1)(b) was substituted, and (1)(bb) was inserted, as from 1 January 1955, by section 54(4) Criminal Justice Act 1954 (1954 No 50).

Subsection (1)(d) was repealed, as from 27 August 1953, by section 103(1) Local Elections and Polls Act 1953.

Subsection (1)(e) was repealed by section 9(1) Local Authorities (Members' Contracts) Act 1934.

Subsections (2) and (3) were inserted, as from 1 January 1955, by section 54(4) Criminal Justice Act 1954 (1954 No 50).

Section 29 was substituted, as from 17 June 1986, by section 12 Local Government Amendment Act 1986 (1986 No 21).

Section 29(1)(b): repealed, on 10 September 2008, by section 16(2) of the Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64).

Section 29(2): amended, on 10 September 2008, by section 16(3) of the Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64).

30 Who are ratepayers

Every person of or over the age of 18 years whose name appears on the valuation roll of a river district, or of any subdivision thereof,—

(a) as the occupier of any property in a district where rates are levied on all property therein:

(b) as the owner of any lands in a district where rates are levied on lands only—

shall be a ratepayer so long as such roll is in force and his name so appears thereon.

Compare: 1884 No 49 s 30; 1891 No 20 s 7

Section 30 was amended, as from 8 October 1970, by section 2 Local Elections and Polls Amendment Act 1970 (1970 No 30) by substituting the words "of or over the age of 20 years" for the words "of the full age of twenty-one years".

Section 30 was further amended, as from 1 April 1974, by section 2(1) Local Elections and Polls Amendment Act 1974 (1974 No 10) by substituting the words "of or over the age of 18 years" for the words "of or over the age of 20 years".

30A Ratepayers list

The Secretary shall cause to be compiled, not later than 21 days before the day on which each triennial general election, by-election, or poll is to be held, a list to be called the "ratepayers list" containing the name of every person entitled to vote at the election, by-election, or poll.

Sections 30A to 30C were inserted, as from 17 June 1986, by section 12 Local Government Amendment Act 1986 (1986 No 21).

30B Public notice of ratepayers list and objection rights

(1) The Secretary shall ensure that the ratepayers list is accessible in a public place within the district not later than 21 days before the day on which the election, by-election, or poll is to be held.

(2) The Secretary shall give public notice of the place where the ratepayers list is available and the rights of persons under section 30C of this Act to object to the list.

Sections 30A to 30C were inserted, as from 17 June 1986, by section 12 Local Government Amendment Act 1986 (1986 No 21).

30C Objections to ratepayers list

(1) Any person may object to the inclusion in or the removal from the ratepayers list of the names or other details relating to that person or any other person, by notice in writing to the Returning Officer not later than 7 days before the day on which the election, by-election, or poll is to be held.

(2) Where the Returning Officer does not allow any objection, it shall be referred to a District Court Judge for determination, and the Returning Officer shall make such alterations to the list as may be necessary to give effect to the decision of the District Court Judge.

(3) The ratepayers list shall come into force—

(a) immediately after all objections have been determined and any necessary alterations made; or

(b) where there are no objections, on the day after the last day for objections—

and shall remain in force until another rate-payers list comes into force.

Sections 30A to 30C were inserted, as from 17 June 1986, by section 12 Local Government Amendment Act 1986 (1986 No 21).

31 As to number of votes for each ratepayer

(1) Every ratepayer shall be entitled to vote at every election of a member of the Board, but if the district is subdivided, then only at elections of members of the Board for each subdivision in which he is a ratepayer.

(2) In any case where there is more than one person appearing on the valuation roll as the occupier of any one property, then for the purpose of voting the person only whose name appears first on such roll shall be deemed to be entitled to vote in respect of such property.

Compare: 1884 No 49 s 31; 1899 No 13 s 3

Subsection (1) was substituted, as from 1 April 1974, by section 9(2) Counties Amendment Act 1974 (1974 No 8).

32 When members come into office or cease to hold office

[Repealed]

Section 32 was repealed, as from 27 August 1953, by section 103(1) Local Elections and Polls Act 1953 (1953 No 16).

33 Person elected for 2 or more subdivisions

If any person is elected a member of the Board for 2 or more subdivisions, he shall, at the first meeting of the Board thereafter, elect, or in default thereof the Board shall elect, for which of such subdivisions he shall serve; and there shall be deemed to be an extraordinary vacancy in the office of member for any other subdivision for which he was elected.

Compare: 1884 No 49 s 33

34 How office of member becomes vacant

(1) Any member of the Board may resign his office by writing under his hand addressed to the Chairman or the Secretary; and in such case, or in case of his death, incapacity, or ouster from office, or if he absents himself without leave

of the Board from 4 consecutive ordinary meetings thereof, his office shall be vacant, and such vacancy shall be deemed to be an extraordinary vacancy.

(2) *[Repealed]*

Compare: 1884 No 49 s 35

Subsection (2) was repealed, as from 4 December 1913, by section 6(3) River Boards Amendment Act 1913 (1913 No 35).

The word "Secretary" was substituted, as from 22 October 1952, for the word "Clerk" by section 2(3) River Boards Amendment Act 1952 (1952 No 48).

35 Vacancies not to invalidate acts of Board

During any vacancy in the Board the continuing members thereof shall have power to act in all respects as if such vacancy had not occurred, and no act of the Board shall be invalid by reason only of the existence of any such vacancy.

Compare: 1884 No 49 s 36

36 Acting when disqualified

Any person who acts as a member of the Board without being duly qualified, or after he has become disqualified or while on leave of absence pursuant to subsection (2) or subsection (3) of section 29 of this Act, shall incur a penalty not exceeding $100 for every such offence, to be recovered by any person, with costs of suit, in any Court of competent jurisdiction; and in any proceeding for the recovery of such penalty the burden of proving his qualification shall be on the person against whom such proceeding is taken.

Compare: 1884 No 49 s 37

Section 36 was amended, as from 1 January 1955, by section 54(4) Criminal Justice Act 1954 (1954 No 50) by inserting the words "or while on leave of absence pursuant to subsection (2) or subsection (3) of section 29 of this Act,".

The expression "$100" was substituted, as from 10 July 1967, for the expression "fifty pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

37 District Court Judge may issue summons for ouster of office against member or Chairman

Upon prima facie proof, by affidavit or otherwise, that the Chairman or any member of the Board is or has become incapable under this Act of holding his office, the District Court Judge exercising jurisdiction in or near to the place where the Board usually holds its meetings may grant a summons calling on the person holding such office to show cause, on a day and at an hour to be stated in the summons, why he should not be adjudged to be ousted of the same.

Compare: 1884 No 49 s 38

The words "District Court Judge" were substituted, as from 1 April 1980, for the words "Magistrate" pursuant to section 18(1) District Courts Amendment Act 1979 (1979 No 125).

38 On hearing summons District Court Judge may adjudge member to be ousted

If on the return of such summons it appears to the District Court Judge, on affidavit or oral evidence on oath, that such person is incapable under this Act of holding the said office, he may adjudge such person to be ousted of the same, and such person shall be ousted of such office accordingly.

Compare: 1884 No 49 s 39

The words "District Court Judge" were substituted, as from 1 April 1980, for the words "Magistrate" pursuant to section 18(1) District Courts Amendment Act 1979 (1979 No 125).

39 District Court Judge may exercise power as in civil cases

In any such proceeding the District Court Judge may exercise all the powers he may exercise in his ordinary jurisdiction in civil cases.

Compare: 1884 No 49 s 40

The words "District Court Judge" were substituted, as from 1 April 1980, for the words "Magistrate" pursuant to section 18(1) District Courts Amendment Act 1979 (1979 No 125).

