

Version
as at 23 December 2023



Christchurch District Drainage Act 1951

Local Act 1951 No 21
Date of assent 5 December 1951
Commencement see section 1(2)

Contents

		Page
	Title	5
1	Short Title and commencement	5
2	Interpretation	5
	<i>Constitution of district and Board</i>	
3	District constituted	6
4	Constitution of Board	8
5	Property of Board under repealed Acts	8
6	Existing members of Board	8
7	Term of office <i>[Repealed]</i>	9
8	Election of representatives for subdistricts	9
8A	Disqualification from election or appointment	11
9	Retiring members eligible for re-election	11
10	Casual vacancies <i>[Repealed]</i>	11
11	Continuing members to act during vacancies	11
12	Vacation of office by member	11
13	Acting as member without qualification	12
14	Acts of Board to be valid notwithstanding defect in election, etc	12
15	Board not dissolved though all seats thereon become vacant	12

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

16	Qualification of electors	12
17	Voting power of electors	13
18	Meetings	13
19	Appointment of Chairman, Deputy Chairman, and Chairmen of Standing Committees	13
19A	Allowance to Chairman [<i>Repealed</i>]	14
19B	Travelling allowances and expenses and remuneration of Chairman and members [<i>Repealed</i>]	14
20	Allowances, expenses, and remuneration of Chairman and members	14
21	Deputy Chairman	14
22	Casual vacancy	15
23	Committees	15
24	Chairman of meetings	16
25	Chairman of meeting to have casting vote	16
26	Insurance of Board members	16
27	Minutes of meetings	16
<i>Powers of the Board</i>		
28	General powers of Board	17
28A	Board may construct and repair drains or sewers on private lands	19
28B	Diversion of sewers, etc	20
28C	Board may cover in watercourses and drains	21
29	Power of Board to enter on lands	21
30	Power to take land	21
31	Board may provide offices	22
31A	Power to acquire land and erect dwellings for employees	22
32	Power to make drains	23
33	Board may give second notice varying first notice as to acquiring land	23
34	Board may open up drains in streets or roads	24
35	Board may cause all drains to be kept in good repair	25
36	Watercourses, drains, and sewers to be vested in Board	25
37	Discharge of noxious matters into sea or watercourse	25
38	Discharge by Board of noxious matters into sea or watercourse	26
39	Making drains, etc, without Board's consent an offence	27
40	Board not liable for damage from overflow of river, etc	27
41	Removal of obstructions by owner or occupier of land adjoining drain	28
42	Additional powers of Board to require owner to carry out works	29
42A	Special provisions as to private drains serving several separately owned premises	32
43	Removal of obstructions by owners	32
43A	Tree roots obstructing watercourses	33
44	Power to construct cross sewers	34

45	Power to construct dams	35
46	Power to alter or remove dams	35
47	Maintenance, repair, and upkeep of dams	35
48	Power to charge fees and make bylaws concerning dams	35
49	Advances to owners	36
50	Order or certificate declaring advances due	37
51	Registration of order or certificate	37
51A	Right of owner to recover advances	38
52	Unauthorised expenditure	38
53	Accident fund <i>[Repealed]</i>	38
54	Power to require drains and sewers in streets or roads in subdivisions	38
55	Board may establish special funds	39
	<i>Compensation</i>	
56	Compensation for land or water taken, used, or damaged	39
57	Amount of compensation	40
	<i>Rating and borrowing powers</i>	
58	Rating powers	40
59	Board may define boundaries of sewerage and drainage areas	40
60	Classification of drainage area <i>[Repealed]</i>	40
61	Copy of special order directing rate to be levied by consent of local authorities <i>[Repealed]</i>	40
62	Each local authority to render monthly accounts of rates collected <i>[Repealed]</i>	40
63	General power to borrow for purposes of Act <i>[Repealed]</i>	41
	<i>Sinking funds</i>	
64	Investment of sinking funds	41
	<i>Contracts</i>	
65	Board may enter into contracts	41
	<i>Officers</i>	
66	Appointment of officers	41
67	Superannuation and other benefits for employees	42
	<i>Accounts</i>	
68	Account books to be kept	42
69	Yearly balance sheet and statements	42
70	All accounts after auditing to be signed by the Chairman	43
71	Imprest Account	43
	<i>Service of notices</i>	
71A	Service of notices, etc	44

<i>Legal proceedings</i>		
72	Service of notices	44
73	Notices, how authenticated	44
74	Board may be represented in bankruptcy	45
75	How Board may be represented	45
76	Reimbursement of expenses	45
77	Notices to be advertised	45
<i>Limitation of actions, etc</i>		
78	Works may be proceeded with notwithstanding action or claim against Board	45
79	No time limit in proceedings for offence against Act or bylaws	45
<i>Bylaws</i>		
80	Board may make bylaws	46
81	Fine	47
81A	Operation of bylaws	47
82	Manner of making bylaws	48
83	Evidence of bylaw	48
84	Copies of bylaws to be kept	49
85	No relief from other liabilities	49
86	Special orders	49
<i>Offences</i>		
86A	Offences	49
<i>Miscellaneous</i>		
87	Judge, etc, not disqualified by payment of rates [<i>Repealed</i>]	50
88	Penalty for obstruction of Board	50
89	How fines recoverable	50
90	Provision for disposal of certain lands	50
91	Government works not to be interfered with	51
92	Certain enactments not affected	51
<i>Repeals</i>		
93	Repeals	52
Schedule 1		53
Schedule 2		56
Certificate of advances		
Schedule 3		57
Lands to which section 90 applies		
Schedule 4		59
Enactments repealed		

An Act to consolidate and amend certain enactments of the Parliament of New Zealand relating to the drainage and sewerage system of Christchurch and surrounding districts

Title: amended, on 1 January 1987, pursuant to section 29(2) of the Constitution Act 1986 (1986 No 114).

1 Short Title and commencement

- (1) This Act may be cited as the Christchurch District Drainage Act 1951.
- (2) This Act shall come into force on 1 January 1952.

2 Interpretation

In this Act, unless the context otherwise requires,—

Board means the Christchurch Drainage Board

cross sewer means a sewer or drain in a road or street running from a public sewer or main sewer of the Board to the boundary of any land abutting on such road or street

District means the Christchurch Drainage District as constituted and defined by this Act

efficient drain includes such plant, machinery, and appliances used in connection with a drain as are necessary to render it efficient

local authority means a territorial authority within the meaning of the Local Government Act 1974

noxious matters, in relation to any effluent discharging into the sea or into any estuary, watercourse, or stream, means any solid, liquid, or gaseous matters, or any combination or mixture of such matters, which is or may become prejudicial to health or affect prejudicially the safety of any person, or may, by odour, colour, or appearance, be offensive or objectionable, or may be toxic to fish

owner means the owner in fee simple, whether beneficially or as a trustee; and includes a mortgagee acting in exercise of power of sale, Public Trust, and any local authority, Board, or other body or authority, howsoever designated, constituted, or appointed, having power to dispose of land by way of sale or lease; and in addition means the person whose name is recorded in the Land Transfer Office at Christchurch as the proprietor of premises, whether in fee simple or for life; and includes the person for the time being who would be entitled to receive the rack rent of the premises in respect of which the word is used if such premises were let to a tenant at a rack rent, and includes the person receiving or so entitled to receive such rack rent, whether he is entitled beneficially or in trust

premises includes buildings and parts of buildings and also land

sale includes any gift, exchange, or other disposition affecting the fee simple, and any lease for any term (including renewals under the lease) of not less than 14 years

Secretary means the Secretary for the time being of the Board, and includes any person for the time being appointed by the Board to perform the duties of the Secretary, whether designated Acting Secretary or not

watercourse includes every river, stream, passage, or channel on or under the ground, whether natural or not, through which water usually flows, whether continuously or intermittently; but does not include—

- (a) any channel used primarily for the drainage of a road or street and forming part of the road or street formation; or
- (b) any artesian or sub-artesian aquifer

works includes the providing and doing of all such materials and things as shall be required by the Board or deemed by it necessary in or incidental to the execution of works required or executed by the Board pursuant to this Act or the bylaws of the Board.

Section 2 **local authority**: replaced, on 1 April 1980, by section 8(3) of the Local Government Amendment Act 1979 (1979 No 59).

Section 2 **owner**: amended, on 1 March 2002, by section 170(2) of the Public Trust Act 2001 (2001 No 100).

Section 2 **watercourse**: replaced, on 18 July 1969, by section 6 of the Christchurch District Drainage Amendment Act 1969 (1969 No 1 (L)).

Constitution of district and Board

3 District constituted

- (1) The area described in Part A of Schedule 1 shall be known as the Christchurch Drainage District. The several areas described in Part B of Schedule 1 shall be known as subdistricts of the said district. Wherever in the said schedule any road, street, or avenue is mentioned as bounding any area therein described, then and in every such case, unless the contrary is stated or implied, the middle line of such road, street, or avenue shall be deemed to be the boundary line.
- (2) The said district shall be deemed to be a land drainage district within the meaning of the Land Drainage Act 1908, and, subject to the provisions of this Act, the provisions of that Act shall apply thereto in the same manner as if the said district had been declared a district under that Act and the Board were a Land Drainage Board within the meaning of that Act.
- (3) Any area adjacent to the district of the Board may be added to the district in manner provided by this section.
- (4) The local authority of the locality in which any such area as aforesaid is situated may of its own motion, and shall on the petition of not less than one-tenth of the electors within the area, cause a poll of the electors to be taken on a proposal that the area be added to the district.

- (4A) Every person who signs a petition under subsection (4) shall state against the signature the person's name and address with sufficient particularity to enable the person to be identified as an elector whose address is within the area.
- (5) Such poll shall be taken in the manner prescribed by the Local Elections and Polls Act 1976.
- (6) For the purposes of a poll under this section, every person shall be qualified to be enrolled as an elector who, if the area to which the proposal relates were a borough, would be qualified to be enrolled as an elector of the borough or, if the area to which the proposal relates were a county, would be qualified to be enrolled as an elector of the county.
- (7) A proposal under this section shall be deemed to be carried if a majority of the valid votes recorded at the poll is in favour of the proposal.
- (8) If a proposal under this section to add any area to the district is carried, the Governor-General may, by Proclamation, declare that such area shall, as from a date to be specified in the Proclamation, form part of the district; and may, by that or a subsequent Proclamation, add that area to an existing subdistrict, or may apportion the area among 2 or more existing subdistricts, or may declare the area to form 1 or more new subdistricts, and may make provision for representation on the Board of any such new subdistrict, including if he thinks fit, an alteration in the number of members of the Board.
- (9) Every Proclamation under this section shall have effect according to its tenor.
- (10) If a petition under subsection (4), praying that a poll be taken on a proposal that any area adjacent to the district of the Board be added to the district, is signed by all the electors within the area, the proposal shall for the purposes of the said section be deemed to be carried without the necessity of taking a poll.
- (11) Any area, whether adjacent to the district of the Board or not, which may hereafter be included in the borough of the City of Christchurch by the alteration of boundaries or union of boroughs or union with districts in pursuance of the provisions of Part 12 of the Municipal Corporations Act 1933, or otherwise, shall be added to the district of the Board, and the provisions of subsections (8) and (9) of this section shall apply in like manner as if a proposal to add the area to the district had been carried at a poll of electors taken on a proposal that the area be added to the district.
- (12) When any area is added to the district, the Board shall be at liberty upon a date to be determined by the Board to assume liability for all loans raised prior to such adding by the local authority theretofore responsible therefor for the purposes of drainage and sewerage in and from the said area or from any other area already within the district but within the boundaries of such local authority and to this end all debentures and other securities issued or executed by such local authority shall be deemed to have been issued or executed by the Board and the assets of the Sinking Fund Commissioners of such local authority in

respect of such loans shall be transferred to the Sinking Fund Commissioners of the Board.

Section 3(1): replaced, on 12 October 1968, by section 2 of the Christchurch District Drainage Amendment Act 1967 (1967 No 14 (L)).

Section 3(2): amended (with effect on 1 January 1952), on 26 August 1966, by section 2(1) of the Christchurch District Drainage Amendment Act 1966 (1966 No 14 (L)).

Section 3(4A): inserted, on 17 June 1986, by section 12 of the Local Government Amendment Act 1986 (1986 No 21).

Section 3(5): amended, on 1 April 1977, pursuant to section 124(1) of the Local Elections And Polls Act 1976 (1976 No 144).

Section 3(6): amended, on 18 July 1969, by section 7 of the Christchurch District Drainage Amendment Act 1969 (1969 No 1 (L)).

Section 3(12): inserted, on 26 August 1966, by section 2(2) of the Christchurch District Drainage Amendment Act 1966 (1966 No 14 (L)).

4 Constitution of Board

- (1) There shall be for the district a Board, consisting of 15 persons, to be elected as hereinafter mentioned; and such Board shall be a body corporate under the name of the Christchurch Drainage Board, with perpetual succession and a common seal, having a capacity to acquire and hold land for all or any of the purposes of its constitution under this Act, and also to sell, lease, or otherwise dispose of any land so acquired which in the opinion of the Board may not be required for the purposes of the Board.
- (2) The Board shall be deemed to be a local authority for the purposes of the Public Works Act 1928, the Health Act 1920, the Local Bodies' Finance Act 1921–22, the Local Bodies' Loans Act 1926, the Local Government Loans Board Act 1926, and, subject to the provisions of this Act, the provisions of those Acts shall extend and apply to the Board.
- (3) For the purposes of the Soil Conservation and Rivers Control Act 1941, the Board shall be deemed to be a Drainage Board under the Land Drainage Act 1908.

Section 4(1): amended, on 12 October 1968, by section 3 of the Christchurch District Drainage Amendment Act 1967 (1967 No 14 (L)).

Section 4(2): amended, on 29 September 1954, by section 7(3) of the Local Authorities (Members' Contracts) Act 1954 (1954 No 49).

5 Property of Board under repealed Acts

All property and rights of every nature, kind, or description acquired by the Board as constituted under the Acts hereby repealed, or any of them, shall by virtue of this Act pass to, become vested in, and belong to the Board as constituted under this Act.

6 Existing members of Board

Those persons respectively who are members of the Board at the time of the passing of this Act shall continue to be members thereof until the date of the

first general election of members to be held after such passing, or until they resign, die, or otherwise cease to be members of the Board:

provided that the Board in office at the commencement of this Act and elected in pursuance of the provisions of the Christchurch District Drainage Act 1907 shall be deemed to be the Board elected hereunder until the date of the first general election of members to be held after 1 January 1952.

7 Term of office

[Repealed]

Section 7: repealed, on 27 August 1953, by section 103(1) of the Local Elections and Polls Act 1953 (1953 No 16).

