

# **Main Highways Amendment Act 1925**

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**An Act to amend the Main Highways Act, 1922.**

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

**1 Short Title.**

This Act may be cited as the Main Highways Amendment Act, 1925, and shall be read together with and deemed part of the Main Highways Act, 1922 (hereinafter referred to as the principal Act).

**2 Provisions as to apportionment of expenditure incurred prior to declaration of main highway.**

- (1.) The power conferred on the Governor-General by the principal Act to declare any public highway to be a main highway, and to define the lines of such main highway, shall include and at all times heretofore be deemed to have included power to include in such main highway any lands that had not theretofore been constituted part of a public highway.
- (2.) All costs and expenses incurred by the Board (whether before or after the passing of this Act) in respect of the survey of lands with a view to the declaration of a main highway, or to its deviation, and all other preliminary expenses incurred by the Board in relation to any land, whether it is finally declared to form part of a main highway or not, shall be paid out of the Construction Fund of the Main Highways Account.
- (3.) In so far as the lands in respect of which any such expenses have been incurred are subsequently declared to be part of a main highway, the expenses may be apportioned between the Construction Fund and the several local authorities in the manner provided by the principal Act. Save as provided in this subsection, the expenses incurred as aforesaid shall remain charged on the Construction Fund.

**3 Board may in certain exceptional cases contribute towards cost of the construction or maintenance of any main highway a greater proportion than is fixed by principal Act.**

- (1.) In addition to the authority conferred on the Board by section twenty-two of the principal Act with respect to main highways being Government roads, or conferred by section thirty-three of the Finance Act, 1924, with respect to other main highways, the Board may, with respect to any main highway, provide a greater proportion of the cost of construction, reconstruction, maintenance, or repair than is prescribed by section eighteen or section nineteen of the principal Act in respect of any of the matters following, namely:—
  - (a.) For any major deviation of a main highway, or for any extraordinary alteration in the alignment or grading of a main highway:
  - (b.) For the construction of any bridge of which the cost of construction exceeds ten thousand pounds:
  - (c.) For the repair of any extraordinary damage:

- (d.) For the general maintenance of main highways, whether or not there are special circumstances in relation thereto, but not exceeding in respect of any main highway one-half of the cost of its maintenance in any year.
- (2.) The decision of the Board that arty case is within the provisions of the last preceding subsection shall be final.
- (3.) With respect to the cost of the construction of any bridge referred to in paragraph (b) of subsection one hereof, the Board may provide for the payment out of the Construction Fund of the proportions following, namely:—
  - (a.) One-half of such cost up to ten thousand pounds:
  - (b.) Three-fifths of so much of the cost as exceeds ten thousand pounds but does not exceed twenty thousand pounds:
  - (c.) Two-thirds of so much of the cost as exceeds twenty thousand pounds.
- (4.) This section shall be deemed to have been in force as from the first day of April, nineteen hundred and twenty-five.

**4 Local authority may, at its own cost, carry out works of a higher standard than that required by the Board.**

- (1.) Where in any case the Board has, whether before or after the passing of this Act, delegated to a local authority the power to construct or reconstruct any main highway or portion of a main highway the local authority shall have power to undertake, in relation thereto, works of a higher standard than the standard prescribed by the Board; but in any such case the cost of construction or reconstruction in so far as it exceeds the cost that would have been incurred in carrying out works of the standard prescribed by the Board shall be borne by that local authority without contribution from the Main Highways Account or without contribution from any other local authority save with the concurrence of that local authority.
- (2.) In any case to which this section applies the decision of the Board as to what would have been the cost of any work if it had been constructed in accordance with the Board's standard shall be final.
- (3.) This section shall be deemed to have been in force as from the first day of April, nineteen hundred and twenty-four.

**5 Power of local authority acting under delegation from Board to borrow money in respect of cost of construction of main highway.**

Where in any case the Board has, whether before or after the passing of this Act, delegated to a local authority the power to construct or reconstruct any main highway or portion of a main highway, that local authority shall have and be deemed at all times heretofore to have had the same power to borrow money to provide its proportion of the cost of construction or reconstruction as it has to borrow money in respect of the cost of any other public work within the

meaning of the Local Bodies' Loans Act, 1913, which it is authorized to carry out.

**6 Board may revoke or vary delegation of powers under section 9 of principal Act.**

- (1.) Any delegation by the Board of its powers under section nine of the principal Act may be effected by a resolution of the Board, and may be either absolute or subject to such conditions as the Board may by such resolution determine.
- (2.) Any such delegation, whether made before or after the passing of this Act, may be at any time in like manner revoked or varied.
- (3.) Where any local authority has, whether before or after the passing of this Act, purported to exercise any powers by virtue of a delegation from the Board, the Board shall, unless and until the contrary is proved by the Board, be deemed to have effectively delegated such powers to the local authority pursuant to the provisions in that behalf of section nine of the principal Act.