40 Before whom affidavits sworn

Any affidavit used or made in any such proceeding may be sworn before any person authorised to take affidavits in the High Court.

Compare: 1884 No 49 s 41

The words "High Court" were substituted, as from 1 April 1980, for the words the "Supreme Court" pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

41 Questions hereunder cannot be tried in High Court

No questions which may be tried under the provisions of this Act relating to ouster of office shall be tried in the High Court, and no proceedings in the District Court under those provisions shall be removable into the High Court by certiorari or otherwise.

Compare: 1884 No 49 s 42

The words "High Court" were substituted, as from 1 April 1980, for the words "Supreme Court" pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

The words "District Court" were substituted, as from 1 April 1980, for the words "Magistrates Court" pursuant to section 18(1) District Courts Amendment Act 1979 (1979 No 125).

42 Governor-General may extend time for holding elections, etc

The Governor-General, by Order in Council gazetted, may extend the time allowed for the holding of any election or meeting of the Board, or for the doing of any act, matter, or thing, whether or not the day has passed on which the same ought to have been held or done, and may cause to be adopted such measures as may be necessary to remove any obstacle of a technical or formal nature by which the carrying out of the provisions of this Act may be impeded,

and may supply any deficiency which may be required to be supplied in order to enable the said provisions to be duly carried out.

Compare: 1884 No 49 s 43

Proceedings of the Board

43 Board a local authority

The Board shall be deemed to be a local authority within the meaning of the Local Government (Rating) Act 2002 and the Public Works Act 1981.

Compare: 1884 No 49 s 44

Section 43 was amended, as from 29 June 1988, by section 208(1) Rating Powers Act 1988 (1988 No 97) by substituting the words "The Board shall be deemed to be a local authority within the meaning of the Rating Powers Act 1988" for the words "The Board shall be deemed to be a local authority within the meaning of the Rating Powers Act 1967".

Section 43 was amended, as from 1 July 2003, by section 137(1) Local Government (Rating) Act 2002 (2002 No 6) by substituting the words "Local Government (Rating) Act 2002" for the words "Rating Powers Act 1988". *See* section 137(2) of that Act as to the savings provision that provides that the changes apply for the purpose of rating in a financial year that begins on or after 1 July 2003.

The Public Works Act 1908 (1908 No 160) was substituted, as from 6 October 1928, by a reference to the Public Works Act 1928 by section 346 Public Works Act 1928 (1928 No 21).

That reference was in turn substituted, as from 1 February 1982, by section 248(1) Public Works Act 1981 (1981 No 35).

44 Acts, etc, of Board to be valid notwithstanding irregularity

All acts done by the Board at any meeting thereof, or by any person acting as a member of the Board, shall, notwithstanding that it is afterwards discovered that some defect existed with regard to the election or appointment of any member of the Board, or of any person so acting as aforesaid, or that he was or had become disqualified, be as valid as if every such person had been duly elected or appointed and was duly qualified to be and to act as a member of such Board.

Compare: 1884 No 49 s 45

45 Offices of Board

(1) The Board shall have an office in some convenient place wherein to hold its meetings and transact business, the situation whereof shall be publicly notified.

(2) The Board shall cause proper minutes to be taken and kept of the proceedings of each meeting.

Compare: 1884 No 49 s 46

46 Board may appoint officers

(1) The Board may from time to time appoint and employ such officers to assist in the execution of this Act as it thinks proper and necessary, and from time to time remove any such officers, and appoint others in the room of those so removed, or who die, resign, or discontinue their offices; and may, out of the

District Fund, pay such salaries and allowances to the said officers respectively as the Board thinks reasonable.

(2) One person may hold 2 or more offices under the Board.

Compare: 1884 No 49 s 47

47 When Chairman elected

At the first meeting of the Board of a new district, and at the first meeting of every Board held after the day on which a general election of members is held or, in any year in which no such election is held, at the first meeting of the Board held in that year after the anniversary of the last triennial election of River Boards, the Board shall elect one of its members to be Chairman.

Section 47 was substituted, as from 27 August 1953, by section 102 Local Elections and Polls Act 1953 (1953 No 16).

48 When Chairman comes into office

The Chairman shall come into office on his election, and shall hold office until the election of his successor, and when present shall preside at all meetings.

Compare: 1884 No 49 s 49

48A Annual allowance to Chairman and Deputy Chairman

[Repealed]

Section 48A was inserted, as from 1 December 1950, by section 30 Statutes Amendment Act 1950 (1950 No 91).

In subsection (1) the expression "one hundred dollars" was substituted, as from 10 July 1967, for the expression "fifty pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Subsection (1) was further amended, as from 13 December 1968, by section 2(1) River Boards Amendment Act 1968 (1968 No 104) by substituting the expression "two hundred dollars" for the expression "one hundred dollars".

Subsection (1) was further amended, as from 8 December 1971, by section 2(1) River Boards Amendment Act 1971 (1971 No 126) by substituting the expression "$250" for the expression "two hundred dollars".

Subsection (1) was further amended, as from 9 October 1975, by section 2(1) River Boards Amendment Act 1975 (1975 No 102) by substituting the expression "$400" for the expression "$250".

Subsection (3) was repealed, as from 9 October 1975, by section 2(2) River Boards Amendment Act 1975 (1975 No 102).

Section 48A was substituted, as from 19 October 1978, by section 2(1) River Boards Amendment Act 1978 (1978 No 122).

Subsection (1) was amended, as from 13 January 1981, by section 2(1) River Boards Amendment Act 1980 (1980 No 140) by substituting the words "the amount for the time being fixed in that behalf by the Minister of Local Government, with the concurrence of the Minister of Finance, out of the funds of the Board as the Board from time to time fixes" for the words "[$400], out of the funds of the Board as the Board from time to time fixes, but no alteration in the amount of that allowance shall take effect during the term of office of any Chairman".

Subsection (2) was repealed, as from 13 January 1981, by section 2(3)(a) of the River Boards Amendment Act 1980 (1980 No 140).

Section 48A was repealed, as from 29 March 1985, by section 39(3) Local Government Amendment Act 1985 (1985 No 60).

49 Chairman at meetings

(1) If the Chairman is absent from any meeting, the members present may elect one of their number to be chairman for that meeting.

(2) In the case of an equality of votes the Chairman, or member acting as chairman, shall have a second or casting vote.

Compare: 1884 No 49 ss 50, 51

50 Resignation, etc, of Chairman

The Chairman may resign his office by writing under his hand delivered to the Board or the Secretary of the Board; and in such case, or in the case of his death, incapacity, or ouster from office, or if he absents himself without leave of the Board from 4 consecutive ordinary meetings of the Board, his office shall become vacant, and the Secretary shall forthwith call a meeting of the Board, who shall elect a Chairman in his stead.

Compare: 1884 No 49 s 52

The word "Secretary" was substituted, as from 22 October 1952, for the word "Clerk" by section 2(3) River Boards Amendment Act 1952 (1952 No 48).

51 Notice of ordinary meetings

The Chairman or the Secretary shall give notice in writing to each of the members of the time appointed from time to time for ordinary meetings, and the members shall attend such meetings without further notice of each meeting.

Compare: 1884 No 49 s 53

The word "Secretary" was substituted, as from 22 October 1952, for the word "Clerk" by section 2(3) River Boards Amendment Act 1952 (1952 No 48).

52 How questions decided at Board

Every question coming before the Board shall be decided by open voting and by the majority present, subject to the Chairman's casting vote as before mentioned.