8 Election of representatives for subdistricts

- (1) In each of the several subdistricts of the district of the Board, the electors shall for their subdistrict elect a person or persons (being an elector of any parliamentary electorate whether within or outside the district who is not disqualified by virtue of section 12(3) of the Local Elections and Polls Act 1976 or section 8A of this Act and not being a person who is disqualified for election by section 112 of the Local Elections and Polls Act 1976) to be a member of the Board. The number of persons to be so elected in respect of the several subdistricts shall be as follows:

for the City subdistrict, 9 persons:

for the Waimairi subdistrict, 3 persons:

for the Paparua subdistrict, 1 person:

for the Heathcote subdistrict, 1 person:

for the Riccarton Middleton subdistrict, 1 person.

- (2) Notwithstanding the provisions of section 1, the Board shall have power from time to time, after the passing of this Act, to appoint an Electoral Commission consisting of 3 commissioners for the purposes of—
- (a) altering the boundaries of all or any of the subdistricts:
provided that in so altering the boundaries of any subdistrict the Electoral Commission shall ensure that such altered boundaries coincide with the boundaries of a city or borough or county or of a defined riding of a county;
- (b) naming or re-naming any subdistrict; and
- (c) altering the number of members of the board representing any subdistrict in such manner as to keep the representation of the various subdistricts as nearly as may be proportioned to the population thereof but so that the total number of members of the Board shall not exceed 15.
- (3) The report of any such Electoral Commission appointed under subsection (2) shall be published in the *Gazette* within 28 days after the said report shall be

communicated to the Board and upon such report being so published the district shall *ipso facto* be divided into the subdistricts named in and with the boundaries specified in such report, and with the right to representation on the Board as is therein set out.

- (4) Where 1 or more members of the Board are to be elected by all or some only of the electors of a county or borough (herein referred to as a **constituent district**) the election shall be held in the same manner as the ordinary general election of members of the local authority of that constituent district and all the provisions of the Local Elections and Polls Act 1976 and of all other Acts affecting the mode of election of members of that local authority shall so far as they are applicable and are not inconsistent with this Act and with the necessary modifications apply accordingly and the returning officer of the constituent district shall be the returning officer for the purposes of the election:
- provided that where any such election is to be made by electors of 2 or more local authorities forming a constituent district, the Board may select and appoint 1 of those local authorities to be the principal authority for the purposes of such election, in which event the returning officer of such principal authority shall be the returning officer of the constituent district.
- (5) The existing roll or rolls of any city, borough, or county shall be used for the purposes of any election hereunder.
- (6) The reasonable cost of every election under this Act that is not held simultaneously with the election of members of a local authority shall be paid by the Board. Any dispute as to the amount to be paid to any local authority under this subsection shall be determined by the Auditor-General after such inquiry as it thinks fit, and the decision of the Auditor-General on any such dispute shall be final.
- (7) The cost of every election under this Act that is held simultaneously with the election of members of a local authority shall be paid by the Board in accordance with section 118 of the Local Elections and Polls Act 1976.

Section 8: replaced, on 12 October 1968, by section 4 of the Christchurch District Drainage Amendment Act 1967 (1967 No 14 (L)).

Section 8(1): amended, on 17 June 1986, by section 12 of the Local Government Amendment Act 1986 (1986 No 21).

Section 8(1): amended, on 21 October 1982, by section 33 of the Local Elections and Polls Amendment Act 1982 (1982 No 33).

Section 8(1): amended, on 13 June 1968, pursuant to the *Gazette* 1968, p 1021.

Section 8(4): amended, on 1 April 1977, pursuant to section 124(1) of the Local Elections And Polls Act 1976 (1976 No 144).

Section 8(6): replaced, on 1 April 1977, by section 124(5) of the Local Elections and Polls Act 1976 (1976 No 144).

Section 8(6): amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

Section 8(7): inserted, on 1 April 1977, by section 124(5) of the Local Elections and Polls Act 1976 (1976 No 144).

8A Disqualification from election or appointment

The following persons shall not be capable of being elected or appointed as a member of the Board:

- (a) any person who is disqualified from election or appointment by section 112 of the Local Elections and Polls Act 1976:
- (b) any person who is convicted of any offence punishable by death or imprisonment for a term of 2 years or more, unless (in the case of a person seeking election or appointment) the person has obtained a pardon, or has served the sentence or otherwise suffered the penalty imposed:
- (c) any person who is detained in a hospital under the Mental Health (Compulsory Assessment and Treatment) Act 1992.

Section 8A: inserted, on 17 June 1986, by section 12 of the Local Government Amendment Act 1986 (1986 No 21).

Section 8A(c): amended, on 1 November 1992, pursuant to section 137(1) of the Mental Health (Compulsory Assessment and Treatment) Act 1992 (1992 No 46).

9 Retiring members eligible for re-election

Every member of the Board going out of office shall, unless otherwise ineligible, be eligible for re-election.

10 Casual vacancies

[Repealed]

Section 10: repealed, on 27 August 1953, by section 103(1) of the Local Elections and Polls Act 1953 (1953 No 16).

11 Continuing members to act during vacancies

During any vacancy in the Board the continuing members may act, and no act of the Board shall be invalid on account of the vacancy being unfilled.

12 Vacation of office by member

- (1) The office of a member shall become vacant, and the vacancy shall be an extraordinary vacancy, if the member—
 - (a) dies; or
 - (b) resigns the office by writing under the member's hand delivered to the Secretary or Chairman of the Board, or is ousted from office; or
 - (c) is detained in a hospital under the Mental Health (Compulsory Assessment and Treatment) Act 1992; or
 - (d) is convicted of any offence punishable by death or imprisonment for a term of 2 years or more; or
 - (e) is absent without leave from 4 consecutive meetings of the Board.
- (2) In any case to which subsection (1)(d) applies—

- (a) the disqualification shall not take effect until the expiration of the time for appealing against conviction and, in the event of an appeal against 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.
- (3) If any person does any act as a member after the person's office has become vacant under this section (other than under subsection (1)(c)) or while on leave of absence under subsection (2), the person commits an offence and shall be liable on conviction to a fine not exceeding \$100.

Section 12: replaced, on 17 June 1986, by section 12 of the Local Government Amendment Act 1986 (1986 No 21).

Section 12(1)(c): amended, on 1 November 1992, pursuant to section 137(1) of the Mental Health (Compulsory Assessment and Treatment) Act 1992 (1992 No 46).

Section 12(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

13 Acting as member without qualification

Any person who acts as a member of the Board without being duly qualified or after he has become disqualified is liable to a fine not exceeding \$100; and in any proceeding for the recovery of any such fine the burden of proving qualification shall be upon the person against whom the proceeding is taken.

Section 13: amended, on 10 July 1967, pursuant to section 7(1) of the Decimal Currency Act 1964 (1964 No 27).

14 Acts of Board to be valid notwithstanding defect in election, etc

All acts done at any meeting of the Board or of any committee of the Board, or by any person acting as a member of the Board, shall, notwithstanding it may be afterwards discovered that there was some defect in the election or appointment of the Board, committee, or person acting as aforesaid, or that they were or any of them was disqualified, be as valid as if every such person had been duly elected or appointed and was qualified to be a member.

15 Board not dissolved though all seats thereon become vacant

If from any cause whatever all the seats on the Board become vacant, the Board shall not thereby be dissolved, but members thereof shall be forthwith elected for the said several subdistricts respectively as aforesaid, at such times and places and in such manner as may be prescribed by the Governor-General in that behalf.

16 Qualification of electors

Every person who is qualified as an elector of any local authority in respect of an address within the district shall be qualified as an elector of the Board.

Section 16: replaced, on 17 June 1986, by section 12 of the Local Government Amendment Act 1986 (1986 No 21).

17 Voting power of electors

Every elector shall have only 1 vote in any subdistrict and shall not be entitled to vote in more than 1 subdistrict.

Section 17: replaced, on 17 June 1986, by section 12 of the Local Government Amendment Act 1986 (1986 No 21).

18 Meetings

- (1) The meetings of the Board shall be held at such time and place and in such manner as the Board thinks fit.
- (1A) The Secretary shall give notice in writing to each of the members of the Board of the time and place appointed from time to time for holding meetings.
- (2) The Board shall meet together for the despatch of business, and shall from time to time make such regulations with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business, as it thinks fit, subject to the following conditions:
 - (a) no business shall be transacted at any meeting unless at least 8 members are present:
 - (b) *[Repealed]*
 - (c) all questions shall be decided by a majority of the votes of the members present.

Section 18(1A): inserted, on 22 November 1985, by section 2(1) of the Christchurch District Drainage Amendment Act 1985 (1985 No 6 (L)).

Section 18(2)(b): repealed, on 22 November 1985, by section 2(2) of the Christchurch District Drainage Amendment Act 1985 (1985 No 6 (L)).

19 Appointment of Chairman, Deputy Chairman, and Chairmen of Standing Committees

- (1) Subject to subsection (2), the Board shall, at its first meeting after its election and thereafter in each successive year at its monthly meeting nearest the anniversary of such election, appoint from its members for the year following such appointment, a Chairman, a Deputy Chairman, and Chairmen of Standing Committees.
- (2) The number of Chairmen of Standing Committees who may receive allowances or remuneration in that capacity shall not exceed 4. If more than 4 Chairmen of Standing Committees are appointed the Board shall determine which 4 of them shall be entitled to receive allowances or remuneration in that capacity.

Section 19: replaced, on 3 August 1979, by section 2(1) of the Christchurch District Drainage Amendment Act 1979 (1979 No 3 (L)).

Section 19(2): replaced, on 30 March 1985, by section 39(2) of the Local Government Amendment Act 1985 (1985 No 60).

19A Allowance to Chairman

[Repealed]

Section 19A: repealed, on 3 August 1979, by section 2(1) of the Christchurch District Drainage Amendment Act 1979 (1979 No 3 (L)).

19B Travelling allowances and expenses and remuneration of Chairman and members

[Repealed]

Section 19B: repealed, on 3 August 1979, by section 2(1) of the Christchurch District Drainage Amendment Act 1979 (1979 No 3 (L)).

20 Allowances, expenses, and remuneration of Chairman and members

- (1) The Board is hereby declared to be a statutory board within the meaning of the Fees and Travelling Allowances Act 1951.
- (2) The Board may pay to the Chairman and to the members of the Board or any committee thereof travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.
- (3) Where any maximum annual allowance or remuneration is determined under section 214B or section 214C of the Local Government Act 1974 in respect of the Chairman, Deputy Chairman, Chairmen of Standing Committees, or members of the Board, there may, subject to the conditions of that determination and sections 214K and 214L of that Act and section 19(2) of this Act, be paid to each of those persons such annual allowance or remuneration, not exceeding that maximum allowance or remuneration, as the Board determines.
- (4) Where any actual annual allowance or remuneration is determined under section 214B or section 214C of the Local Government Act 1974 in respect of the Chairman, Deputy Chairman, Chairmen of Standing Committees, or members of the Board, there shall, subject to the conditions of that determination, sections 214K and 214L of that Act, and section 19(2) of this Act, be paid to each of those persons the annual allowance or remuneration so determined.

- (5) *[Repealed]*

Section 20: replaced, on 3 August 1979, by section 2(1) of the Christchurch District Drainage Amendment Act 1979 (1979 No 3 (L)).

Section 20(3): replaced, on 30 March 1985, by section 39(2) of the Local Government Amendment Act 1985 (1985 No 60).

Section 20(4): replaced, on 30 March 1985, by section 39(2) of the Local Government Amendment Act 1985 (1985 No 60).

Section 20(5): repealed, on 30 March 1985, by section 39(2) of the Local Government Amendment Act 1985 (1985 No 60).

21 Deputy Chairman

- (1) The Deputy Chairman may with the consent of the Chairman or, in the event of the Chairman becoming incapable of acting, without that consent, until the

Chairman resumes his duties or a new Chairman comes into office, have all the authority of the Chairman.

- (2) A minute appearing in the minute book of the Board's proceedings recording the appointment of the Deputy Chairman shall, as regards all persons having any business with the Board, and acting in good faith, be deemed to be conclusive evidence of the validity of the appointment of any person as Deputy Chairman, and of his continued authority to act as such, and shall relieve all persons having business with the Board from the necessity of making any inquiries in the matter.

Section 21: replaced, on 3 August 1979, by section 2(1) of the Christchurch District Drainage Amendment Act 1979 (1979 No 3 (L)).

22 Casual vacancy

If any casual vacancy occurs in any of the offices of Chairman, Deputy Chairman, or Chairmen of Standing Committees, and where in the case of the Chairman there is no Deputy Chairman to act in his place, the Board shall, as soon as it conveniently can after the occurrence of the vacancy, appoint some other member to fill the vacancy for so long as the same exists; and every person so appointed shall continue in office so long only as the person in whose place he was elected would have been entitled to continue if such vacancy had not occurred.

Section 22: replaced, on 3 August 1979, by section 2(1) of the Christchurch District Drainage Amendment Act 1979 (1979 No 3 (L)).

23 Committees

- (1) The Board may delegate any of its powers to committees, including Standing Committees, consisting of such members as it thinks fit, whether members of the Board or not, but the Board may not delegate to any such committee power to enter into any contract except in accordance with the provisions of section 4 of the Public Bodies Contracts Act 1959.
- (2) The Board may at any time, and from time to time, discharge, alter, continue, or reconstitute any committee or discharge any member of a committee, and, if it thinks fit, appoint another member in his stead.
- (3) Any committee so formed shall, in the exercise of the powers delegated, conform to any directions that may be given to it by the Board.
- (4) A committee other than a Standing Committee may elect one of its members to be the Chairman.
- (4A) If, after the exercise by the Board of its powers under subsection (2), there exists a Standing Committee without a Chairman, the Board shall as soon as practicable appoint a Chairman for that committee; and every person so appointed shall continue in office as Chairman for the period he would have been entitled to continue in office had he been appointed under section 19(1).
- (5) A committee may meet and adjourn as it thinks proper.

- (6) Questions at any committee meeting shall be determined by a majority of the votes of the members present.

Section 23: replaced, on 3 August 1979, by section 2(1) of the Christchurch District Drainage Amendment Act 1979 (1979 No 3 (L)).

Section 23(4A): inserted, on 22 November 1985, by section 3 of the Christchurch District Drainage Amendment Act 1985 (1985 No 6 (L)).

24 Chairman of meetings

- (1) At any meeting of the Board the Chairman, or in his absence the Deputy Chairman, shall act as chairman of that meeting.
- (2) At any meeting of a Standing Committee the Chairman of that Standing Committee shall act as chairman of that meeting.
- (3) At any meeting of committees other than Standing Committees the chairman of that committee shall act as chairman of that meeting.
- (4) The Board, in the absence of the Chairman and Deputy Chairman, a Standing Committee, in the absence of the Chairman of that Standing Committee, or any other committee, in the absence of the chairman of that committee, shall choose one of the members present at that meeting to be chairman of such meeting.