**7 Sections 109, 119, and 120 of Public Works Act, 1908, may be applied in respect of bridges and other works on main highways.**

- (1.) The Minister of Public Works may, on the recommendation of the Board, by notice in the *Gazette*, declare that the provisions of section one hundred and nine or of section one hundred and nineteen or of section one hundred and twenty of the Public Works Act, 1908, in so far as they respectively provide for the apportionment of the cost of construction, reconstruction, repair, or maintenance of any road, bridge, ferry, or ford shall apply with respect to the apportionment of the cost of construction, reconstruction, repair, or maintenance of any main highway, or of any bridge, ferry, or ford forming part of a main highway, in so far as such cost is not provided for out of the Main Highways Account; and every such notice shall have effect according to its tenor.
- (2.) Any apportionment of such cost made by the Governor-General pursuant to any of the aforesaid sections in respect of a main highway, or of any bridge, ferry, or ford being part of a main highway, shall be deemed to supersede any apportionment in respect thereof that may have been theretofore made by the Board pursuant to the principal Act.
- (3.) If on the declaration of a main highway, whether before or after the passing of this Act, there is or was in force a warrant under any of the aforesaid sections with respect to that highway, or to any bridge, ferry, or ford comprised therein, that warrant shall continue or be deemed to have continued in force, and shall, unless and until it is revoked by the Governor-General, continue to apply with respect to such main highway, or to any such bridge, ferry, or ford, save so far as the cost is provided for out of the Main Highways Account; and while such warrant continues in force it shall be deemed to supersede the provisions of the principal Act as to the apportionment among local authorities of a proportion of

the cost of the construction, reconstruction, repair, or maintenance of such main highway, or of such bridge, ferry, or ford.

- (4.) The Board shall, so far as may be necessary for the purpose of initiating proceedings under the aforesaid sections in their application to main highways, or otherwise for the purpose of giving effect to this section, be deemed to be a local authority within the meaning of section one hundred and nineteen of the Public Works Act, 1908.
- (5.) This section shall be deemed to have been in force as from the first day of April, nineteen hundred and twenty-four.

### **8 Allowances payable to members of District Councils.**

- (1.) Members of any District Council, not being officers employed in the service of the Crown, shall be entitled to receive out of the Revenue Fund of the Main Highways Account allowances as follows:—
  - (a.) In the case of a member of the executive body of any District Council, an allowance at such rate as may be prescribed, not exceeding twenty-one shillings for every day on which he is engaged on the business of the executive body, but so that the aggregate of such allowances in any year for all members of that executive body shall not exceed fifty pounds; and also an allowance equal to the expenses reasonably incurred and actually paid by him in going to or returning from any meeting of the executive body, if such expenditure was incurred solely for the purpose of attending such meeting.
  - (b.) In the case of any other member of a District Council (including a member of the executive body who is not entitled under the last preceding paragraph to an allowance in respect of travelling-expenses), an allowance equal to one-half of the expenses reasonably incurred and actually paid by him in going to or returning from any meeting of the District Council.

*Consequential amendment of section 8 of principal Act.*

- (2.) Section eight of the principal Act is hereby amended by inserting, before the words “the actual reasonable travelling-expenses” in subsection six, the words “one-half of”; and by omitting from the same subsection the words “or of the executive.”

### **9 Powers of Board as to apportionment of cost of main highway not governed by recommendations of District Council.**

- (1.) Section eighteen of the principal Act is hereby amended by omitting from subsection one and also from subsection two the words “on the recommendation,” and substituting the words “after taking into consideration the recommendations (if any).”

- (2.) Section nineteen of the principal Act is hereby amended by omitting from subsection one and also from subsection two the words “on the recommendation,” and substituting the words “after taking into consideration the recommendations (if any).”
- (3.) Section eleven of the principal Act is hereby amended by inserting, after the words “pursuant to this Act” in paragraph (b) of subsection two, the words “its estimate of and its recommendations with respect to.”

**10 Board may sell roadmaking plant to local authority charged with construction or maintenance of main highway.**

The Board shall have and be deemed at all times heretofore to have had power to sell any roadmaking machinery, plant, equipment, and appliances to any local authority to which it has delegated any powers in relation to a main highway, on such terms as it thinks proper, including terms for payment of the purchase-money by instalments extending over not more than four years, with interest at a rate to be fixed by the Board on the balance of purchase-money for the time being unpaid. Any such local authority shall have and be deemed to have had power to purchase any such machinery, plant, equipment, or appliances on terms fixed as aforesaid.

**11 Discretionary power to classify main highways.**

Section ten of the principal Act is hereby amended by omitting the word “shall” wherever it occurs in subsection one, and substituting the word “may.”