Compare: 1884 No 49 s 54

53 As to quorum of Board

All powers vested in the Board may be exercised by a quorum, which shall consist of half the whole number of members when that number is even, and of a majority when that number is odd; and no business shall be transacted at any meeting unless a quorum is present within half an hour of the time appointed for the commencement of the meeting.

Compare: 1884 No 49 s 55

54 Members cannot vote where interested

[Repealed]

Section 54 was repealed, as from 23 October 1957, by section 2(3) Local Authorities (Members' Contracts) Amendment Act 1957 (1957 No 60).

55 As to adjournment of meetings

Any meeting of the Board may be adjourned; and if a quorum is not present within half an hour of the time appointed for any meeting, the members present, or the Secretary if no member is present, may adjourn such meeting to another day not later than 7 days thereafter; and notice of such adjourned meeting shall be given to each member.

Compare: 1884 No 49 s 57

The word "Secretary" was substituted, as from 22 October 1952, for the word "Clerk" by section 2(3) River Boards Amendment Act 1952 (1952 No 48).

56 As to ordinary meetings

The ordinary meetings of the Board shall be held for transacting the ordinary business of the Board, for appointing and removing the officers of the Board and superintending their conduct, and for inquiring into the conduct of contractors or other persons employed to execute works, and into the state and progress of such works, and for ordering the expenditure of the Board, and generally for doing all things necessary to carry this Act into effect.

Compare: 1884 No 49 s 58

57 Special notice required for extraordinary business

(1) No extraordinary business shall be transacted at any ordinary meeting unless due notice thereof has been given at a prior meeting and notice thereof in writing sent to each member.

(2) The Chairman shall determine what business shall be deemed to be extraordinary within the meaning of this section.

Compare: 1884 No 49 s 59

58 As to revocation or alteration of resolutions

Any resolution of a meeting of the Board may be revoked or altered at a subsequent meeting by the vote of the members present at such subsequent meeting or of a majority of them:

Provided that notice of such subsequent meeting, and of the proposal to revoke or alter such resolution, shall be given to each member of the Board 7 days at least before such subsequent meeting.

Compare: 1884 No 49 s 60

59 How special meeting convened

The Board may at any time hold a special meeting, to be called either on a resolution of the Board or on a requisition in writing delivered to the Secretary, and signed by the Chairman or by any 3 members, specifying the day for which such special meeting is to be called.

Compare: 1884 No 49 s 61

The word "Secretary" was substituted, as from 22 October 1952, for the word "Clerk" by section 2(3) River Boards Amendment Act 1952 (1952 No 48).

60 How special orders made

The power given by this Act to do anything by special order shall be exercised by the Board only as follows:

(a) the resolution to do such thing shall be passed at a special meeting:

(b) the resolution shall be confirmed at a subsequent meeting (either ordinary or special) held not sooner than the 28th day after the day of the special meeting, and not later than the 42nd day after that special meeting:

(c) public notice of the place and date fixed for the subsequent meeting and of the purport of the resolution shall be given twice during the period of 28 days immediately preceding the date of the subsequent meeting, with an interval of not less than 14 days between the 2 notifications:

(d) written notice of the time and place of the subsequent meeting, under the hand of the Secretary, shall be given to each member of the Board one clear day before the subsequent meeting, which notice shall refer to the said resolution:

(e) the notice directed to be given by paragraph (d) of this section shall suffice, even though the subsequent meeting may be a special meeting.

Section 60 was substituted, as from 2 October 1958, by section 2 River Boards Amendment Act 1958 (1958 No 91).

61 Special orders to be notified

[Repealed]

Section 61 was repealed, as from 2 October 1958, by section 2 River Boards Amendment Act 1958 (1958 No 91).

62 Rules for conduct of business

Subject to the provisions of this Act, the Board may from time to time make regulations for the conduct of its proceedings and convening the meetings of the Board.

Compare: 1884 No 49 s 64

63 Minutes of Boards

The Secretary shall keep the minutes of the proceedings of the Board in a book, in which he shall enter the names of the members attending each meeting, and the names of the members voting on each question on which there is a division, and every resolution, order, or other proceeding of the Board; and the minutes of the proceedings of every meeting shall be read at the next succeeding meeting of the Board; and, if approved by the Board, or when

amended as directed by the Board, shall be signed by the Chairman of such succeeding meeting.

Compare: 1884 No 49 s 65

The word "Secretary" was substituted, as from 22 October 1952, for the word "Clerk" by section 2(3) River Boards Amendment Act 1952 (1952 No 48).

64 Minutes to be evidence of proceedings

The minutes of proceedings of the Board kept as above provided shall be received as evidence of such proceedings in all Courts and for all purposes whatsoever, and the validity of all such proceedings shall be presumed unless the contrary is proved.

Compare: 1884 No 49 s 66

65 Minute book and books of account to be open to inspection of ratepayers

All minutes of meetings, and books of account and transactions of the Board, shall at all reasonable times be open to the inspection of any ratepayer or of any holder of the debentures of the Board, and every person who refuses or obstructs any such inspection is liable to a fine not exceeding $10.

Compare: 1884 No 49 s 67

The expression "$10" was substituted, as from 10 July 1967, for the expression "five pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

66 Travelling allowances

(1) The Board is hereby declared to be a local authority within the meaning of the Fees and Travelling Allowances Act 1951.

(2) The Board may out of its funds pay to members travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

Section 66 was amended, as from 4 December 1913, by section 8 River Boards Amendment Act 1913 (1913 No 35) by substituting the words "who are required to travel not less than 5 miles (counting one way only) on the business of the Board" for the words "living at a distance of over five miles from the ordinary place of meeting".

Section 66 was substituted, as from 10 May 1956, by section 2(1) River Boards Amendment Act 1956 (1956 No 8).

66A Annual allowances and remuneration of Chairman, Deputy Chairman, and members

[Repealed]

The original section 66A was inserted, as from 13 December 1968, by section 3 River Boards Amendment Act 1968 (1968 No 101).

The original section 66A was amended, as from 8 December 1971, by section 3 River Boards Amendment Act 1971 (1971 No 126) by substituting the expressions "a rate fixed by the Board not exceeding $5" and "$260" for the expressions "the rate of three dollars" and "one hundred and fifty-six dollars".

Section 66A was substituted, as from 19 October 1978, by section 3(1) River Boards Amendment Act 1978 (1978 No 122).

The previous section 66A was amended, as from 13 January 1981, by section 2(2) River Boards Amendment Act 1980 (1980 No 140) by substituting the words "the amount for the time being fixed in that behalf by the Minister of Local Government, with the concurrence of the Minister of Finance" for the expression "$9".

Section 66A was substituted, as from 30 March 1985, by section 39(2) Local Government Amendment Act 1985 (1985 No 60).

Section 66A was repealed, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

66B Subscriptions to New Zealand Drainage and River Boards' Association, and travelling expenses of representatives

Any Board affiliated to the New Zealand Drainage and River Boards' Association may from time to time, out of its General Fund, pay the annual subscription of the Board to the Association, and the actual and reasonable expenses of its representatives in attending meetings at the conferences of the Association.

Sections 66B and 66C were inserted, as from 13 January 1981, by section 3(1) River Boards Amendment Act 1980 (1980 No 140).

66C Boards may insure members against personal accident

Any Board may from time to time enter into contracts of insurance, insuring members of the Board against loss from personal accident arising out of and in the course of the exercise of their powers or duties as members of the Board, and to pay the premiums payable in respect of such contracts.

Sections 66B and 66C were inserted, as from 13 January 1981, by section 3(1) River Boards Amendment Act 1980 (1980 No 140).

Powers and duties of boards

Contracts

67 Board may contract for execution of works, etc

(1) The Board may enter into any contract with any person for doing anything authorised by this or any other Act to be done by the Board or which is necessary for the purposes of this Act.