Section 24: replaced, on 3 August 1979, by section 2(1) of the Christchurch District Drainage Amendment Act 1979 (1979 No 3 (L)).

25 Chairman of meeting to have casting vote

In case of an equality of votes at any meeting the chairman for the time being of such meeting shall have a second or casting vote.

Section 25: replaced, on 3 August 1979, by section 2(1) of the Christchurch District Drainage Amendment Act 1979 (1979 No 3 (L)).

26 Insurance of Board members

The 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 pay the premiums payable in respect of those contracts.

Section 26: replaced, on 3 August 1979, by section 2(1) of the Christchurch District Drainage Amendment Act 1979 (1979 No 3 (L)).

27 Minutes of meetings

- (1) The Board shall cause minutes to be made, in books provided for the purpose,—
- (a) of all appointments of officers made by the Board:
 - (b) of the names of the members present at each meeting of the Board and of committees of the Board:
 - (c) of all orders made by the Board and committees of the Board:

- (d) of all resolutions and proceedings of meetings of the Board and of committees of the Board.
- (2) Any such minutes, if signed by any person purporting to be the Chairman of any meeting of the Board or committee of the Board, shall be receivable in evidence without any further proof.

Powers of the Board

28 General powers of Board

Subject to the provisions, restrictions, and conditions contained in this Act, the Board may, for the purposes of this Act, from time to time, by itself, its surveyors, agents, officers, and workmen, exercise the following powers or any of them, and execute, do, or cause to be executed or done any of the following matters, works, or acts, namely:

- (a) cleanse, repair, or otherwise maintain in a due state of efficiency any watercourse or outfall for water, or any bank or defence against water:
- (b) deepen, widen, straighten, divert, or otherwise improve any watercourse or outfall for water, or remove obstructions to watercourses or outfalls for water, or raise, widen, or otherwise alter any defence against water:
- (c) make any new watercourse or new outfall for water, or erect any new defence against water, erect any machinery, or do any other act not hereinbefore referred to if required for the drainage of the district:
- (d) construct any sewers or drains of such construction and in such manner as the Board thinks necessary or proper for carrying the purposes of this Act into execution; and, subject to the provisions of section 34, break up the soils and pavements of any public or private streets, highways, roads, ways, or footpaths within the district, and excavate and sink trenches for the purpose of laying down, making, and constructing public sewers or drains therein; and may, subject to the provisions of this Act and of any other enactment relating to nuisance or pollution, cause such public sewers or drains to communicate with the sea or any arm thereof, or with any stream or watercourse either within or without the limits of the district; and may also from time to time open, cleanse, and repair such drains or sewers or alter the position thereof; and may do all such acts, matters, and things as the Board deems expedient, necessary, or proper for making, amending, repairing, completing, or improving any watercourse, sewer, or drain, or other works to be made, done, and provided for the purposes of this Act:
- (e) purchase and hold any land within or without the district which in the Board's opinion may be required for the purposes of this Act; and impound, divert, or take any water from any watercourse within the district which in the Board's opinion is required for the purposes of this Act:

- (f) without any previous payment, tender, or deposit, enter upon and use any land within the district for the purpose of taking any earth, stone, or clay therefrom; and enter upon and use any adjacent lands for making temporary roads or approaches to any works connected with any works constructed under this Act:

provided that, in the case of any lands held for any public purpose within the meaning of section 2 of the Public Reserves, Domains, and National Parks Act 1928, the power conferred by this paragraph shall not be exercised, except in the case of flood or other emergency, without the consent of the controlling authority, which consent shall not be unreasonably or arbitrarily withheld; and, in the case of any other land, the said power shall not be exercised, except in the case of flood or other emergency until at least 24 hours' notice of intention so to do has been given to the occupier:

- (g) make, maintain, alter, or discontinue such dams, tunnels, drives, reservoirs, cisterns, waterworks, tanks, aqueducts, drains, cuts, sluices, pipes, culverts, engines, and other works of any kind or description; and erect such buildings and machinery within or without the district as the Board may think proper for the purposes of this Act:
- (h) in addition to and without restricting the foregoing powers, expend moneys for the following purposes, that is to say:
- (i) in extending and improving the sewerage system of the Board throughout the whole or any portion or portions of the district:
 - (ii) in adding to and improving the machinery and plant at the pumping stations of the Board, providing extra pumping stations and machinery where necessary, and preparing and providing electrical power for use at any such pumping station:
 - (iii) in providing and laying extra main delivery pipes from pumping stations to the Board's sewage farm at Bromley:
 - (iv) in the preparation of land at the said sewage farm for treatment of sewage:
 - (v) for such other purposes connected with the Board's drainage and sewerage systems as the Board may think desirable:
- (i) treat and deal with in such manner as the Board thinks fit all sewage, refuse, and other matter, whether for the purpose of deodorising, disinfecting, or destroying it, or of converting it into fertiliser or any other marketable product and selling or otherwise dealing in the same; and shall not be liable, except in compensation under section 56, for any nuisance or injury necessarily created or caused in so doing.

Section 28(g): amended, on 18 July 1969, by section 8 of the Christchurch District Drainage Amendment Act 1969 (1969 No 1 (L)).

28A Board may construct and repair drains or sewers on private lands

- (1) The Board may cause to be constructed, of such dimensions and such materials as it thinks fit, upon or under any private lands or buildings within the district all such drains or sewers as the Board from time to time thinks needful for the efficient drainage or sewerage of the district, subject to the provisions set out in subsection (2).
- (2) Before the Board constructs any such drain or sewer as is referred to in subsection (1), the following conditions shall be complied with:
 - (a) a plan and description of the drain or sewer, showing how it affects any such lands, shall be deposited for public inspection at the office of the Board or at some place within the district:
 - (b) the Board shall give notice in writing to the occupier of the lands, and also to the owner when known, of the intention to construct the drain or sewer, and shall refer in the notice to the plan and description, and state where the same are on view:
 - (c) if within 1 month after the notice is given the occupier or owner serves on the Board a written objection to the proposed work, the Board shall appoint a day for hearing the objection, and shall give notice of the same to the objector:
 - (d) the Board shall hold a meeting on the day so appointed, and may, after hearing any person making any objection, if present, determine to abandon the work proposed, or to proceed therewith, with or without such alterations as the Board thinks fit:
 - (e) after notices under the provisions of paragraph (b) have been given and all objections disposed of, the Board may cause a certificate over the signature of its Secretary describing such drains or sewers and with a plan defining the line of the same endorsed thereon to be prepared and deposited in the office of the District Land Registrar or the Registrar of Deeds at Christchurch; and where the land referred to in such certificate is subject to the Land Transfer Act 1952, the District Land Registrar shall register against the title to the land a memorial of such certificate, and in every other case the Registrar of Deeds shall cause an entry thereof to be made under the proper head or title in the index book of the Deeds Register Office:

provided that, if at any time after the issue of a certificate under the provisions of this paragraph it is found that the line of such drain or sewer will not pass through such land or any part thereof or that an error in form or substance exists in or in relation to such certificate, the Board may revoke the certificate wholly or so far as it thinks necessary by the depositing at the office of the District Land Registrar or the Registrar of Deeds at Christchurch of a subsequent certificate, and the former certificate shall thereupon to the extent to which it has been so revoked be void

and of no effect as from the date thereof as if it had not been issued or made; and any registration which has been effected by the District Land Registrar and any entry in the index book which has been made by the Registrar of Deeds shall thereupon be cancelled by the Registrar concerned and be deemed to have been of no effect as from the date of the making of the former certificate to the extent to which the said certificate has been so revoked:

provided also that the District Land Registrar shall be under no obligation to note the registration against the duplicate original copy of any certificate of title affected nor to call in the duplicate for that purpose.

- (3) Every such drain or sewer under any building shall, throughout so much of its length as passes under that building, be constructed of brick, concrete, stone, tiles, or cast iron.
- (4) Every sewer shall be wholly enclosed and covered in.
- (5) The Board may from time to time alter, renew, repair, and cleanse any such drain or sewer constructed on private land.
- (6) The Board, its agents, officers, and workmen may enter upon such private land as may be necessary for the performance of any matter or thing authorised by this section.

Section 28A: inserted, on 13 September 1957, by section 3 of the Christchurch District Drainage Amendment Act 1957 (1957 No 5 (L)).

Section 28A(2)(e): inserted, on 30 September 1960, by section 3 of the Christchurch District Drainage Amendment Act 1960 (1960 No 4 (L)).

Section 28A(6): inserted, on 3 May 1975, by section 2 of the Christchurch District Drainage Amendment Act 1975 (1975 No 2 (L)).

28B Diversion of sewers, etc

- (1) If any person proposes to erect any building or to carry out any works in such location and at such levels that the diversion, alteration, or replacement of any of the sewers, drains, or other structures of or under the control of the Board appears to be essential to the construction of any such building or works, that person shall notify the Board of his proposals, and if the Board is satisfied that it is practicable for its sewer, drain, or structure to be diverted, altered, or replaced without material interference with the services for which it is responsible and that it is reasonable that this be done, it may enter into an agreement with that person as to the manner and condition under which the sewer, drain, or structure shall be diverted, altered, or replaced.
- (2) The cost of diverting, altering, or replacing the sewer, drain, or other structure of or under the control of the Board, or such part of the cost as the Board shall determine and all other costs which the Board may incur in any wise incidental thereto, shall in such case be paid to the Board by that person.

Section 28B: inserted, on 30 September 1960, by section 4 of the Christchurch District Drainage Amendment Act 1960 (1960 No 4 (L)).

28C Board may cover in watercourses and drains

- (1) The Board may enclose and cover in any watercourse or drain within the district.
- (2) Section 28A(2), with the necessary modifications, shall apply in respect of all works proposed to be carried out under subsection (1).
- (3) Where the Board incurs any expenditure in enclosing and covering in any watercourse or drain pursuant to subsection (1), each owner of land benefited or likely to be benefited from the enclosing and covering in of the watercourse or drain, shall, if the Board so requires, pay to the Board on account of betterment the amount of the increased value thereby given, or likely to be given, to his land, or such smaller amount as the Board thinks fit.
- (4) Subsections (3) to (10) of section 326 of the Local Government Act 1974, as far as they are applicable and with the necessary modifications, shall apply with respect to every claim for betterment under this section as if it were a claim for betterment under the said section 326 and as if the reference in subsection (4) of the said section 326 to the widening of a road or part of a road was a reference to the enclosing and covering in of a watercourse or drain.

Section 28C: inserted, on 22 November 1985, by section 4 of the Christchurch District Drainage Amendment Act 1985 (1985 No 6 (L)).

29 Power of Board to enter on lands

- (1) For the purposes of any inspection, survey, or inquiry directed as necessary under any of the provisions of this Act, the Board may, by itself, its agents, officers, and workmen, enter upon any lands or premises in the district within or upon which it is proposed that any works shall be executed under this Act, or any lands and premises adjoining thereto; and, if necessary, dig or bore therein, and also examine any weir, sluice, or floodgate erected in or upon any river or stream which it deems to be necessary to examine; and open or raise any such floodgate or sluice for the purposes of any such inquiry, and make any soundings or bore the bed or channel of any part of any such river or any mill course connected therewith.
- (2) The Board, its agents, officers, and workmen may enter upon such lands as aforesaid and do all necessary matters and things authorised by this Act previously to or pending the decision upon any claim for compensation in respect of such matters as aforesaid.

30 Power to take land

The Board may take, in the manner provided by the Public Works Act 1928, and hold any lands within or without the district which in its opinion are required for the purposes authorised by this Act.

Section 30: amended, on 26 August 1966, by section 5 of the Christchurch District Drainage Amendment Act 1966 (1966 No 14 (L)).

31 Board may provide offices

- (1) The Board may from time to time provide and maintain public offices, within or without the district, with fitting furniture for the same, for holding its meetings and transacting its business and for the use of its officers and for any other purposes, and may take, purchase, or take on lease land or buildings for such purpose, or may cause buildings to be erected on any land belonging to the Board, or may add to, alter, or improve any such building.
- (2) The Board may, in addition to the powers hereby conferred or in lieu thereof, as it may determine, enter into such arrangements as it may deem necessary with any local authority for the use on such terms as may be agreed upon of portion of the offices of that local authority and of furniture for the same for the purposes of transacting the business of the Board or holding its meetings.

31A Power to acquire land and erect dwellings for employees

- (1) The Board may from time to time:
 - (a) acquire land and erect dwellings thereon for occupation by persons in the employment of the Board:
 - (b) erect, on any land vested in the Board, not being land held in trust for any special purpose, dwellings for occupation by persons in the employment of the Board:
 - (c) purchase, either within the district or adjacent thereto, lands with dwellings thereon, for occupation by persons in the employment of the Board:
 - (d) purchase dwellings for removal to any land vested in the Board, not being land held in trust for any special purpose, so that they may be made available for occupation by persons in the employment of the Board:
 - (e) convert any building for the purpose of occupation by any person in the employment of the Board:
 - (f) alter, enlarge, repair, and improve any dwelling erected or acquired by the Board from time to time pursuant to this section:
 - (g) advance money to any person in the employment of the Board to enable him to erect a dwelling on any land of which he is the owner or to acquire land with a suitable dwelling already erected thereon, and provide for the repayment of any such advance with interest by instalments.
- (2) The Board may dispose of any dwelling and the land appurtenant thereto to any person in the employment of the Board by way of sale or lease, or upon any tenancy.
- (3) If any dwelling acquired or erected or converted by the Board for the purposes of this Act is no longer required for such purposes, the Board may sell, let, exchange, or otherwise dispose of it in such manner and on such terms as the Board thinks fit.

- (4) The purposes specified in subsection (1) shall be deemed to be purposes for which the Board may borrow money pursuant to section 63.

Section 31A: inserted, on 13 September 1957, by section 2 of the Christchurch District Drainage Amendment Act 1957 (1957 No 5 (L)).

32 Power to make drains

- (1) If any land within the district is not, as to the drainage of surface and storm water and water beneath the surface, drained by some efficient drain communicating with some public sewer or public drain used or made under the authority of this Act, the Board may construct, through any land lying between such first mentioned land and the nearest such public sewer or drain, an efficient drain suited for draining therefrom and from the intermediate land such surface and storm water and water beneath the surface as aforesaid, but so that such drain shall not pass through or under any house, building, or other like structure.

- (2) The expenses of the construction and maintenance of any such drain shall be borne—

(a) by the owners of the land through which the said drain is constructed;
and

(b) by the owners of the land adjoining the land through which the said drain is constructed,—

in proportion to the degree of benefit conferred on the separate owners by such drain. The Board shall by resolution apportion to each such separate owner the amount of such expenses payable by him as aforesaid.

