

II. THE SAND-DRIFT ACT, 1908, No. 169.

AN ACT to consolidate certain Enactments of the General Assembly relating to the Encroachment of Sand-drift on Land.

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

Short Title.

1. (1.) The Short Title of this Act is the Sand-drift Act, 1908.

Enactments consolidated.

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

Savings.

- (a.) All Proclamations, orders, schemes, and generally all acts of authority which originated under the said enactments, 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.
- (b.) All matters and proceedings commenced under the said enactments, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

Interpretation.

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

“ Local authority ” includes Maori Council :

“ Owner ” means the owner of land in fee-simple ; and, in the case of Crown lands of which there is no occupier within the meaning of the Rating Act, 1908, or occupied as pastoral runs or small grazing-runs, means the Crown ; and, in the case of other Crown lands, means the lessee or licensee ; and, in the case of land owned by Maoris, means the owner or owners.

Sand-drift areas may be proclaimed.

3. (1.) The Governor may, on the petition of any local authority or of any two or more persons interested, from time to time by Proclamation declare that the provisions of this Act shall, on a day named in the Proclamation, come into force within any specified area in New Zealand (hereinafter referred to as “ the proclaimed area ”), and may in like manner declare that any such area or part thereof shall no longer be subject to such provisions.

(2.) In every case, where practicable, the proclaimed area shall be bounded by a road, river, or other feature.

(3.) Such Proclamation shall be publicly notified at least once a week for one month prior to the day fixed for the Act coming into force within the proclaimed area.

(4.) Where the proclaimed area includes any land owned by Maoris such public notice shall be made in the Maori as well as in the English language.

Minister of Lands to file scheme of operations and assessment.

4. Not later than six months after the issue of any such Proclamation the Minister of Lands shall file in the Magistrate's Court in or nearest to the proclaimed area a scheme for controlling the sand-drift and preventing its further encroachment, and apportioning the cost of and incidental to the operations proposed by the scheme among the owners of land within the proclaimed area, including in such cost the expenses incurred by the Minister in giving effect to this section.

Notice of scheme to be served.

5. Notice of the filing of such scheme shall be served on all owners of land within the proclaimed area :

Provided that where the Minister has obtained the consent in writing of any such owner, service of the notice on him may be dispensed with :

Provided also that in the case of an owner who is not in New Zealand, or whose address in New Zealand is not known to the Minister, a notification in the *Gazette* that the scheme has been filed in the Magistrate's Court as aforesaid shall be deemed to be a sufficient service of the notice.

Appeal.

6. (1.) At any time within two months of the service on him of such notice any owner may appeal to the Magistrate against the exclusion of any lands from the proclaimed area, the inclusion of any lands within the same, or the apportionment of the said cost as proposed by the scheme.

(2.) Such appeal shall be by summons addressed to the Minister, calling on him to show cause why such area or apportionment should not be varied ; and the matter of such appeal shall be heard and determined by the Magistrate and two assessors, one to be appointed by the Crown and the other by the local authority.

- (3.) The Magistrate, with the concurrence of at least one of such assessors, may—

(a.) Cite any additional parties to be parties to the appeal :

(b.) Vary the proclaimed area by striking out any lands not likely to be benefited by the scheme, or adding others likely to be affected by drifting sand :

(c.) Confirm or vary the apportionment.