(2) If any contract is for the execution of any work, it shall specify the work to be done, and the materials to be furnished, and the price to be paid for the same, and the time or times within which the work is to be completed, and the penalties to be suffered in case of non-performance thereof.

Compare: 1884 No 49 s 68

68 Mode of entering into contracts

[Repealed]

Section 68 was repealed, as from 23 October 1959, by section 5(2) Public Bodies Contracts Act 1959 (1959 No 98).

69 Contracts over $400 to be by tender

No contract the amount whereof exceeds $400 shall, except in cases of urgent necessity, be made except after public tender, of which due public notice shall be given; but the Board shall not be compelled to accept the lowest or any tender.

Compare: 1884 No 49 s 70

Section 69 was amended, as from 10 May 1956, by section 3 River Boards Amendment Act 1956 (1956 No 8) by substituting the expression "£200" for the expression "twenty pounds".

The expression "$400" was substituted, as from 10 July 1967, for the expression "£200" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

70 Contracts of Board to bind

All contracts duly made according to the provisions herein contained shall be effectual in law, and shall be binding on the Board and all other parties thereto, their successors, executors, or administrators, as the case may be.

Compare: 1884 No 49 s 71

71 Actions or suits may be maintained on contracts

In case of default in compliance with any such contract, either by the Board or by any other party thereto, such actions may be maintained thereon, and damages and costs recovered by or against the Board or the other parties failing in compliance therewith, as might have been maintained and recovered if such contract were between private persons only.

Compare: 1884 No 49 s 72

72 Board may compound for breach of contract

The Board may compound with any person for such sum of money or other recompense as it thinks fit in respect of the breach of any contract or of any penalty incurred thereunder, or of any debt due to the Board, whether before or after any action is brought for or in respect of the same.

Compare: 1884 No 49 s 73

River works

73 Rivers under control of Board

(1) All rivers, streams, and watercourses within any river district constituted under this Act, whether or not the same are navigable or are altered by the ebb and flow of the tide, shall be to all intents and purposes within and subject to the jurisdiction of the Board, so far as may be requisite for the construction or maintenance of any works necessary to prevent or lessen any damage which may be occasioned by the overflow or the breaking of the banks of the same.

(2) Nothing in this section shall be construed to authorise a River Board to exercise jurisdiction within any district within the jurisdiction of any Harbour Board.

Compare: 1884 No 49 s 74

74 Power to take lands

(1) Parts 2, 5 and 7 of the Public Works Act 1981 shall be read with this Act as if the words "River Board" and "river works" had respectively been inserted in the aforesaid Parts in place of the words "local authority" and "local works" respectively.

(2) The Board may, in the manner provided by the Public Works Act 1981, take or otherwise acquire land required for any river works which such Board is by this or any special Act authorised to undertake; and all such works shall be deemed to be local works within the meaning of the Public Works Act 1981.

Compare: 1884 No 49 ss 75, 76

References to the Public Works Act 1908 were substituted, as from 6 October 1928, by references to the Public Works Act 1928 by section 346 Public Works Act 1928 (1928 No 21).

That Act was in turn repealed, as from 1 February 1982, by section 248(1) Public Works Act 1981 (1981 No 35).

The Public Works Act 1981 and Parts 2, 5 and 7 of that Act were substituted for the repealed Public Works Act 1908, and Parts 2 to 5 of that Act.

75 Power to remove soil, etc

The Board may, in the manner provided by the Public Works Act 1981 take any earth, stone, boulders, gravel, sand, or other material off, from, or out of any land for the purpose of using the same in or about any river works.

Compare: 1884 No 49 s 77

References to the Public Works Act 1908 were substituted, as from 6 October 1928, by references to the Public Works Act 1928 by section 346 Public Works Act 1928 (1928 No 21).

That Act was in turn repealed, as from 1 February 1982, by section 248(1) Public Works Act 1981 (1981 No 35).

76 Power to enter on lands, etc

The Board shall, in addition to any other powers given to it by this Act, have and possess the following powers, that is to say:

(a) it may, without any previous agreement with the owner or occupier of any land within the district, on giving 24 hours' notice, enter on any such land, whether the same is Crown land or not, and take levels of the same:

(b) it may enter on, take, and hold any such land for the purposes of this Act:

(c) it may from time to time make, maintain, alter, or discontinue any protective works or any other works whatsoever on any land to be taken as aforesaid, or on any land bounded or intersected by any river or stream

under its control or within its jurisdiction, or on any such river or stream, for the purpose of preventing or lessening any damage which may be threatened or has actually occurred by the overflow of any such river or stream or from the breaking of the banks of the same:

(d) it may from time to time divert, impound, or take away any water from any such river or stream, or alter the course of the same:

Provided that any such power shall be exercised subject to the Resource Management Act 1991.

(e) it may for any of the purposes aforesaid, at all reasonable times, by itself, its servants or workmen, and with or without carriages loaded or unloaded, enter into and pass through and over any lands within the district for the purpose of carrying out any works to be constructed under this Act, and for the purpose of maintaining and repairing any existing works, doing thereby no unnecessary or avoidable damage to such lands:

(f) it may lay or deposit on any such lands any materials whatsoever to be used in the maintenance or construction of any such works, and may erect thereon any temporary shelter for any workmen or persons engaged in such maintenance or construction, causing thereby as little damage or inconvenience as may be.

Provided that any such power shall be exercised subject to the Resource Management Act 1991.

Compare: 1884 No 49 s 78

The proviso to paragraph (d) was inserted, as from 1 October 1991, by section 362 Resource Management Act 1991 (1991 No 69).

Section 76(d) proviso: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

The proviso to paragraph (f) was inserted, as from 1 October 1991, by section 362 Resource Management Act 1991 (1991 No 69).

Section 76(f) proviso: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

77 Board may order trees impeding river or stream to be removed

(1) The Board may order the occupier, or in case there is no occupier, then the owner of any land on the bank of any river or stream within its jurisdiction to remove any tree, shrub, or bush, or any part thereof hanging in the water and impeding the free flow thereof, or to lower or trim any part of a tree, shrub, or bush overhanging a river or stream and likely to fall therein.

(2) Where any river or stream extends beyond the limits of a river district and its obstruction is likely to cause damage to property within such district, the Board may order the occupier or, when there is no occupier, the owner of any land on the banks of such river or stream for the space of 1.5 kilometres beyond the upstream boundary of such district to remove any driftwood, tree, shrub, or

bush, or any part thereof impeding the free flow of water in the said river or stream, or to lower or trim any part of a tree, shrub, or bush overhanging such river or stream and likely to fall therein within the space of the said distance.

(3) In the event of such occupier or owner failing to comply with any such order within 14 days from the receipt thereof, he shall be liable to a fine not exceeding $10 for every day during which such order is not obeyed, and a further sum equal to the cost incurred by the Board in removing, lowering, or trimming any such tree, shrub, or bush, or any part thereof; and the said cost shall be a charge on the land, and may be recovered as rates are recovered.

Compare: 1884 No 49 s 4; 1888 No 24 s 7

Subsection (2) was amended, as from 8 November 1974, by section 2(a) and (b) of the River Boards Amendment Act 1974 (1974 No 119) by substituting the words "1.5 kilometres" and "said distance" for the words "one mile" and "aforesaid mile".