- (3) The decision of the Board under subsection (2) as to the apportionment among the owners referred to in the said subsection (2) of the expenses of the construction and maintenance of any drain constructed by the Board shall be final and binding on each separate owner, and the amount of the expenses so apportioned by the Board to such owner shall be a debt due to the Board from the owner. If the amount is not paid within 14 days after demand for payment thereof has been made by the Board, it shall be deemed to have been advanced to the owner by the Board.

- (4) Any resolution of the Board apportioning the expenses of the construction and maintenance of such drain may be proved for the purposes of any judicial proceedings by the production of a copy of the resolution certified as correct by the Chairman of the Board for the time being.

33 Board may give second notice varying first notice as to acquiring land

If after giving notice of its intention to take any land, or if after entering into any contract for the purchase, acquisition, or user of land, or otherwise in respect of land, the Board upon further consideration, or within 6 months after any such notice or contract was given or entered into, thinks that it will be unnecessary or inexpedient to acquire, take, or injure the whole or any part of any land named or described in such notice or contract, it may cause a notice

(in this section referred to as the **second notice**) to be served upon the person or persons who is or are, or appear by the said notice or contract to be, interested in the land stating that the same or what part (if any) thereof will not be acquired, taken, or injured, as the case may be; and the notice or contract, or such part thereof as is mentioned in the second notice, in so far as the same relates to land not required to be acquired, taken, or injured as aforesaid, shall be void and of no effect; and in case a part only of any such notice or contract becomes void as aforesaid, the Board shall fix and ascertain the portion of the sum mentioned in any such notice or contract which it claims should be deducted on account of the land not required to be taken or injured, and, if necessary, apportion the residue amongst the persons entitled thereto, and the Board shall amend such notice or contract accordingly; and such amended notice or contract shall be deemed to be the original notice or contract, as the case may be, entered into by the Board:

provided that in all cases where the Board serves any such second notice, the person or persons interested in the land therein mentioned or affected thereby, and incurring any loss or expense in consequence of the Board having previously required the same, shall be entitled to compensation for such loss and expense; and if the amount thereof cannot be agreed upon, the same shall be ascertained and fixed by any District Court Judge or 2 Justices within the district.

Section 33 proviso: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

34 Board may open up drains in streets or roads

The Board may from time to time open the ground for the purpose of making or changing the level of or otherwise amending or enlarging any sewer or drain under any public or private streets or roads within the district, with a view to improving the drainage of the said district:

provided that before interfering with any such public or private street or road the Board, except in cases of emergency, of which the Board shall be the sole judge, and except so far as concerns the laying and construction of a cross-sewer, shall give 1 week's notice in writing to the local authority having control thereof, and shall in any case with all convenient speed reinstate and make good any such street or road that may be broken up or, at the option of the local authority, pay to it the cost of such reinstatement and making good, and shall indemnify such local authority in respect of any action, suit, claim, or demand arising directly or indirectly out of the work of the Board under this section:

provided also that the Board shall not interfere with any main highway within the meaning of the Main Highways Act 1922 without the prior consent of the Main Highways Board, which may be granted subject to such conditions, whether as to reinstatement or payment of any cost of reinstatement or otherwise, as the Main Highways Board thinks fit.

35 Board may cause all drains to be kept in good repair

The Board shall cause all watercourses, drains, or sewers vested in it or under its management to be constructed and kept so as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied.

36 Watercourses, drains, and sewers to be vested in Board

All public drains and public sewers now made or hereafter to be made within the district, and all watercourses within the district, shall be and the same are hereby vested in the Board:

provided that this section shall not operate and shall be deemed never to have operated so as to vest the fee simple of any land in the Board.

Section 36 proviso: inserted, on 30 September 1960, by section 5 of the Christchurch District Drainage Amendment Act 1960 (1960 No 4 (L)).

37 Discharge of noxious matters into sea or watercourse

(1) The Board may from time to time, in writing, require any person causing any noxious matters to be discharged, whether within or from within the district, into the sea, or into any estuary, watercourse, or stream, to supply correct information as to the volume, composition, and rate of discharge of such noxious matters, and failure by the person concerned to supply such information shall be an offence within the meaning of this section.

(2) No person shall cause any noxious matters to be discharged, whether within or from within the district, into the sea, or into any estuary, watercourse, or stream, without the consent in writing of the Board and otherwise than in accordance with such conditions as to prior treatment of the effluent or as to maintenance of purity of the water into which such effluent is discharged as the Board may impose:

provided that where at the commencement of this Act any person is causing the discharge of noxious matters, no offence shall arise under this section until there has been failure for not less than 6 months to comply with any request or conditions notified in writing by the Board to the person concerned in respect of such discharge.

(3) The Board may from time to time, and, if the Minister of Works so directs, shall, by notice in writing to the person concerned, vary or add to any conditions imposed under this section in respect of the discharge of any effluent:

provided that no offence shall arise under this section in respect of any varied or new conditions until there has been failure for not less than 6 months from the date of notification thereof to comply with such varied or new conditions.

(4) Every person who offends against any provision of this section is liable to a fine not exceeding \$2,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence is continued.

Section 37(3): amended, on 1 September 1972, by section 6(1) of the Ministry of Transport Amendment Act 1972 (1972 No 4).

Section 37(4): amended, on 3 May 1975, by section 7(a) of the Christchurch District Drainage Amendment Act 1975 (1975 No 2 (L)).

38 Discharge by Board of noxious matters into sea or watercourse

- (1) The Board shall from time to time supply to the Commissioner of Works, at his written request, correct information as to the location, volume, composition, and rate of discharge of any effluents by which noxious matters are discharged within or from within the district, into the sea or into any estuary, watercourse, or stream.

- (2) The Board shall not itself cause any noxious matters to be discharged, whether within or from within the district, into the sea or into any estuary, watercourse, or stream, except with the consent in writing of the Minister of Works and in accordance with such conditions as to prior treatment of any such effluent or as to maintenance of purity of water into which such effluent is discharged as the Minister may impose:

provided that where at the commencement of this Act the Board is causing the discharge of noxious matters, no offence by the Board shall arise under this section in respect of any such discharge, until there has been failure for 6 months to comply with a request or conditions notified in writing by such Minister in respect of such discharge.

- (3) The Minister of Works may from time to time, by notice in writing to the Board, vary or add to any conditions imposed under this section in respect of the discharge by the Board of any effluent:

provided that no offence shall arise under this section in respect of any varied or new conditions until there has been failure by the Board for 6 months from the date of notification thereof to comply with such varied or new conditions.

- (4) The Minister of Works may at any time make application to the High Court or a Judge thereof, by summons, for an order requiring compliance with the provisions of this section or any conditions fixed as aforesaid, and the infliction of such penalties as the court or Judge may deem appropriate for failure to so comply. Without prejudice to or limitation of any other remedy, any such failure shall be an offence within the meaning of this Act.

Section 38(1): amended, on 1 September 1972, by section 6(1) of the Ministry of Transport Amendment Act 1972 (1972 No 4).

Section 38(2): amended, on 1 September 1972, by section 6(1) of the Ministry of Transport Amendment Act 1972 (1972 No 4).

Section 38(3): amended, on 1 September 1972, by section 6(1) of the Ministry of Transport Amendment Act 1972 (1972 No 4).

Section 38(4): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 38(4): amended, on 1 September 1972, by section 6(1) of the Ministry of Transport Amendment Act 1972 (1972 No 4).

39 Making drains, etc, without Board's consent an offence

- (1) Any person (not being authorised by the Board for that purpose) who, without the written consent of the Board,—
 - (a) makes any drain into; or
 - (b) connects any private drain to; or
 - (c) stops or obstructs—
any watercourse, sewer, drain vested in the Board, or private drain commits an offence and is liable on conviction to a fine not exceeding \$500.
- (2) The Board may cause any drain, connection, stoppage, or obstruction made or caused in contravention of subsection (1) to be disconnected, remade, or removed in such manner as it thinks fit.
- (3) If any person acts in contravention of subsection (1) then, whether or not that person has been convicted of an offence under that subsection, the amount of all expenditure reasonably incurred by the Board under subsection (2) in relation to that contravention shall constitute a debt payable by that person to the Board and shall be recoverable accordingly.

Section 39: replaced, on 22 November 1985, by section 5 of the Christchurch District Drainage Amendment Act 1985 (1985 No 6 (L)).

Section 39(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

40 Board not liable for damage from overflow of river, etc

Nothing herein shall be construed to render the Board liable for any consequential damage which may happen to any land or other property through or by the accidental or tidal overflowing of any river, stream, estuary, or watercourse, or by the sudden breaking (not being due to any negligent act on the part of the Board in carrying out any work under this Act) of any bank, dam, sluice, or reservoir whatsoever, which under the provisions of this Act the Board may take upon itself the duty of regulating, maintaining, or making:

provided that if the owner or occupier of such land has given notice in writing to the Board warning it of the probability of such damage, or of the weakness or deficiency of any such dam, reservoir, bank, or sluice, and requiring the Board to strengthen, amend, or repair the same, and the Board has not within a reasonable time after the delivery of the said notice taken proper precautions to prevent such damage, then and in such case the amount of the consequential damage which shall happen through the neglect of the Board to take precautions shall be made good out of the rate revenue of the Board from rates set and assessed under the Local Government (Rating) Act 2002.

Section 40 proviso: amended, on 1 July 2003, by section 137(1) of the Local Government (Rating) Act 2002 (2002 No 6).

Section 40 proviso: amended, on 29 June 1988, by section 208(1) of the Rating Powers Act 1988 (1988 No 97).

41 Removal of obstructions by owner or occupier of land adjoining drain

- (1) The Board may, by order in writing under the hand of the Chairman or Secretary or Engineer, require the occupier, or the owner, of any land abutting upon any drain, watercourse, or sewer within the district to do any of the following acts:
 - (a) to remove, lower, or trim to the satisfaction of the Board any tree, hedge, plant or scrub on that land overhanging the drain, watercourse, or sewer in cases where in the opinion of the Board such removal, lowering, or trimming is necessary in order to prevent injury being done to any drain, watercourse, or sewer or to enable the convenient cleaning, repair, or inspection thereof:
 - (b) to cut down or grub up, as the Board directs, and remove all obstructions to the free flow of water or sewage in any drain, watercourse, creek, or sewer arising from the growth of plants or the spreading of roots, or otherwise howsoever on or from that land.
- (2) Within 10 days after service of any such order, the occupier or owner may, by complaint under the Justices of the Peace Act 1927, require the Board to appear before a District Court Judge to show cause why the order should not be set aside, altered, modified, or amended.
- (3) On the hearing of the complaint the District Court Judge (whose decision shall be final) shall determine whether the order should or should not be set aside, or in what respect it should be altered, modified, or amended.
- (4) In any case where the District Court Judge alters, modifies, or amends any such order, the order so altered, modified, or amended shall be and be deemed to be the order originally ordered by the Board.
- (5) If the occupier or owner fails within 2 months from the service of any order made by the Board or by the District Court Judge, as the case may be, to do any act thereby required to be done, the owner or occupier shall be liable to a fine not exceeding \$100 for every day thereafter during which such failure continues; and the Board may at any time thereafter enter on the land and carry out the provisions of the order and recover the cost from the owner or occupier. Payment of the cost is a debt owing to the Board and, if unpaid, may be recovered in a court of competent jurisdiction.
- (6) In any case where the Board might make any such order as aforesaid in respect of any land, any ratepayer may by notice in writing request the Board to do so; and if for the space of 28 days after the receipt of such notice the Board fails to comply therewith, the ratepayer may, by complaint under the Justices of the Peace Act 1927, call upon the Board to appear before a District Court Judge and show cause why such notice should not be complied with. Upon the hearing of any such complaint the District Court Judge shall determine whether and to what extent the notice should be complied with by the Board, and his decision shall be final, and the Board shall make an order in terms of such decision.

Any order made by the Board pursuant to the District Court Judge's decision shall be subject to the provisions of subsections (2) to (5).

(7) For the purposes of this section—

cut down means to cut down and keep cut down the stem and roots of any plants so as to prevent their throwing out any leaf, offshoot, or flower

plant means gorse, sweetbrier, blackberry, acacia, broom, or fennel.

Section 41(1)(a): amended, on 30 September 1960, by section 6(a) of the Christchurch District Drainage Amendment Act 1960 (1960 No 4 (L)).

Section 41(1)(a): amended, on 30 September 1960, by section 6(b) of the Christchurch District Drainage Amendment Act 1960 (1960 No 4 (L)).

Section 41(2): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 41(3): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 41(4): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 41(5): amended, on 1 July 2003, by section 137(1) of the Local Government (Rating) Act 2002 (2002 No 6).

Section 41(5): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 41(5): amended, on 3 May 1975, by section 7(b) of the Christchurch District Drainage Amendment Act 1975 (1975 No 2 (L)).

Section 41(6): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

42 Additional powers of Board to require owner to carry out works

(1) The Board may by notice in writing require the ratepayer for a rating unit under the Local Government (Rating) Act 2002 to do all or any of the following things, namely:

- (a) provide, construct, and lay any new private drains or sewers from any part or parts of his premises, and connect such new private drains or sewers with such public drain or sewer as the Board shall direct:
- (b) cleanse, repair, maintain, and relay and alter the course and direction and outfall of, or take up and disconnect, any existing private drain or sewer of or belonging to such premises:
- (c) connect any existing private drain or sewer with any public drain or sewer other than the public drain or sewer with which the same shall previously have been connected:
- (d) provide and affix in or to such existing private drain or sewer or in or to any such new private drain or sewer all such traps, methods of ventilation, and other sanitary appliances whatsoever as the Board shall direct:

- (e) connect or disconnect any existing or new private drain or sewer with or from any bath, water closet, urinal, sink, grease trap, or other sanitary appliance:
 - (f) provide any water closet, urinal, or other sanitary appliance with a proper and sufficient supply of water with which to flush the same:
 - (g) execute, provide, and do generally any works, materials, and things which in the opinion of the Board shall be necessary or expedient for the effective drainage or sewerage of such premises and every part thereof.
- (1A) The Board may, in the exercise of the powers conferred upon it by subsection (1), instead of requiring several owners each to provide, construct, and lay a private drain, and to connect that private drain with any public drain or sewer as provided in that subsection, require those owners—
- (a) jointly to provide, construct, and lay a common private drain through such of the separately owned lands as the Board thinks fit, and to connect that private drain with any public drain or sewer as aforesaid; and
 - (b) severally to provide, construct, and lay a private drain from the land or building of which each is the owner, and to connect the same with the common private drain.
- (1B) The powers conferred upon the Board by paragraphs (b), (c), (d), (e), and (g) of subsection (1) may also be exercised with respect to private drains provided, constructed, and laid under subsection (1A), whether provided, constructed, and laid before or after the commencement of this subsection.
- (1C) Notwithstanding anything contained in subsections (1), (1A), and (1B), no owner shall be required—
- (a) to construct any private drain, other than a common drain, to connect with any public drain or the sea at a point more than 100 feet from his land; or
 - (b) to construct any private drain for the drainage of a building if the nearest part of the building is situated more than 200 feet from the public drain, watercourse, street channel, or sea to which it is required to be connected.
- (2) Every such notice as aforesaid shall specify the works, materials, and things to be executed, provided, and done thereunder, and the public drain or sewer with which any private drain or sewer shall be required to be connected, and shall specify a time within which the said works, materials, and things shall be so executed, provided, and done.
- (3) Any notice, order, or direction purporting to be given or made by or with the authority of the Board or any officer thereof shall be deemed to be a notice within the meaning of this Act without proof of such authority, and the issue thereof by any officer of the Board shall be conclusive evidence of the author-

ity of the officer to issue it, unless it is proved to have been issued contrary to the directions of the Board.