The expression "$10" was substituted, as from 10 July 1967, for the expression "five pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

78 Property, etc, vested in Board

All lands, buildings, erections, works, and other things which have been or hereafter are taken, purchased, obtained, erected, constructed, and made by or by the order, or which are or shall be within or under the view, cognisance, or management, of any Board, with the several conveniences and appurtenances thereunto respectively belonging; and

All goods, tools, utensils and materials, and things whatever had and to be had, bought, procured, or provided by or by the order of, or which are or shall be within or under the view, cognisance, or management of, such Board; and also

All rates levied for the purposes of this Act, and other money raised by virtue of this Act,—

shall be and the same are hereby vested in and shall be deemed to be the property of the Board.

Compare: 1884 No 49 s 80

Section 78 was amended, as from 29 June 1988, by section 208(1) Rating Powers Act 1988 (1988 No 97) by substituting the words "all rates levied for the purposes of this Act, and other money raised by virtue of this Act" for the words "all rates and other money raised or levied by virtue of this Act".

79 Wilful damage to river works

Every person who wilfully or maliciously—

(a) stops or obstructs any river, stream, or watercourse that is under the jurisdiction of the Board; or

(b) destroys, damages, stops, or obstructs any river works or drainage works belonging to or under the jurisdiction of the Board,—

commits an offence, and is liable on conviction before a District Court Judge to imprisonment for a term not exceeding 12 months or to a fine not exceeding $200.

Section 79 was substituted, as from 10 May 1956, by section 4 River Boards Amendment Act 1956 (1956 No 8).

Section 79: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

80 Board may contract with other local authority or any Minister of the Crown

(1) The Board may from time to time contract, on such terms and conditions as it sees fit, with any other local authority empowered in that behalf, or with any Minister of the Crown, for or with respect to the doing, control, conduct, management, or supervision by either or any of the contracting parties of any of the things hereinbefore provided for, or of any matter or thing which the Board or such other local authority is by law empowered to do, control, and manage.

(2) Such contract may relate to the execution of any public works which in the opinion of the Board will be beneficial to the ratepayers of the district, whether such works are to be wholly or partially constructed inside or outside the district.

Compare: 1884 No 49 s 82

In subsection (1) the reference to the "Minister of Works and Development" was substituted, as from 21 November 1973, by section 2(4)(a) Public Works Amendment Act 1973 (1973 No 44), for a reference to the "Minister of Works", which by section 2(5) of the Ministry of Works Act 1943 had been substituted for a reference to the "Minister of Public Works".

Subsection (1) was further amended, as from 1 April 1988, by section 2 River Boards Amendment Act 1988 (1988 No 80 by substituting the words "any Minister of the Crown" for the words "the Minister of Works and Development".

81 Board may join with other local authorities in making contracts

(1) The Board may join with any other local authority in contracting with any person for the execution of any works the construction of which will be either wholly or partially within or without its district and which in the opinion of the Board will be beneficial to the ratepayers of its district.

(2) Such contract may provide for the apportionment of the cost of such works among the local authorities parties thereto in such proportions as may be thought fair and equitable by the parties thereto.

Compare: 1884 No 49 s 83

82 Powers of local authorities parties to such contract

Any local authority to whom, under any contract made in pursuance of either of the 2 last preceding sections, the control, conduct, management, or supervision of any works is entrusted shall have in respect thereof all the powers which the other local authorities parties thereto have under this or any other Act, unless the exercise of such powers is expressly reserved by such contract.

Compare: 1884 No 49 s 84

83 Drainage works may be undertaken by River Boards instead of County Councils

[Repealed]

Subsection (1) was amended, as from 1 April 1980, by section 8(3) Local Government Amendment Act 1979 (1979 No 59) by substituting the words "County Council or District Council part of whose district immediately before its constitution was or formed part of a county and any River Board within that county or district" for the words "Council of any County and any River Board within such county".

Section 83 was repealed, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

84 Board not to interfere with Government public works

Nothing in this Act shall authorise the Board to interfere with any public works carried on or executed by or under the control of the Government or under the control of any local authority, without the consent in writing of the Minister of the Crown having control of the work in the first-mentioned case or of such local authority in the second-mentioned case.

Compare: 1884 No 49 s 85

The reference to the "Minister of Works and Development" was substituted, as from 21 November 1973, by section 2(4)(a) Public Works Amendment Act 1973 (1973 No 44), for a reference to the "Minister of Works", which by section 2(5) of the Ministry of Works Act 1943 had been substituted for a reference to the Minister of Public Works.

Section 84 was amended, as from 1 April 1988, by section 3 River Boards Amendment Act 1988 (1988 No 80) by substituting the words "Minister of the Crown having control of the work" for the words "the Minister of Works and Development".

85 Powers of Governor-General as to public works not affected by this Act

Nothing in this Act shall prejudice or affect any power or authority vested in Her Majesty, or in the Governor-General, or in any other person on behalf of Her Majesty, or the Governor-General, or any local authority, under any Act authorising the erection, construction, or maintenance of any such public works.

Compare: 1884 No 49 s 86

86 Board not to construct works on tidal waters without consent of Governor-General

(1) Nothing in this Act shall authorise any River Board to commence or construct any river works or place any pile or other structure in, on, over, through, or across tidal lands or tidal water without complying with the Resource Management Act 1991.

(2) The provisions of sections 176 to 182 of the Harbours Act 1950 shall apply to all applications for sanction to do works and to all works that may be executed under this Act.

Compare: 1884 No 49 s 87

Section 86(1) was substituted, as from 1 October 1991, by section 362 Resource Management Act 1991 (1991 No 69).

Section 86(1): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

In subsection (2), sections 176 to 182 of the Harbours Act 1950 were substituted, as from 15 October 1950, for sections 148 to 155 of the repealed Harbours Act 1908.

Rates

87 Power to levy general rates

[Repealed]

Section 87 was repealed, as from 28 June 1988, by section 209(1) Rating Powers Act 1988 (1988 No 97).

Subsections (1) and (3) were amended, as from 2 November 1910, by section 7 River Boards Amendment Act 1910 (1910 No 23) by omitting the words "by special order".

Subsection (4) was amended, as from 2 November 1910, by section 7 River Boards Amendment Act 1910 (1910 No 23) by substituting the word "direction" for the words "special order".

Subsection (2) was substituted, as from 22 October 1952, by section 3 River Boards Amendment Act 1952 (1952 No 48).

The Rating Act 1925 was substituted, as from 1 April 1968, by a reference to the Rating Act 1967 pursuant to section 177(1) Rating Act 1967 (1967 No 123).

88 Rate to be property rate either uniform or according to classification

[Repealed]

Subsection (2) was repealed, and the words "by special order" were omitted, as from 2 November 1910, by section 7 River Boards Amendment Act 1910 (1910 No 23).

Section 88 was repealed, as from 4 December 1913, by section 11(1) River Boards Amendment Act 1913 (1913 No 35).

89 Tenant may recover rates against landlord in certain cases

When at the time appointed for the payment of any rate the term for which any tenant or occupier liable to pay such rate is then entitled to occupy the property rated is less than 5 years, computed from the time so appointed, such tenant or occupier shall, notwithstanding any contract to the contrary as between himself and his immediate landlord, be entitled to deduct and retain out of the rent payable by him, or recover from his landlord if such rent is not sufficient for the purpose, the amount of such rate paid by him:

Provided that if such tenant or occupier has the power or right to purchase the property rented, the rate paid shall not be so recovered.

Compare: 1884 No 49 s 91

90 Boards of subdivided districts may direct separate rates to be levied

[Repealed]

Sections 90 to 92 were repealed, as from 28 June 1988, by section 209(1) Rating Powers Act 1988 (1988 No 97).

91 Board may itself make separate and special rates

[Repealed]

Sections 90 to 92 were repealed, as from 28 June 1988, by section 209(1) Rating Powers Act 1988 (1988 No 97).

The Local Bodies Loans Act 1908 (1908 No 106) was repealed, as from 11 December 1913, by section 115(1) Local Bodies Loans Act 1913 (1913 No 30).

That Act was in turn repealed, as from 1 October 1926, by section 126(1) Local Bodies Loans Act 1926 (1926 No 14).

That Act was in turn repealed, as from 1 April 1957, by section 135(1) Local Authorities Loans Act 1956 (1956 No 63).

That Act was in turn repealed, as from 1 July 1998, by section 17(1) Local Government Amendment Act (No 3) 1996 (1996 No 83).

92 Sections 101 to 105 suspended as to rate made by Board

[Repealed]

Sections 90 to 92 were repealed, as from 28 June 1988, by section 209(1) Rating Powers Act 1988 (1988 No 97).

Section 92 was amended, as from 2 November 1910, by section 7 River Boards Amendment Act 1910 (1910 No 23) by substituting the words “When any rate is made and levied by the Board of any district under the foregoing provisions of this Act” for the words “When any special order making or levying any rate is made by the Board of any district”.

Classification of lands for rating

93 Classification of town lands and country lands

[Repealed]

Section 93 was repealed, as from 4 December 1913, by section 11(1) River Boards Amendment Act 1913 (1913 No 35).

94 Report on lands to be classified

[Repealed]

Section 94 was repealed, as from 4 December 1913, by section 11(1) River Boards Amendment Act 1913 (1913 No 35).

95 Classification to be published

[Repealed]

Sections 95 to 105 were repealed, as from 28 June 1988, by section 209(1) Rating Powers Act 1988 (1988 No 97).

Section 95 was amended, as from 10 May 1956, by section 6(2) River Boards Amendment Act 1956 by substituting the words “which list shall include a statement of the proportions in which rates are to be imposed on the several classes of land to which the list relates; and the Board shall immediately thereafter cause public notice to be given of the classification, of the proportions in which the rates are to be imposed on the several classes of land,” for the words “and the Board shall immediately cause public notice of such classification to be given”.

96 Appeal against classification

[Repealed]

Sections 95 to 105 were repealed, as from 28 June 1988, by section 209(1) Rating Powers Act 1988 (1988 No 97).

The words "or fixing of proportions" were inserted, as from 10 May 1956, by section 6(3) River Boards Amendment Act 1956 (1956 No 8).

In paragraph (a) the word "classify" was substituted, as from 4 December 1913, for the words "specify the actual liability to damage" by section 11(2) River Boards Amendment Act 1913 (1913 No 35).

Paragraph (c) was inserted, as from 10 May 1956, by section 6(4) River Boards Amendment Act 1956 (1956 No 8).

97 Notice of appeal to be given

[Repealed]

Sections 95 to 105 were repealed, as from 28 June 1988, by section 209(1) Rating Powers Act 1988 (1988 No 97).

The reference to the "Registrar" was substituted, as from 1 January 1949, for a reference to the "Clerk" by section 12(4) of the District Courts Act 1947 (1947 No 16).

The words "District Court" were substituted, as from 1 April 1980, for the words "Magistrates Court" pursuant to section 18(1) District Courts Amendment Act 1979 (1979 No 125).

98 Hearing of appeals

[Repealed]

Sections 95 to 105 were repealed, as from 28 June 1988, by section 209(1) Rating Powers Act 1988 (1988 No 97).

The words "District Court" and "District Court Judge" were substituted, as from 1 April 1980, for the words "Magistrates Court" and "Magistrate" pursuant to section 18(1) District Courts Amendment Act 1979 (1979 No 125).

99 Costs of appeal

[Repealed]

Sections 95 to 105 were repealed, as from 28 June 1988, by section 209(1) Rating Powers Act 1988 (1988 No 97).

100 Classification list evidence of liability of person named therein

[Repealed]

Sections 95 to 105 were repealed, as from 28 June 1988, by section 209(1) Rating Powers Act 1988 (1988 No 97).

The words "District Court Judge" were substituted, as from 1 April 1980, for the words "Magistrate" pursuant to section 18(1) District Courts Amendment Act 1979 (1979 No 125).

Collection of rates by local authorities

[Repealed]

Sections 95 to 105 and the above heading were repealed, as from 28 June 1988, by section 209(1) Rating Powers Act 1988 (1988 No 97).

101 Local authorities may collect rate within their respective jurisdictions

[Repealed]

Sections 95 to 105 were repealed, as from 28 June 1988, by section 209(1) Rating Powers Act 1988 (1988 No 97).

102 Annual value and capital value

[Repealed]

The expressions "ten cents in the dollar" and "three-eighths of a cent in the dollar" were substituted, as from 10 July 1967, for the expressions "one shilling in the pound" and "three-farthings in the pound" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Section 102 was repealed, as from 1 April 1968, by section 177(1) Rating Act 1967 (1967 No 123).

103 Rates to be handed to River Board

[Repealed]

Sections 95 to 105 were repealed, as from 28 June 1988, by section 209(1) Rating Powers Act 1988 (1988 No 97).

104 Costs may be retained

[Repealed]

Sections 95 to 105 were repealed, as from 28 June 1988, by section 209(1) Rating Powers Act 1988 (1988 No 97).

105 Liability if local authority neglects to collect rate

[Repealed]

Sections 95 to 105 were repealed, as from 28 June 1988, by section 209(1) Rating Powers Act 1988 (1988 No 97).

Borrowing powers

106 Overdrafts

[Repealed]

Section 106 was repealed, as from 30 January 1922, by section 10 of the Local Bodies Finance Act 1921-22 (1921 No 36).

107 Board may borrow money

[Repealed]

The Local Bodies Loans Act 1908 was repealed, as from 11 December 1913, by section 115(1) Local Bodies Loans Act 1913 (1913 No 30).

That reference was in turn substituted, as from 1 October 1926, by section 126(1) Local Bodies Loans Act 1926 (1926 No 14).

That reference was in turn substituted, as from 1 April 1957, by section 135(1) Local Authorities Loans Act 1956 (1956 No 63).

That Act was in turn repealed, as from 1 July 1998, by section 17(1) Local Government Amendment Act (No 3) 1996 (1996 No 83).

Sections 107 and 108 were repealed, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

108 Powers of Receiver

[Repealed]

The Local Bodies Loans Act 1908 was repealed, as from 11 December 1913, by section 115(1) Local Bodies Loans Act 1913 (1913 No 30).

That reference was in turn substituted, as from 1 October 1926, by section 126(1) Local Bodies Loans Act 1926 (1926 No 14).

That reference was in turn substituted, as from 1 April 1957, by section 135(1) Local Authorities Loans Act 1956 (1956 No 63).

Sections 107 and 108 were repealed, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

109 Alteration in terms of payment of loan

The Board may agree with any person or corporate body which has lent money to the Board under any enactment mentioned in Schedule 1 hereto, or under any Act or Ordinance repealed by any such enactment, for an extension of the time or alteration in the terms or mode of payment originally agreed on.

Compare: 1891 No 20 s 9

Control of money and audit

110 Board to take security from officers

Every Collector or other person appointed to receive any rate levied under this Act shall give to the Board sufficient approved security for the faithful execution of his office and for the duly accounting for all money received by him on behalf of the Board.

Compare: 1884 No 49 s 120

111 Money of Board to be paid into bank within 7 days

(1) Every person receiving any money on behalf of the Board amounting to $10 and upwards shall, within 7 days after it has come to his hands, pay the same into such bank as the Board from time to time appoints for that purpose to the credit of the Board.

(2) No money shall be drawn out of such bank except by cheque or other instrument (not being a promissory note or bill) signed by the Treasurer and countersigned by a member of the Board.