- (4) Any person who fails to comply with the requirements of the Board, as set out in any such notice, in the manner and within the time stipulated in such notice shall be liable to a fine not exceeding \$200.
- (5) Whenever under this Act or under any other Act, or under any bylaws of the Board, the owner of any premises in the district is required by the Board or is otherwise liable to execute, provide, or do any works, materials, or things on or in connection with the premises with respect to the drainage, sewerage, or sanitation thereof, and makes default in executing, providing, or doing the works, materials, or things, or any of them, or any part thereof, within the time specified for that purpose by any notice served on such owner by the Board, then the Board may itself execute, provide, or do, or cause to be executed, provided, or done, such works, materials, or things, or such of them or such part thereof as shall not have been executed, provided, or done by the owner; and in connection therewith the following provisions shall apply, namely:
 - (a) the Board's Engineer shall certify in writing, under his hand, the cost of the works, materials, or things so executed, provided, or done by the Board and the date when they were so executed, provided, or done, and that certificate shall be prima facie evidence of such cost and date as aforesaid:
 - (b) the cost of works, materials, and things executed, provided, and done by the Board as aforesaid shall be a debt due to the Board from the owner, and shall until payment thereof be a first charge upon the premises on or in connection with which the works, materials, or things were executed, provided, or done, and, if the debt is not paid within 14 days after demand has been made by the Board for payment thereof, shall be deemed to be an advance made by the Board under the provisions of section 49:
 - (c) any notice, demand, order, requirement, or direction required or authorised by the said Acts or the said bylaws to be given or made by the Board, or by any officer thereof, may be served in the manner referred to in section 71A:
 - (d) *[Repealed]*
 - (e) *[Repealed]*
 - (f) for the purpose of executing, providing, or doing such works, materials, or things as aforesaid the Board may, by its surveyors, engineers, agents, contractors, officers, workmen, or any other persons authorised by the Board, enter upon the premises on or in connection with which they are to be executed, provided, or done:
 - (g) any owner or occupier of any premises who refuses to permit or allow the Board, or any of its officers, agents, servants, or persons authorised

by it so to do, to enter thereon as aforesaid, and every person who obstructs the Board or any of its officers, agents, servants, or authorised persons in the exercise of their powers, shall be guilty of an offence and shall be liable to a fine not exceeding \$200 for each offence.

Section 42(1): amended, on 1 July 2003, by section 137(1) of the Local Government (Rating) Act 2002 (2002 No 6).

Section 42(1A): inserted, on 30 September 1960, by section 7(1) of the Christchurch District Drainage Amendment Act 1960 (1960 No 4 (L)).

Section 42(1B): inserted, on 30 September 1960, by section 7(1) of the Christchurch District Drainage Amendment Act 1960 (1960 No 4 (L)).

Section 42(1C): inserted, on 30 September 1960, by section 7(1) of the Christchurch District Drainage Amendment Act 1960 (1960 No 4 (L)).

Section 42(4): amended, on 3 May 1975, by section 7(c) of the Christchurch District Drainage Amendment Act 1975 (1975 No 2 (L)).

Section 42(5)(c): replaced, on 30 September 1960, by section 7(2) of the Christchurch District Drainage Amendment Act 1960 (1960 No 4 (L)).

Section 42(5)(d): repealed, on 30 September 1960, by section 7(2) of the Christchurch District Drainage Amendment Act 1960 (1960 No 4 (L)).

Section 42(5)(e): repealed, on 30 September 1960, by section 7(2) of the Christchurch District Drainage Amendment Act 1960 (1960 No 4 (L)).

Section 42(5)(g): amended, on 3 May 1975, by section 7(d) of the Christchurch District Drainage Amendment Act 1975 (1975 No 2 (L)).

42A Special provisions as to private drains serving several separately owned premises

- (1) Where any private drain, whether provided, constructed, and laid before or after the commencement of this section, passes through or serves several separately owned premises, or any new private drain is required by the Board so to pass through or serve such premises, the Board may, pursuant to a resolution in that behalf of which notice shall be given to the owners of the lands affected, execute, provide, and do all or any of the works, materials, and things which the Board deems necessary in order that the drain shall be efficient and without nuisance.
- (2) The Board may impose upon the owners of the several premises all or any part of the cost of the works, materials, or things in such proportions as the Secretary certifies to be reasonable.

Section 42A: inserted, on 30 September 1960, by section 8 of the Christchurch District Drainage Amendment Act 1960 (1960 No 4 (L)).

43 Removal of obstructions by owners

- (1) Subject to the provisions of the Soil Conservation and Rivers Control Act 1941 and of the Resource Management Act 1991, the Board may, by order in writing under the hand of the Chairman or Secretary or Engineer, require the carrying out within a time specified in such order (being not less than 24 hours after the service of the order) of all or any of the following works:

- (a) the removal from any watercourse of any obstruction to the free flow of water or sewage in the watercourse:
 - (b) the construction, maintenance, renewal, or removal of, or other specified dealing with, any crossings, structures, or things of any kind whatsoever in, over, or under any watercourse, either wholly or in part:
 - (c) the removal or other specified treatment of, or dealing with, plants, weeds, growths, structures, or things of any kind whatsoever within such distance of any watercourse as to obstruct or be likely to obstruct the free flow of water or sewage in the watercourse.
- (2) Any such order may be directed—
 - (a) to the owner or occupier of any land abutting the watercourse at the point at which such obstruction or likely obstruction or structure or thing exists or is required to be constructed; or
 - (b) to the owner of such obstruction or likely obstruction or structure or thing.
- (3) If the person to whom such order is directed fails to comply with the same within such time as is specified in the order he shall be liable to a fine not exceeding \$100, and to a further fine not exceeding \$10 for every day or part of a day during which such failure continues; and the Board may itself carry out the works specified in such order and recover the cost of so doing from the person to whom the order was directed.

Section 43: replaced, on 3 August 1979, by section 3(1) of the Christchurch District Drainage Amendment Act 1979 (1979 No 3 (L)).

Section 43(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).

43A Tree roots obstructing watercourses

- (1) The Board may, by notice in writing under the hand of the Chairman, Secretary, or Engineer, require the occupier or, in the case where there is no occupier, the owner of any land within the district to cut down or remove any tree on that land the roots of which in the opinion of the Board enter or are likely to enter any watercourse under the control of the Board.
- (2) Within 28 days after the service of the notice, the occupier or owner, as the case may be, may object in writing to the Board against the requirements of the notice, and the notice shall thereupon be deemed to be suspended pending the determination of the objection or, where application is made to the court to confirm the notice, pending the decision of the court.
- (3) Where any such objection is received by the Board, the Board shall forthwith inquire into and dispose of the objection.
- (4) Where on inquiry into the objection the Board reaffirms its requirements, it may enter into an agreement with the occupier or owner, as the case may be,

for the cutting down or removal of the tree at the expense, in whole or in part, of the Board.

- (5) Where the Board reaffirms its requirements and no such agreement has been entered into, the Board shall apply to the District Court for an order confirming the notice.
- (6) On the hearing of the application, the court, whose decision shall be final, may—
 - (a) confirm the notice; or
 - (b) set aside the notice; or
 - (c) set aside the notice, and make an order authorising the Board, on giving not less than 14 days' notice to the occupier or owner, as the case may be, to enter upon the land and cut down or remove the tree at the expense of the Board.
- (7) Where—
 - (a) in any case in which no such objection is made, the occupier or owner, as the case may be, fails to do any act in compliance with the notice within 42 days after the service of the notice; or
 - (b) in any case in which objection is made, the notice is confirmed by the court and the occupier or owner, as the case may be, fails to do any act in compliance with the notice within 14 days after the giving of the decision of the court,—

the Board may enter upon the land and do that act and recover the cost from him.

- (8) The said cost shall be a charge on the land.

Section 43A: inserted, on 26 August 1966, by section 7 of the Christchurch District Drainage Amendment Act 1966 (1966 No 14 (L)).

Section 43A(5): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

44 Power to construct cross sewers

- (1) Wherever any premises are to be connected with any sewer of the Board, the Board shall construct all cross sewers.
- (2) The Board shall construct a cross sewer in any road or street in the district to the boundary of any land abutting on the road or street when requested so to do in writing by the owner of that land.
- (3) The cost of such cross sewer as aforesaid shall be fixed by the Board, whose decision in that respect shall be final, and shall be a debt due to the Board from the owner of the land to the boundary of which the cross sewer is made, and, if the debt is not paid within 14 days after demand has been made by the Board for payment thereof, shall be deemed to be an advance made by the Board under the provisions of section 49.

- (4) The Board shall undertake the structural maintenance of all cross sewers in the district.

45 Power to construct dams

- (1) The Board, without being liable to pay any compensation or damages in respect of so doing, may from time to time at the request and cost of any person or local authority and with the prior consent of the Minister of Transport, make and erect, or cause to be made and erected, dams across and in the bed of the River Avon or any other river within the Board's district, notwithstanding that they may not be required for the purposes of this Act.
- (2) The top of any dam constructed in the River Avon under the authority of this section shall not be more than 6 inches above the level of the river at the site of the dam in the month of June 1927 as determined by a series of levels taken by the Board in that month and duly recorded by the Board.
- (3) All dams shall be so constructed as to be movable or capable of being opened to allow the free passage of boats or other water craft which owing to their size or weight are not able to pass over the dam, or to allow the free flow of the river, or for other purposes.
- (4) The Board shall provide suitable facilities to enable row boats or other small water craft to pass over such dam.

Section 45(1): amended, on 1 September 1972, pursuant to section 6(2)(a) of the Ministry of Transport Amendment Act 1972 (1972 No 4).

46 Power to alter or remove dams

- (1) The Board may from time to time alter the position of or remove any dam whether or not the dam was made or erected by the Board in exercise of the powers conferred on it by section 45 or otherwise or by any other person.
- (2) Without limiting the provisions of section 56, it is hereby declared that every person having any estate or interest in any land damaged or injuriously affected by the exercise of the powers given by subsection (1) of this section shall be entitled to full compensation from the Board, and sections 56 and 57 shall apply accordingly with all necessary modifications.

Section 46: replaced, on 18 July 1969, by section 9 of the Christchurch District Drainage Amendment Act 1969 (1969 No 1 (L)).

47 Maintenance, repair, and upkeep of dams

The maintenance, repair, and upkeep of dams shall be borne and paid for by the person or local authority at whose request the dams were erected by the Board.

48 Power to charge fees and make bylaws concerning dams

The Board is hereby empowered to charge fees for the opening and closing of or haulage over dams, and may, with the prior consent of the Minister of Transport and subject to such conditions and restrictions as he may impose, make

bylaws to regulate the use of dams and for fixing the fees to be paid to the Board for the opening and closing of or haulage over dams.

Section 48: amended, on 1 September 1972, pursuant to section 6(2)(a) of the Ministry of Transport Amendment Act 1972 (1972 No 4).

49 Advances to owners

- (1) The Board may from time to time make advances, out of any fund at its disposal (including money borrowed for the purpose under the authority of this Act), to the owner or tenant of any land rateable under this Act for the purpose of enabling that owner or tenant—
 - (a) to pay the owner's or tenant's share of the expenses of the construction of any drain made by the Board pursuant to this Act; or
 - (b) to pay for the cost of the construction of any cross sewer; or
 - (c) to connect the land, building, or premises of the owner or tenant, or any part thereof, with any watercourse, sewer, or drain, or to effect repairs to any such connection; or
 - (d) to fix, furnish, repair, or alter water closets, urinals, basins, sinks, baths, or other sanitary fixtures for use in connection with the building or premises of that owner or tenant; or
 - (e) to install, repair, renew, alter, or enlarge culverts or bridges giving access to or sited on the land of that owner or tenant.
- (2) Every advance made under subsection (1) shall be subject to the following conditions:
 - (a) it shall bear interest until repayment at such rate as may be fixed by the Board on the date of the advance:
 - (b) it shall, together with interest, be repayable by monthly or quarterly instalments, at the option of the Board, within 5 years after the date on which it was made:
 - (c) any money advanced and unpaid, together with interest, and any unpaid instalment, together with the costs and expenses incurred by the Board in connection with the unpaid amount (including the costs and expenses incurred in preparing and registering the order or certificate under sections 50 and 51) is a debt owing to the Board and may be recovered in a court of competent jurisdiction.
- (3) For the purposes of this section the term **tenant** means—
 - (a) a purchaser under section 16 of the Housing Act 1955, and a licensee under section 17 of that Act, where the agreement for sale or the licence, as the case may be, has been registered under section 18 of that Act:
 - (b) a lessee under section 554 or section 572 of the Local Government Act 1974:

- (c) a purchaser under section 554 or section 572 of the Local Government Act 1974 where the agreement for sale has been registered under section 575 of that Act:
- (d) a lessee under section 63 or section 65 of the Land Act 1948.

Section 49: replaced, on 22 November 1985, by section 6(1) of the Christchurch District Drainage Amendment Act 1985 (1985 No 6 (L)).

Section 49(2)(c): amended, on 1 July 2003, by section 137(1) of the Local Government (Rating) Act 2002 (2002 No 6).

50 Order or certificate declaring advances due

The Board may, by order or certificate in the form of Schedule 2, or as near thereto as conveniently may be, declare the amount due in respect of moneys so advanced or paid.