Compare: 1884 No 49 s 121; 1896 No 39 s 2

The expression "$10" was substituted, as from 10 July 1967, for the expression "five pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

In subsection (2) the words "or other instrument (not being a promissory note or bill)" were inserted, as from 8 November 1974, by section 3 River Boards Amendment Act 1974 (1974 No 119).

112 Secretary to keep accounts

The Secretary shall keep full and true accounts, in which he shall enter every sum received and every sum paid on account of the Board in the order of date of each such receipt and payment.

Compare: 1884 No 49 s 122

The word "Secretary" was substituted, as from 22 October 1952, for the word "Clerk" by section 2(3) River Boards Amendment Act 1952 (1952 No 48).

113 Board may require statements of accounts at any time

The Board may require from the Secretary, at any time and from time to time, a full and particular statement of the accounts, assets, and liabilities of the Board.

Compare: 1884 No 49 s 123

The word "Secretary" was substituted, as from 22 October 1952, for the word "Clerk" by section 2(3) River Boards Amendment Act 1952 (1952 No 48).

113A Establishment of renewal and replacement funds

(1) The Board may from time to time set aside any money to form a fund or funds for the repair, renewal, replacement, or improvement of any property, plant, fixtures, or appliances of the Board, or for the purpose of purchasing additional property, plant, fixtures, or appliances of the class for which the fund or funds is or are established.

(2) The money so set aside and any other money payable into the fund or funds shall be paid into a separate bank account in the name of the Board.

(3) The Board may from time to time apply the money forming the fund or funds only to the purposes aforesaid, or any of them, and the Board, until the money is required for any of those purposes, may invest any of that money in the following manner:

(a) in New Zealand Government securities; or

(b) on deposit in any bank lawfully carrying on the business of banking in New Zealand or in the Post Office Savings Bank or in any trustee savings bank; or

(c) in the Common Fund of Public Trust; or

(d) in any other securities that may from time to time be authorised by the Governor-General in Council.

Section 113A was inserted, as from 10 May 1956, by section 5 River Boards Amendment Act 1956 (1956 No 8).

Subsection (3) was amended, as from 1 March 2002, by section 170(1) Public Trust Act 2001 (2001 No 100) by substituting the words "Public Trust" for the words "the Public Trust Office". *See* clause 2 Public Trust Act Commencement Order 2002 (SR 2002/11).

114 Audit Office to audit

(1) Before the 1st day of October in every year the Secretary shall balance the accounts of the Board for the year that ended with the preceding 31 March, and shall prepare a full and true statement of accounts showing all rates made and levied, and all money received and expended, during that year, and of all debts owing by and to the Board at the end of that year.

(2) Every statement so prepared shall forthwith be signed by the Secretary and submitted to the Audit Office for audit.

(3) Not later than 2 months after any audited statement has been received from the Audit Office, the Board shall hold either any ordinary meeting or a special meeting to consider the statement and the Audit Office report on it.

(4) The Chairman shall endorse upon the statement, and the report on it, the fact that it has been considered by the Board and the date of the meeting at which it was so considered.

(5) As soon as possible after the expiration of 2 months after any audited statement has been received by the Board, copies thereof and of the report of the Audit Office shall be made available for inspection at the office of the Board by any ratepayer, or any person holding any security charged upon the property of the Board, during office hours; and the Secretary shall forthwith give public notice that the statement and report are available as aforesaid.

Section 114 was substituted, as from 9 December 1976, by section 2(1) River Boards Amendment Act 1976 (1976 No 118).

The original subsection (3) was inserted, as from 2 November 1910, by section 4 River Boards Amendment Act 1910 (1910 No 23).

Section 114(5): amended, on 6 June 2026, by section 223 of the Regulatory Systems (Internal Affairs) Amendment Act 2026 (2026 No 26).

115 Balance sheet to be publicly notified

[Repealed]

The words "together with the certificate of the Audit Office" were inserted, as from 2 November 1910, by section 5 River Boards Amendment Act 1910 (1910 No 23).

Section 115 was repealed, as from 9 December 1976, by section 2(1) River Boards Amendment Act 1976 (1976 No 118).

116 Money not accounted for to be debt due to Board

If any money belonging to the Board appears at any time to be in the hands of any person and not to be duly accounted for, such money shall be deemed to be a debt due by such person to the Board, and may be recovered by any person authorised by the Board in that behalf, together with full costs of suit, in any Court of competent jurisdiction.

Compare: 1884 No 49 s 128

117 Persons refusing to deliver up money and papers may be imprisoned

(1) If any officer of the Board or other person fails to render any accounts hereby required, or to deliver up the vouchers in his possession relating thereto, or to pay forthwith on demand the balance thereof as already required, or fails for 5 days after demand thereof to deliver up to the Board, or to any person authorised by the Board to receive the same, all property, matters, and things in his possession or control belonging to the Board or relating to the execution of this Act, any 2 Justices may hear and determine the matter, and may order such officer or person to render such accounts, or to deliver up such matters or things, or to pay such balance as hereby required.

(2) If such officer or person neglects or refuses to obey such order, he may be committed to prison by any Justice for any period not exceeding 6 months.

(3) No such proceeding against or dealing with any officer or person as aforesaid shall deprive the Board of any remedy it might otherwise have against any such officer or person or against any surety of such officer, or shall exempt any officer or person from any criminal proceedings to which he might otherwise be liable.

Compare: 1884 No 49 ss 129, 130

Section 117(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

117A Unauthorised expenditure

(1) Any River Board may in every financial year, out of its general account or any appropriate separate account, expend for purposes not authorised by any Act or law for the time being in force any sum or sums not amounting in the whole to more than one percent of the general rate levied for that year, nor in any case to more than $20,000.

(2) Notwithstanding subsection (1) of this section, if the amount authorised by that subsection is less than $100 in the case of any River Board for any year, the River Board may in that year expend as aforesaid a sum or sums not amounting in the whole to more than $100.

Section 117A was inserted, as from 1 April 1978, by section 152 of the Public Finance Act 1977 (1977 No 65).

Special provisions

County river boards

118 Governor-General may proclaim County Council to be River Board

(1) The Governor-General, if he thinks fit, may by Proclamation declare any County Council or any District Council whose district immediately before its constitution comprised or formed part of a county to be the River Board in respect of any river district the limits whereof are entirely included within the

limits of such county or district council district, as the case may be, subject to the conditions following:

(a) that a petition of the majority of the ratepayers of the river district is presented to the Governor-General in that behalf, after such petition has been previously publicly notified in the district for not less than 30 days; and

(b) that a resolution of the County Council or district council to be affected by such petition, concurring in the prayer thereof, is transmitted to the Governor-General.

(2) On the proposed constitution of a new river district it shall be sufficient if the matter of the above-mentioned petition is included in any petition presented to the Governor-General praying him to constitute such district; and in such case a separate petition shall not be necessary, but the resolution of the Council shall be indispensable in all cases.

Compare: 1884 No 49 ss 131, 132

In subsection (1) the words "any County Council or any District Council whose district immediately before its constitution comprised or formed part of a county" were substituted, as from 1 April 1980, for the words "the Council of any County" by section 8(3) Local Government Amendment Act 1979 (1979 No 59).

In subsection (1) the words "or district council district, as the case may be" were inserted, as from 1 April 1980, by section 8(3) Local Government Amendment Act 1979 (1979 No 59).

In subsection (1)(b) the words "or district council" were inserted, as from 1 April 1980, by section 8(3) Local Government Amendment Act 1979 (1979 No 59).

119 Effect of Proclamation

Every Proclamation issued under the last preceding section shall take effect on a date to be specified therein; and on the coming into effect of such Proclamation—

(a) all provisions of this Act relating to the election of members of River Boards, their number, and their continuance in office or retirement therefrom shall be suspended from operation within the district for the whole time wherein the Proclamation aforesaid remains in force:

(b) the County Council or District Council for the time being in office shall be the River Board for the river district, and shall have and may exercise all the functions, powers, and duties granted to River Boards by this Act, subject as follows:

(i) the Council may exercise all such powers and duties in addition to its ordinary jurisdiction under the Local Government Act 1974, and its proceedings as a River Board shall be regulated under such last-named Act instead of under this Act; excepting that—

(ii) any rate required to be made for the purposes of this Act shall be made under the Local Government (Rating) Act 2002:

(c) every County Council or District Council constituted a River Board shall have not only the powers of such Boards under this Act, but also all powers granted to such Boards under any other Act.

Compare: 1884 No 49 s 133

Paragraphs (b) and (c) were amended, as from 1 April 1980, by section 8(3) Local Government Amendment Act 1979 (1979 No 59) by inserting the words "or District Council".

Paragraph (b) was further amended, as from 1 April 1980, by section 8(3) Local Government Amendment Act 1979 (1979 No 59) by substituting the words "Local Government Act 1974" for the words "Counties Act 1956".

The original paragraph (b)(ii) was amended, as from 1 April 1980, by section 8(3) Local Government Amendment Act 1979 (1979 No 59) by substituting the words "general revenues of the county or district" for the words "County Fund".

Paragraph (b)(ii) was substituted, as from 18 June 1988, by section 208(1) Rating Powers Act 1988 (1988 No 97).

Paragraph (b)(ii) was amended, as from 1 July 2003, by section 137(1) Local Government (Rating) Act 2002 (2002 No 6) by substituting the words "the Local Government (Rating) Act 2002" for the words "sections 47 to 51 of the Rating Powers Act 1988" *See* section 137(2) of that Act for the savings provision that provides that the changes apply for the purpose of rating in a financial year that begins on or after 1 July 2003.

120 Proclamation may be revoked

The Governor-General, if he thinks fit, may revoke any Proclamation in whole, or as to so much thereof as declares a County Council or District Council to be a River Board; whereupon all suspended provisions of this Act shall be revived and come into operation again on the day of the coming into effect of such Proclamation in the river district affected thereby.

Compare: 1884 No 49 s 134

Section 120 was amended, as from 1 April 1980, by section 8(3) Local Government Amendment Act 1979 (1979 No 59) by inserting the words "or District Council".

Miscellaneous

121 How notices shall be sent

(1) A notice required by this Act to be sent to any person may be delivered to him personally, or may be sent to the last known place of abode or business of such person by messenger or by post.

(2) If such person is absent from New Zealand the notice may be sent to his agent.

(3) If such person is not known or has no known agent in New Zealand, and the notice relates to any land or buildings, the notice shall be deemed to be sent if it is affixed in a conspicuous place on or to such land or building, or on some public road adjoining thereto, or if it is publicly notified.

(4) A notice required to be sent to a River Board shall be sent to the office of the Board.

(5) Every notice required to be sent by a River Board shall, unless it is otherwise provided, be under the hand of the Chairman or Secretary.

(6) Where a notice is sent by post, it shall be sent so as to arrive in the due course of post on or before the latest time on which such notice is required to be served.

(7) Any summons, writ, or other legal proceeding requiring to be served on the Board may be served by being left at the office of the Board or given personally to the Chairman or the Secretary.

Compare: 1884 No 49 s 142

The word "Secretary" was substituted, as from 22 October 1952, for the word "Clerk" by section 2(3) River Boards Amendment Act 1952 (1952 No 48).

122 How orders, summonses, etc, by Board signed

Every order, summons, notice, or other such document requiring authentication by the Board, or any affidavit required to be made by or on behalf of the Board, may be signed or sworn respectively by the Chairman or by any 2 members of the Board, or by the Secretary, and need not be under seal.

Compare: 1884 No 49 s 143

The word "Secretary" was substituted, as from 22 October 1952, for the word "Clerk" by section 2(3) River Boards Amendment Act 1952 (1952 No 48).

123 Who to represent Board in proceedings in Court

In all proceedings before any Court or before Justices or before any Community Magistrate or Community Magistrates, and in proceedings under any Act in relation to bankrupts in respect of any claim by the Board against any person or against the estate of any bankrupt, the Chairman or Secretary or any other person from time to time appointed by the Board for the purpose may in all respects represent and act on behalf of the Board.

Compare: 1884 No 49 s 144

The word "Secretary" was substituted, as from 22 October 1952, for the word "Clerk" by section 2(3) River Boards Amendment Act 1952 (1952 No 48).

The words "or any other person from time to time appointed by the Board for the purpose" were inserted, as from 22 October 1952, by section 4 River Boards Amendment Act 1952 (1952 No 48).

Section 123 was amended, as from 10 June 1998, by section 7 District Courts Amendment Act 1998 (1998 No 76), by inserting the words "or before any Community Magistrate or Community Magistrates".

124 Judge not deemed interested merely because a ratepayer

No Judge, District Court Judge, Justice, or Community Magistrate shall be deemed to be interested in any case in which he is acting judicially solely on the ground that he is a ratepayer.

Compare: 1884 No 49 s 145

The words "District Court Judge" were substituted, as from 1 April 1980, for the words "Magistrate" pursuant to section 18(1) District Courts Amendment Act 1979 (1979 No 125).

Section 124 was amended, as from 30 June 1998, by section 7 District Courts Amendment Act 1998 (1998 No 76), by substituting the words ", Justice, or Community Magistrate" for the words "or Justice".

125 Obstructing Board

Every person who wilfully obstructs the Board or any officer thereof in the performance of anything they are respectively empowered by this or any other Act to do is liable to a fine not exceeding $20 for every such offence.

Compare: 1884 No 49 s 146

The expression "$20" was substituted, as from 10 July 1967, for the expression "ten pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

126 Misnomer, etc, not to invalidate Proclamations

No misnomer or inaccurate description contained in this Act, or in any Proclamation, Order in Council, or special order made thereunder, shall in anywise prevent or abridge the operation of this Act with respect to the subject of such description, provided the same has been designated so as to be understood.

Compare: 1884 No 49 s 147

127 Local authority may levy rate when Board refuses

In case any River Board neglects or refuses to make and levy or to direct the making and levying of a general or separate rate in any year, it shall be competent for the local authority in any separate subdivision of the district to levy a separate rate in the manner herein provided, and to expend the money arising therefrom in protective works within such district.

Compare: 1884 No 49 s 148

128 Saving of certain sections of prior Acts

[Repealed]

Section 128 was repealed, as from 20 December 1938, by section 33 Lower Clutha River Improvement Act 1938 (1938 No 17 (L)).

Schedule 1

s 1(2)

Enactments consolidated

1884, No 49—The River Boards Act 1884.

1885, No 28—The River Boards Act 1884 Amendment Act 1885.

1888, No 24—The River Boards Act Amendment Act 1888.

1891, No 20—The River Boards Act Amendment Act 1891.

1896, No 39—The River Boards Act 1884 Amendment Act 1896.

1899, No 13—The Local Government Voting Reform Act 1899: Section 3, so far as applicable.

Schedule 2

[Repealed]

s 128

Schedule 2 was repealed, as from 20 December 1938, by section 33 Lower Clutha River Improvement Act 1938 (1938 No 17 (L)).

Consolidation notes

1 General

This is a consolidation of the River Boards Act 1908 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

Regulatory Systems (Internal Affairs) Amendment Act 2026 (2026 No 26): Part 26 subpart 6

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6

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

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

Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64): section 16

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