51 Registration of order or certificate

- (1) Upon receiving any such order or certificate as aforesaid under the seal of the Board, certifying to the amount due in respect of moneys so advanced under the authority of section 49, it shall be the duty of the District Land Registrar or the Registrar of Deeds, as the case may require, of the Canterbury District to register the order or certificate against the lands and premises therein described.
- (2) Upon the registration of the order or certificate the amount therein shown to be due to the Board shall become and be a charge upon the lands and premises, and the rights, easements, members, and appurtenances thereto belonging and appertaining; and such charge shall have priority both at law and in equity over all mortgages, encumbrances, liens, and interests then existing or which may thereafter arise or be created in respect of any such land and premises; and payment of any moneys or any instalment shown by such order or certificate to be due, owing, and payable to the Board may be enforced against the said land and any estate or interest therein in the same manner as and by any of the modes in which any person being a mortgagee or encumbrancer of the said land might upon default enforce payment of the amount due under a mortgage or encumbrance duly registered against the said land. If the consent in writing of the appropriate Minister on behalf of the Crown as mortgagee is obtained, the priority given to such charges shall bind the Crown in respect of all instruments to which the Crown is a party.
- (3) If any land or other property subject to a charge created by this section is also subject to a charge created by any other Act, then, notwithstanding anything to the contrary in that other Act, the charges shall rank equally with each other unless by virtue of that other Act the charge created thereby would be deferred to the charge created by this section.

51A Right of owner to recover advances

- (1) Where an advance is made under the provisions of section 49 to an owner, at the request in writing (containing a reference to this section) of a tenant under him, the owner may recover from the tenant, in like manner as if the same were rent reserved under the tenancy, each and every sum paid by the owner to the Board.
- (2) For the purposes of this section, the term **tenant** includes a purchaser under section 16 of the Housing Act 1955, and a licensee under section 17 of that Act, where the agreement for sale or licence, as the case may be, has been registered under section 18 of that Act; and also includes a lessee or licensee under section 63 or section 65 of the Land Act 1948.

Section 51A: inserted, on 13 September 1957, by section 5 of the Christchurch District Drainage Amendment Act 1957 (1957 No 5 (L)).

52 Unauthorised expenditure

The Board may in every financial year, out of its general revenue, expend for purposes not authorised by this Act or any other Act or law for the time being in force any sum or sums not amounting in the whole to more than 1% of the general rate struck for that year by the Board, nor in any case to more than \$20,000.

Section 52: amended, on 22 November 1985, by section 7(1) of the Christchurch District Drainage Amendment Act 1985 (1985 No 6 (L)).

53 Accident fund

[Repealed]

Section 53: repealed, on 22 November 1985, by section 8 of the Christchurch District Drainage Amendment Act 1985 (1985 No 6 (L)).

54 Power to require drains and sewers in streets or roads in subdivisions

- (1) Where the owner of any land within the district sells that land or any part thereof (not having a frontage to an existing road, street, or private street), and in pursuance of the provisions of the Public Works Act 1928, or any other Act provides and dedicates part of the land as a public road or street, he shall, if so required by the Board, provide and lay drains and sewers in that road or street to the satisfaction of the Board:

provided however that it shall be a sufficient compliance with the provisions of this section if the owner shall provide and lay the drains and sewers in some part of the land being so subdivided other than in a public road or street to the approval of the Board or shall make provision for the drainage and sewerage of the said land to the satisfaction of the Board whether by way of easement over adjoining lands or otherwise or shall pay to the Board such amount as it shall determine (being the estimated cost of complying with its requirements) in which last event the Board shall itself lay such drains and sewers at such time as is convenient to it.

- (2) The District Land Registrar or the Registrar of Deeds, as the case may require, of the Canterbury District shall refuse to register any instrument affecting the said land unless and until he is satisfied that the owner thereof has complied with the requirements of this Act.

Section 54(1) proviso: inserted, on 26 August 1966, by section 10 of the Christchurch District Drainage Amendment Act 1966 (1966 No 14 (L)).

55 Board may establish special funds

- (1) The Board may from time to time, by resolution specifying the purposes of the fund, establish 1 or more funds for the purpose of providing for the cost of any activity or matter which the Board is authorised to undertake.

- (2) The Board shall, not later than 30 June in every year, pay into a separate bank account or invest all money allocated to any such fund during the financial year that ended with the immediately preceding 31 March:

provided that the amount so payable into the separate bank account may be reduced by the amount of any expenditure actually incurred during the period of 15 months ending with that 30 June and properly chargeable against the fund which has not already been withdrawn from the separate bank account.

- (3) The Board may from time to time invest any money so allocated to any such fund in accordance with the Trusts Act 2019 and pay the proceeds of the investment into the fund.
- (4) The Board may from time to time apply the money in any such fund only to the purposes for which the fund was established.
- (5) On the completion of the purposes for which any such fund was established, or when in the opinion of the Board with the concurrence of the Auditor-General the circumstances are such that it is unnecessary to retain the whole of the fund or the whole or any part of the surplus of the fund, the Board may, by resolution, appropriate the fund or, as the case may be, the whole or any part of that surplus to the General Account.

Section 55: replaced, on 3 May 1975, by section 5(1) of the Christchurch District Drainage Amendment Act 1975 (1975 No 2 (L)).

Section 55(3): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

Section 55(5): amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

Compensation

56 Compensation for land or water taken, used, or damaged

The Board shall make to the owners of, and to all other persons having any less estate or interest in, any land or water taken or used for the purposes of this Act, or which may be damaged or injuriously affected by the construction or maintenance of any work for any purpose of this Act, compensation for such land, water, occupation, damage, or injury. The compensation may be claimed and shall be determined in the manner provided by the Public Works Act 1928.

57 Amount of compensation

The amount of any such compensation shall, unless the parties can agree thereon, be ascertained in the manner provided in the Public Works Act 1928, which Act, so far as it is applicable and not inconsistent with the provisions of this Act, is incorporated with and shall be deemed to form part of this Act.

*Rating and borrowing powers***58 Rating powers**

The Board shall annually make an estimate of the expenditure incurred or to be incurred for the benefit of the several sewerage and drainage areas constituted by the Board; and for that purpose the rates to be set and assessed under the Local Government (Rating) Act 2002 in respect of each such sewerage and drainage area, respectively, shall be in proportion to and sufficient for the purpose of meeting the several estimates of expenditure.

Section 58: replaced, on 29 June 1988, by section 208(1) of the Rating Powers Act 1988 (1988 No 97).

Section 58: amended, on 1 July 2003, by section 137(1) of the Local Government (Rating) Act 2002 (2002 No 6).

59 Board may define boundaries of sewerage and drainage areas

- (1) The Board may from time to time by resolution define the boundaries of the several sewerage areas and drainage areas respectively.
- (2) The said boundaries shall be marked on a map or maps, which shall be kept at the office of the Board and shall be available for inspection by any elector during the ordinary office hours of the Board.

60 Classification of drainage area

[Repealed]

Section 60: repealed, on 29 June 1988, by section 209(1) of the Rating Powers Act 1988 (1988 No 97).

61 Copy of special order directing rate to be levied by consent of local authorities

[Repealed]

Section 61: repealed, on 29 June 1988, by section 209(1) of the Rating Powers Act 1988 (1988 No 97).

62 Each local authority to render monthly accounts of rates collected

[Repealed]

Section 62: repealed, on 29 June 1988, by section 209(1) of the Rating Powers Act 1988 (1988 No 97).

63 General power to borrow for purposes of Act

[Repealed]

Section 63: repealed, on 1 July 2003, by section 137(1) of the Local Government (Rating) Act 2002 (2002 No 6).

Sinking funds

64 Investment of sinking funds

Moneys belonging to or held by or in trust for the Board, or for the holders of debentures issued or to be issued by the Board may be invested in any of the securities mentioned in the Trustee Act 1908.

Section 64: amended, on 3 May 1975, by section 6 of the Christchurch District Drainage Amendment Act 1975 (1975 No 2 (L)).

Contracts

65 Board may enter into contracts

- (1) The Board may contract with and employ such engineers, contractors, surveyors, agents, and workmen as it thinks fit, and may enter into contracts with any such persons for the execution of any works directed or authorised by this Act to be done by the Board, or for furnishing materials, or for any other thing necessary for the purposes of this Act.
- (2) Every such contract for the execution of any work shall be in writing, and shall specify the work to be done, the materials to be furnished, the price to be paid for the same, the time or times within which the work is to be completed, and the penalties to be suffered in case of non-performance thereof.
- (3) *[Repealed]*
- (4) *[Repealed]*

Section 65(3): repealed, on 23 October 1959, by section 5(2) of the Public Bodies Contracts Act 1959 (1959 No 98).

Section 65(4): repealed, on 23 October 1959, by section 5(2) of the Public Bodies Contracts Act 1959 (1959 No 98).

Officers

66 Appointment of officers

- (1) The Board may from time to time appoint and employ a secretary, treasurer, clerks, surveyors, engineers, valuers, collectors, and all such other officers to assist in the execution of this Act as it thinks proper and necessary; and may from time to time remove any such officer, and appoint others in the place of such as are so removed or as may die, resign, or discontinue their office; and may pay such salaries and allowances to the said officers as the Board thinks reasonable. The said officers shall, before they act in the execution of their

respective offices, give such security for the due execution thereof as the Board may require.

- (2) It is hereby declared that for the purposes of subsection (1) the expression **salaries and allowances** shall be deemed to include allowances and travelling expenses in respect of attendances at any conference or meeting or any course of study or training that in the opinion of the Board will render such officers better fitted to carry out their duties.

Section 66(2): inserted, on 18 July 1969, by section 10 of the Christchurch District Drainage Amendment Act 1969 (1969 No 1 (L)).

67 Superannuation and other benefits for employees

- (1) The Board shall be deemed to be a local authority for the purposes of the Local Authorities Superannuation Act 1908, the National Provident Fund Act 1950, and section 6 of the Finance Act (No 2) 1941.
- (2) The Board may from time to time pay by way of subsidy such sums as it thinks fit to the funds of any sick, death, or funeral benefit society or other like institution established by its employees, or any section of them, the benefits of which are confined to such employees and their dependants.

Accounts

68 Account books to be kept

- (1) The Board shall cause books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and paid for and on account of this Act, and of the several purposes for which such sums of money have been received and paid.
- (2) Such books shall at all reasonable times be open to the inspection of any of the members of the Board, or any ratepayer, or any holder of debentures or other creditor of the Board, without fee or reward, and the members and persons aforesaid or any of them may take copies of or extracts from the said books without paying anything therefor.
- (3) Every clerk or other person having the custody of the said books who on the reasonable demand of any member, ratepayer, holder of debentures, or creditor as aforesaid does not permit him to inspect the said books or to take such copies or extracts as aforesaid is liable to a fine not exceeding \$10 for every such offence.

Section 68(3): amended, on 10 July 1967, pursuant to section 7(1) of the Decimal Currency Act 1964 (1964 No 27).

69 Yearly balance sheet and statements

Before the end of June in each year the Secretary shall prepare and send to the Auditor-General a yearly balance sheet, being an abstract of the transactions in each of the accounts of the Board during the preceding financial year ended 31 March then last past, together with the statements following:

- (a) a statement of the whole assets and liabilities of the Board at the end of the year:
- (b) a statement of the public debt of the Board showing the total debt outstanding under the head of each loan raised, and the sinking fund in the bank or invested to provide for the repayment of each such loan:
- (c) a statement showing the rates made and levied in respect of the several sewerage areas and drainage areas respectively with the amounts thereof collected and the amounts thereof outstanding at the end of the year.

Section 69: amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

70 All accounts after auditing to be signed by the Chairman

The accounts of the Board so balanced as aforesaid and audited, and either allowed or disallowed by the Audit Office, together with the said statement and account, shall be produced at the next meeting of the Board after the audit, at which meeting all such holders of debentures, creditors, and ratepayers, and other persons interested as aforesaid may be present, and the accounts shall be then finally examined and settled by the Board, and if found just and true they shall be allowed by the Board and certified accordingly under the hand of the chairman of the meeting; and after the accounts have been so allowed and signed by the chairman and also by the auditors as hereinbefore provided they shall be final in regard to all persons whomsoever.

71 Imprest Account

- (1) The Board may, pursuant to a resolution in that behalf, establish an Imprest Account, which shall be kept at such bank as the Board from time to time appoints.
- (2) The Imprest Account may be held jointly in the names of and be operated on by the Secretary and one other person to be appointed in that behalf by the Board, or may, with the express approval in writing of the Auditor-General but not otherwise, be in the sole name of and be operated on by the Secretary or other approved officer of the Board. Where the Imprest Account is held jointly in the names of the Secretary and of one other person as aforesaid, such last mentioned person shall be either a responsible officer of the Board or a member of the Board.
- (3) The Board shall from time to time, by resolution, fix the maximum amount that may be held at any time in the Imprest Account, not exceeding \$300 in any case where the Imprest Account may be operated on by any person acting alone, and not exceeding such amount as the Auditor-General may approve in any other case.
- (4) Moneys in the Imprest Account shall be available only for the payment of wages and of emergency expenditure. A statement of all payments made from the Imprest Account shall be submitted to the Board for approval at its first

ordinary meeting thereafter. Payment of moneys out of the Imprest Account for any purpose not hereby authorised shall be deemed to be misappropriation of the funds of the Board.

Section 71(2): amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

Section 71(3): amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

Service of notices

Heading: inserted, on 30 September 1960, by section 12 of the Christchurch District Drainage Amendment Act 1960 (1960 No 4 (L)).

71A Service of notices, etc

- (1) Any order, notice, or demand required or authorised by this Act to be given or sent to or served upon any person shall be delivered to that person, and may be delivered to him either personally or by posting it by registered letter addressed to that person at his last known place of abode or business in New Zealand. A notice so posted shall be deemed to have been served at the time when the registered letter would in the ordinary course of post be delivered.
- (2) If the person is absent from New Zealand, the notice may be delivered as aforesaid to his agent in New Zealand. If he is deceased, the notice may be delivered as aforesaid to his personal representative.
- (3) If that person is not known, or is absent from New Zealand and has no known agent in New Zealand, and the order, notice, or demand relates to any land or building, the order, notice, or demand, addressed to the owner or occupier of the land or building, as the case may require, may be served on the occupier thereof, or left with some inmate of his abode; or, if there is no occupier, may be put up on some conspicuous part of the land or building. It shall not be necessary in any such notice to name the occupier or owner of the land or building.

Section 71A: inserted, on 30 September 1960, by section 12 of the Christchurch District Drainage Amendment Act 1960 (1960 No 4 (L)).

Legal proceedings

72 Service of notices

Any summons or notice of any writ or other legal proceedings to be served on the Board may be served by leaving it at the office of the Board or by delivering it personally to the Chairman or the Secretary.

73 Notices, how authenticated

Every order, summons, notice, or other document requiring authentication by the Board shall be sufficiently authenticated if signed by 2 members or by the Secretary of the Board, and need not be under the common seal of the Board.

74 Board may be represented in bankruptcy

If any person against whom the Board has any claim or demand becomes bankrupt, the Chairman or Secretary of the Board, in all proceedings against the estate of the bankrupt, or under any petition, or any other proceeding respecting or against the bankrupt, may represent the Board and act on its behalf in all respects as if the claim or demand had been the claim or demand of the Chairman or Secretary, and not of the Board.

75 How Board may be represented

In all proceedings in any court, or before any Justice, in which the Board is concerned, the Chairman or Secretary may represent the Board and act on its behalf in all respects as if he and not the Board had been the party concerned.

76 Reimbursement of expenses

The Chairman or Secretary shall be reimbursed by the Board all damages, costs, charges, and expenses to which he is put or with which he may become chargeable by reason of anything in either of the last 2 preceding sections.

77 Notices to be advertised

In all cases in which any matter or thing is hereby required to be published, advertised, or inserted by the Board in a newspaper generally circulating in the district, the said newspaper shall be such newspaper as the Board from time to time appoints in that behalf, or, if there is no Board at the time when that matter or thing ought to be advertised, the said newspaper shall be such as the Secretary appoints in that behalf.

Limitation of actions, etc

78 Works may be proceeded with notwithstanding action or claim against Board

If any action or claim is commenced or prosecuted touching or concerning the right, title, or interest of any person of or in any land taken or injuriously affected by anything done in pursuance of this Act, or the execution of the powers or authorities herein contained, or as to the amount of compensation to be paid to such person in respect of any such lands, such action or claim shall not impede, delay, or hinder the Board from proceeding in the execution of the powers vested in it by this Act, and the works or the exercise of the powers and authorities may be proceeded with notwithstanding such action or claim.

79 No time limit in proceedings for offence against Act or bylaws

Section 50 of the Justices of the Peace Act 1927 shall not apply in respect of any prosecution or proceeding for an offence against this Act or against any bylaw made in pursuance of or remaining operative under this Act.

*Bylaws***80 Board may make bylaws**

In addition to the matters for which Drainage Boards are authorised by the Land Drainage Act 1908, or by any other provision of this Act, to make bylaws, the Board may from time to time make bylaws for all or any of the following purposes, namely:

- (a) to provide for, control, and regulate the construction, maintenance, repair, disconnection, user, disuser, and inspection of lavatories, baths, urinals, water closets, sinks, hydraulic rams, hydraulic engines, sumps, traps, ventilators, siphons, drainpipes, and other works which have already been erected or constructed, or which may at any time hereafter be constructed, or be proposed to be erected or constructed, on private property or otherwise for the purpose of conveying sewage or water or other solid or liquid matter into the drains, sewers, or watercourses under the control of the Board, and also the materials to be employed in any such work:
- (b) for regulating the work of those persons wishing to undertake or execute work for other people in connection with any matter referred to in paragraph (a), including requiring such persons to hold public liability insurance of a type and for an amount approved by the Board indemnifying the Board against loss or damage caused by the work of those persons:
- (c) to provide against injury to any drain, sewer, or watercourse under the control of the Board, or the displacement of the ground in which the same or any of them are constructed, built, or laid, and to compel any person causing such injury or displacement to repair or replace the same or pay the cost of so doing:
- (d) for preventing or permitting rain water, the waste from artesian wells, hydraulic engines, and waterpipes and all surface drainage from entering any of the sewers of the Board, and for determining the terms and conditions on which the same may be allowed to enter any of the said sewers when permission is given by the Board:
- (e) for fixing the fees to be paid to the Board in respect of any licence, privilege, or authority granted by it:
- (f) for providing that no person shall without written authority from the Board, alter the course of any watercourse or interfere with the banks thereof, or sweep, rake, place or throw or discharge any matter or thing into any watercourse controlled by the Board:
- (g) to determine the conditions on which public or private drains may be connected or continue to be connected with any watercourse under the control of the Board, including in those conditions the payment to the Board of any annual or other charges:

- (h) to prohibit or regulate the planting of trees, hedges, or other plants or the erection of any structures on or within a specified distance from the banks of any watercourse under the control of the Board where they will obstruct or be likely to obstruct the free passage along the banks of such watercourse, of machinery or apparatus used for the purpose of improving, maintaining, or cleaning such watercourse:
- (i) to prohibit or regulate the pumping or releasing of water into any watercourse:
- (j) to prohibit or regulate the erection or construction in, on, or over any open watercourse under the control of the Board of any structure whatsoever:
- (k) to provide for the payment of reasonable fees for inspections and other services, and to provide that where such inspections and other services in respect of which a fee has been paid have not been made or given the Board may refund any such fee or portion thereof as it may determine.

Section 80(b): replaced, on 22 November 1985, by section 10 of the Christchurch District Drainage Amendment Act 1985 (1985 No 6 (L)).

Section 80(f): inserted, on 26 August 1966, by section 9 of the Christchurch District Drainage Amendment Act 1966 (1966 No 14 (L)).

Section 80(g): inserted, on 26 August 1966, by section 9 of the Christchurch District Drainage Amendment Act 1966 (1966 No 14 (L)).

Section 80(h): inserted, on 26 August 1966, by section 9 of the Christchurch District Drainage Amendment Act 1966 (1966 No 14 (L)).

Section 80(i): inserted, on 26 August 1966, by section 9 of the Christchurch District Drainage Amendment Act 1966 (1966 No 14 (L)).

Section 80(j): inserted, on 26 August 1966, by section 9 of the Christchurch District Drainage Amendment Act 1966 (1966 No 14 (L)).

Section 80(k): inserted, on 18 July 1969, by section 11 of the Christchurch District Drainage Amendment Act 1969 (1969 No 1 (L)).

81 Fine

The Board may by any such bylaw provide a penalty for every breach thereof to an amount which shall be in the discretion of the court inflicting the penalty, and shall in no case exceed the sum of \$100 for a single offence or the sum of \$10 a day for a continuing offence.

Section 81: amended, on 3 May 1975, by section 7(f) of the Christchurch District Drainage Amendment Act 1975 (1975 No 2 (L)).

81A Operation of bylaws

- (1) Any bylaw made by the Board shall, within the district, override any bylaws on the same subject made by any constituent authority.
- (2) Any constituent authority may, with the consent of the Board, undertake within its own area the enforcement and administration of any bylaws made by the Board, and in such cases all fines imposed for breaches of the Board's bylaws

within the area of such constituent authority shall, subject to the provisions of section 109 of the Public Revenues Act 1953 (as enacted by section 3 of the Public Revenues Amendment Act 1958) be paid to the constituent authority and be dealt with by it as if they were fines imposed in respect of breaches of the bylaws of such constituent authority.

- (3) For the purposes of this section the term **constituent authority** means the local authority of any local district the whole or any part of which is for the time being comprised within the district of the Board, and the term **local district** means the district of a city, borough, or county.

Section 81A: inserted, on 30 September 1960, by section 14 of the Christchurch District Drainage Amendment Act 1960 (1960 No 4 (L)).

82 Manner of making bylaws

All bylaws of the Board under this Act shall be made in the manner and subject to the conditions following:

- (a) they shall be made by special order:
provided that in publicly notifying the resolution making the order it shall not be necessary to set forth the whole of the proposed bylaw if the object or purport of it is stated, and if a copy of the proposed bylaw is deposited in the office of the Board or at some other place within the district specified in the notification and is open to the inspection of the public during office hours for at least 7 days immediately preceding the meeting:
- (b) they may be amended before confirmation:
- (c) they shall have the common seal of the Board affixed thereto:
- (d) they shall be sent to the Minister of Health within 7 days after the making of the special order:
- (e) subject to the next succeeding paragraph, they shall come into force on a day to be named therein or in the special order making them, being a day not earlier than 3 months after the making of the special order:
- (f) they may within 3 months after the making of the special order, by notice in the *Gazette*, be in whole or in part disallowed or amended by the Minister of Health.

83 Evidence of bylaw

A copy of any bylaw made by the Board, sealed with the common seal of the Board, shall be received as evidence of its having been duly made, unless the contrary is proved.

84 Copies of bylaws to be kept

The Board shall cause printed copies of all bylaws to be kept at the office of the Board, and to be supplied to any person applying for them at a charge to be fixed by the Board.

85 No relief from other liabilities

Nothing in this Act or in any bylaw made thereunder shall be deemed to relieve any person from any liability to which he would otherwise be subject in respect of anything done by him in breach of any such bylaw.

86 Special orders

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

- (a) the resolution to do such a 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 that special meeting and not later than the 70th day after that special meeting:
- (c) public notice of the date, time, and place 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 under the hand of the Secretary of the date, time, and place of the subsequent meeting shall be given to each member of the Board 3 clear days before the subsequent meeting, which notice shall refer to the said resolution:
- (e) the notice directed to be given by the last preceding paragraph shall suffice, even though the subsequent meeting be a special meeting:
- (f) a copy of the proposed special order shall be deposited at the office of the Board and, if the Board thinks fit, at some other place or places in the district specified in the notice referred to in paragraph (c), and shall be open to the inspection of the public during office hours for at least 21 days immediately preceding the day appointed for the holding of the subsequent meeting.

Offences

Heading: inserted, on 30 September 1960, by section 13 of the Christchurch District Drainage Amendment Act 1960 (1960 No 4 (L)).

86A Offences

Any person doing anything contrary to the provisions of this Act or any bylaw made hereunder, or omitting or failing to perform any duty imposed on him by or arising under this Act or any such bylaw, shall be guilty of an offence, and in

cases where no other penalty is provided shall be liable to a fine not exceeding \$200, and whenever such act or omission is of a continuous nature a further offence shall be deemed to be committed on each day on which it is continued; and whenever power is given by this or any other Act or any bylaw to order anything to be done or omitted, an offence shall be deemed to be committed on each day on which any person disobeys or fails to comply with any such order; and in all cases in which property is damaged, destroyed, or lost, or pecuniary loss is suffered by reason of an offence, the court may add to the fine compensation for any loss the Board may have sustained:

provided that such compensation, unless awarded at the express request of the Board, shall not, excepting as to the amount thereof, relieve such person of any civil liability in respect of his act or omission.

Section 86A: inserted, on 30 September 1960, by section 13 of the Christchurch District Drainage Amendment Act 1960 (1960 No 4 (L)).

Section 86A: amended, on 3 May 1975, by section 7(g) of the Christchurch District Drainage Amendment Act 1975 (1975 No 2 (L)).

Miscellaneous

87 Judge, etc, not disqualified by payment of rates

[Repealed]

Section 87: repealed, on 29 June 1988, by section 209(1) of the Rating Powers Act 1988 (1988 No 97).

88 Penalty for obstruction of Board

Every person who at any time obstructs the Board or any person appointed by it in the performance of anything which it or he is empowered or required to do by this Act is liable to a fine not exceeding \$200.

Section 88: amended, on 3 May 1975, by section 7(h) of the Christchurch District Drainage Amendment Act 1975 (1975 No 2 (L)).

89 How fines recoverable

Every offence hereby made punishable by a fine may be prosecuted, and all fines imposed by this Act shall be recoverable, in accordance with Part 3 of the Summary Proceedings Act 1957.

Section 89: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

90 Provision for disposal of certain lands

- (1) Such of the lands described in Schedule 3 as have not already been sold under the powers contained in the Christchurch Drainage Board Reserves Sale and Exchange Act 1887 or the Christchurch District Drainage Act 1907 are hereby declared to be vested in His Majesty the King as Crown land subject to the Land Act 1948, together with all rights, interests, and easements appurtenant

thereto, but subject to all leases, liens, encumbrances, and easements affecting the same.

- (2) The District Land Registrar for the Land Registration District of Canterbury is hereby authorised and directed to do all such things as may be necessary to give effect to the provisions of this section and to make all necessary endorsements on any certificates of title in respect of lands vested in His Majesty by the last preceding subsection; and any such certificate of title shall enure in the name of His Majesty until the expiration, release, or determination of any lease, easement, or other interest registered against the same, and shall then be cancelled by the said District Land Registrar.
- (3) The Land Settlement Board constituted pursuant to the Land Act 1948 may release to the owner of any of the lands described in Schedule 3 any easement, right, or servitude to which the lands may be subject, at such consideration and on such terms as it thinks fit.

91 Government works not to be interfered with

- (1) Nothing in this Act shall—
 - (a) authorise the Board to interfere with any public work executed or carried on by or under the control of the Crown without the previous consent and approval of the Minister of the Crown under whose control the work is being executed or carried on; or
 - (b) prejudice or affect any power or authority vested in the Crown or in the Governor-General, or in any Minister or other person on behalf of the Crown or the Governor-General, under any Act authorising the erection, construction, carrying on, or maintenance of any work.
- (2) In giving any consent or approval under subsection (1), the Minister may impose such conditions as he thinks fit.

Section 91(1)(a): amended, on 1 April 1988, by section 8 of the Ministry of Works and Development Abolition Act 1988 (1988 No 42).

Section 91(2): amended, on 1 April 1988, by section 8 of the Ministry of Works and Development Abolition Act 1988 (1988 No 42).

92 Certain enactments not affected

Except as expressly provided in this Act, nothing in this Act shall derogate from any of the provisions of any of the following enactments:

- (a) the Fisheries Act 1908:
- (b) the Health Act 1920:
- (c) the Soil Conservation and Rivers Control Act 1941:
- (d) the Harbours Act 1950.

*Repeals***93 Repeals**

The enactments mentioned in Schedule 4 are hereby repealed:

provided that such repeal shall not in any way annul or prejudicially or injuriously affect any contract made, anything done or agreed to be done or commenced to be done, any appointment made or office filled, any right or property acquired, any security given or agreed to be given, any valuation or rate made or levied or directed to be made or levied, any bylaw enacted, any election held or in process of being held, any resolutions passed, or any order or direction given under the authority of any enactment so repealed, or the right or power of the Board to raise or complete the raising of any authorised loan, or to issue any debenture prepared for issue under the said enactments, or to continue and carry to completion any power, authority, or right vested in the Board in respect of any such loan or any part thereof.

Schedule 1

Schedule 1: replaced, on 12 October 1968, by section 7 of the Christchurch District Drainage Amendment Act 1967 (1967 No 14 (L)).

Part A District

All that area bounded by a line commencing at the junction of Middle Lincoln Road and Awatea Road; thence along Awatea Road to Wilmers Road; thence along Wilmers Road to a point in line with the south-western boundary of Rural Section 1247; thence to and along the south-western boundaries of Rural Sections 1247 and 1238 to Springs Road; thence across Springs Road to and along the south-western boundary of Rural Section 1239 to Shands Road; thence along Shands Road to a point in line with the north-eastern boundary of Rural Section 2650; thence to and along the north-eastern boundary of that rural section to and along the north-western boundaries of Rural Sections 2650, 2551, and 2785 to Marshs Road, along Marshs Road and Barthers Road to and along Waterloo Road to Pound Road, along Pound Road and a closed road being Rural Section 37994, and then continuing along Pound Road to Harewood Road; thence along Harewood Road, Hacks Road, and Johns Road to a point in line with the eastern boundary of Rural Section 1747; thence along that boundary to a point distant $7\frac{1}{2}$ chains from the northern side of Johns Road; thence easterly along a line parallel to and distant $7\frac{1}{2}$ chains from the northern side of Johns Road to a point distant $7\frac{1}{2}$ chains from the north-western side of Main North Road; thence north-easterly along a line parallel to and distant $7\frac{1}{2}$ chains from the north-western side of Main North Road to the south-western boundary of Lot 21, DP 1291; thence along the south-western boundaries of said Lot 21, and Lots 7, 6, and 1, DP 18139, to and along the north-western boundaries of Lot 1, DP 18139 and Lot 1, DP 16949, across the end of Darroch Street, to and along the north-western boundary of Lot 17, DP 1291 to a point in line with the north-eastern boundary of Lot 2, DP 11007; thence south-easterly to and along the north-eastern boundaries of Lots 2 and 1, DP 11007 and Lots 1 and 4, DP 24857 to a point distant 3 chains from the north-western side of Main North Road; thence north-easterly along a line parallel to and distant 3 chains from the north-western side of Main North Road to and along the south-western boundary of Lot 1, DP 7535 to and along the south-eastern boundary of Rural Section 37869 (closed road) to the south-western side of Dickeys Road; thence south-easterly along the south-western side of Dickeys Road to a point in line with the south-eastern boundary of Rural Section 842; thence north-easterly to and along the south-eastern boundary of Rural Section 842, across a road and along the south-eastern boundary of Rural Section 35670 to a point distant 5 chains north-east of the southern corner of Rural Section 35670; thence by a right line north-easterly across Rural Section 31379, across a road, and across Rural Section 9465 to a point on the eastern boundary thereof, such point being distant 15 chains from the southern corner of Rural Section 9465; thence southerly along the eastern boundary of said rural section and its production to the junction of Main North Road and Spencerville Road, and along Spencerville Road to a point in line with the north-western boundary of Rural Section

14167; thence north-easterly to and along the north-western boundary of Rural Section 14167 to Rural Section 10756; thence westerly and northerly along the southern and western boundaries of Rural Section 10756, to and across a road to the boundary of Rural Section 10755; thence westerly and northerly along the southern and western boundaries of Rural Section 10755 to the north-western corner thereof; thence westerly and northerly along the southern and western boundaries of Rural Section 10754 and along the western boundary of Rural Section 11270 to Kainga Road, along Kainga Road, across the Styx River and along Harbour Road to Lower Styx Road, along Lower Styx Road to Heyders Road, along Heyders Road to the mean high-water mark of the sea; thence south-easterly along the mean high-water mark of the sea to and across the mouth of the estuary of the Heathcote and Avon Rivers to the northernmost point of Reserve 2507 (Cave Rock); thence south-easterly generally along the mean high-water mark of the sea to Godley Head; thence westerly generally by the mean high-water mark of Lyttelton Harbour to a point due south of the trigonometrical station MM; thence northerly along a right line through trigonometrical station MM and its production to the old closed road (part of which is now Rural Sections 36825 and 36826); thence generally westerly along the southern side of the old closed road intersecting Rural Sections 33903, 55, 21418 to the Lyttelton-Sumner Road to and across Evans Pass; thence across Rural Section 205 along the southern side of the track which is a continuation of the old closed road (Rural Section 33906x); thence along the southern side of that closed road intersecting Rural Sections 33906 and 27533, then following along the eastern boundary of Rural Section 500; thence along the southern side of the said closed road intersecting Rural Sections 24814 and 24077 to a point bearing $86^{\circ}11'$ from the Mount Pleasant geodetical station; thence westerly along that bearing to the said Mount Pleasant geodetical station and along the northern boundary of Rural Section 34917 to the north-eastern boundary of Reserve 101; thence along the north-eastern and north-western boundaries of that reserve to the old closed road (Rural Section 24815x) which intersects Reserve 3816; thence westerly generally along the southern side of the said old closed road through Reserve 3816, Rural Sections 24815 and 1891, and which forms the northern boundary of Rural Section 23561 to the north-western corner thereof; thence to and south-westerly generally along the summit of the Port Hills to the road forming the south-western boundary of Rural Section 36015; thence along that road to the Summit Road, along the Summit Road to Kennedys Bush Road, along Kennedys Bush Road to a point in line with the western boundary of Rural Section 33747x (closed road); thence to and along the western boundary of Rural Section 33747x (closed road) to a point in prolongation of the southern boundary of former Rural Section 1108 now part Rural Section 37434; thence by a right line across Rural Sections 33747, 6358, and 6357 to the north-eastern corner of former Rural Section 1108; thence along the northern boundary of former Rural Section 1108 to Paterson Avenue, along Paterson Avenue and Halswell Road to a point opposite the southern boundary of Rural Section 210, along the southern boundary of Rural Section 210, along the north-western boundaries of Rural Sections 210 and 225 to a point in line with the northern boundary of Lot 4, DP 2368; thence north-westerly across Rural Section 327x (closed

road) and along the northern boundaries of Lots 4 and 5, DP 2368 to Middle Lincoln Road; thence along Middle Lincoln Road to the point of commencement.

Part B

Subdistricts

City subdistrict

All that area comprising the city of Christchurch as from time to time constituted.

Waimairi subdistrict

All that area being part of the Waimairi county as from time to time constituted as lies within the district but excluding therefrom the Middleton Riding of the said county as from time to time defined.

Paparua subdistrict

All that area being part of the Paparua county as from time to time constituted as lies within the district.

Riccarton Middleton subdistrict

All that area comprising the borough of Riccarton as from time to time constituted and the Middleton Riding of the Waimairi county as from time to time defined, as lie within the district.

Heathcote subdistrict

All that area being the county of Heathcote as from time to time constituted as lies within the district.

Schedule 1 Part B: amended, on 13 June 1968, by *Gazette* 1968, p 1021.

Schedule 2

Certificate of advances

s 50

Christchurch Drainage Board

In the matter of the Christchurch District Drainage Act 1951

Pursuant to the above mentioned Act, the Christchurch Drainage Board hereby certifies and declares that the sum of \$[*amount*] is due and owing to the Board for moneys advanced and paid under the authority of the said Act in respect of the land and premises described in the Schedule, at the request of the owner thereof for the time being; and the said Board hereby orders that the said sum shall be payable in 1 sum and immediately (*or* that the said sum shall fall due and be payable by equal [*specify*] payments of \$[*amount*] each, extending over a period of [*number*] years, together with interest thereon calculated from [*date*], at the rate of [*number*]% per annum, the first of such payments to fall due and be payable on [*date*]); and the said Board requires this certificate to be registered as a charge against the said land and premises pursuant to the said Act.

Schedule

All that parcel of land [*specify*] as the same is delineated on the plan drawn in the margin and therein coloured green in outline, together with the rights, easements, members, and appurtenances thereto belonging and appertaining.

Given under the seal of the Christchurch Drainage Board, and by authority of the same, this [date].

Signature:

Schedule 3

Lands to which section 90 applies

s 90

All that area situated in the City of Christchurch, containing 3 roods 39 perches, more or less, being a strip of land 20 links wide extending from St David Street (formerly Creyke Street) to Madras Street, the nearest side of which is 190 links distant from and parallel to the north side of Moorhouse Avenue; but not including any part of Montreal, Durham, Colombo, and Manchester Streets.

All that area situated in the City of Christchurch, containing 17 perches, more or less, being a strip of land 20 links wide the southern boundary of which commences at a point on the east side of Madras Street 183.5 links north of Moorhouse Avenue, and which extends through Section No 125 to Section No 126 on a bearing of 70°36' north-east; but not including any part of Fife Street (now closed and formerly Fyffe Street).

All that area situated in the City of Christchurch, containing 1 rood 29 perches, more or less, being a strip of land 20 links wide the south side of which commences at the western boundary of Section No 126, and 380 links north of Moorhouse Avenue, and runs parallel to the said Moorhouse Avenue for a distance of 555.5 links to Barbadoes Street, and from Barbadoes Street for a distance of 954.6 links; thence north-easterly bearing north 44°2' east for 66.8 links; thence bearing north 18°39'26" east for a distance of 594.2 links to Lower High Street.

All that area situated in the City of Christchurch, containing 38 perches, more or less, being a strip of land 14 links wide from Salisbury Street to Bealey Avenue parallel to and abutting on the west side of Madras Street; but not including any part of Aberdeen Street (formerly Taylor's Lane) and the street through Section No 164.

All that area situated in the City of Christchurch, containing 1 perch, more or less, being a strip of land 10 links wide extending in a westerly direction for a distance of 47 links from the last mentioned strip of land parallel to and abutting on Salisbury Street.

All that area situated in the City of Christchurch, containing 1½ perches, more or less, being a strip of land 10 links wide parallel to and abutting on the north side of Salisbury Street, extending in an easterly direction 93 links from the eastern boundary of Section No 129.

All that area situated in the City of Christchurch, containing 23 perches, more or less, being a strip of land 18 links wide parallel to and abutting on the north side of Salisbury Street extending from a point 71⅓ links east of Madras Street to the cemetery 200 links west of Barbadoes Street; but not including any part of the lane which intersects Section No 157.

All that area situated in the City of Christchurch, containing 1 rood 7 perches, more or less, being a strip of land 18 links wide extending from Bealey Avenue to the last mentioned strip of land parallel to and the west side of which is 548 links east of the east side of Madras Street; but not including any part of Otley Street (formerly North

Street), Melrose Street (formerly New Street), and Ely Street (formerly the unnamed street) in Section No 161.

As all the said parcels of land are shown and delineated on the Provincial Engineer's map of the late Province of Canterbury, and reserved for the purposes of drains.

Schedule 4

Enactments repealed

s 93

Christchurch District Drainage Act 1875 Amendment Act 1905 (1905 No 31 (L))

Christchurch District Drainage Act 1907 (1907 No 30 (L))

Christchurch District Drainage Act 1908 (1908 No 27 (L))

Christchurch District Drainage Act 1909 (1909 No 39 (L))

Christchurch District Drainage Act Amendment Act 1907 (1907 No 29 (L))

Christchurch District Drainage Amendment Act 1911 (1911 No 22 (L))

Christchurch District Drainage Amendment Act 1914 (1914 No 9 (L))

Christchurch District Drainage Amendment Act 1920 (1920 No 11 (L))

Christchurch District Drainage Amendment Act 1922 (1922 No 14 (L))

Christchurch District Drainage Amendment Act 1923 (1923 No 4 (L))

Christchurch District Drainage Amendment Act 1924 (1924 No 21 (L))

Christchurch District Drainage Amendment Act 1926 (1926 No 1 (L))

Christchurch District Drainage Amendment Act 1927 (1927 No 9 (L))

Christchurch District Drainage Amendment Act 1928 (1928 No 15 (L))

Christchurch District Drainage Amendment Act 1931 (1931 No 6 (L))

Christchurch District Drainage Amendment Act 1932–33 (1932–33 No 10 (L))

Christchurch District Drainage Amendment Act 1935 (1935 No 9 (L))

Christchurch District Drainage Amendment Act 1944 (1944 No 13 (L))

Christchurch District Drainage Amendment Act 1948 (1948 No 2 (L))

**Reserves and Other Lands Disposal and Public Bodies Empowering Act 1916
(1916 No 14)**

Amendment(s) incorporated in the Act(s).

Christchurch District Drainage Amendment Act 1969

Local Act	1969 No 1
Date of assent	18 July 1969
Commencement	18 July 1969

1 Short Title

This Act may be cited as the Christchurch District Drainage Amendment Act 1969, and shall be read together with and deemed part of the Christchurch District Drainage Act 1951 (hereinafter referred to as “the principal Act”).

4 Surface water may be led into watercourses

- (1) Subject to the provisions of the Resource Management Act 1991, the Board may lead surface water into any watercourse, whether covered or open, within the district.
- (2) Without limiting the provisions of section 56 of the principal Act, it is hereby declared that every person having any estate or interest in any land damaged or injuriously affected by the exercise of the powers given by subsection (1) shall be entitled to full compensation from the Board, and sections 56 and 57 of the principal Act shall apply accordingly with all necessary modifications.

Section 4(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).

Christchurch District Drainage Amendment Act 1975

Local Act	1975 No 2
Date of assent	3 May 1975
Commencement	3 May 1975

1 Short Title

This Act may be cited as the Christchurch District Drainage Amendment Act 1975, and shall be read together with and deemed part of the Christchurch District Drainage Act 1951 (hereinafter referred to as “the principal Act”).

5 Board may establish special funds

- (1), (2) *Amendment(s) incorporated in the Act(s).*
- (3) Every renewal fund formed under section 55 of the principal Act and in existence immediately before the commencement of this section shall, on and after the commencement of this section, be deemed to be a special fund established under the said section 55 (as substituted by subsection (1)).

Notes

1 *General*

This is a consolidation of the Christchurch District Drainage Act 1951 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

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

Trusts Act 2019 (2019 No 38): section 161

District Court Act 2016 (2016 No 49): section 261

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

Local Government (Rating) Act 2002 (2002 No 6): section 137(1)

Public Trust Act 2001 (2001 No 100): section 170(2)

Public Audit Act 2001 (2001 No 10): section 52

Mental Health (Compulsory Assessment and Treatment) Act 1992 (1992 No 46): section 137(1)

Rating Powers Act 1988 (1988 No 97): sections 208(1), 209(1)

Ministry of Works and Development Abolition Act 1988 (1988 No 42): section 8

Constitution Act 1986 (1986 No 114): section 29(2)

Local Government Amendment Act 1986 (1986 No 21): section 12

Local Government Amendment Act 1985 (1985 No 60): section 39(2)

Christchurch District Drainage Amendment Act 1985 (1985 No 6 (L))

Local Elections and Polls Amendment Act 1982 (1982 No 33): section 33

District Courts Amendment Act 1979 (1979 No 125): section 18(2)

Judicature Amendment Act 1979 (1979 No 124): section 12

Local Government Amendment Act 1979 (1979 No 59): section 8(3)

Christchurch District Drainage Amendment Act 1979 (1979 No 3 (L))

Local Elections and Polls Act 1976 (1976 No 144): section 124(1), (5)
Christchurch District Drainage Amendment Act 1975 (1975 No 2 (L))
Ministry of Transport Amendment Act 1972 (1972 No 4): section 6(1), (2)(a)
Christchurch District Drainage Amendment Act 1969 (1969 No 1 (L))
Gazette 1968, p 1021
Christchurch District Drainage Amendment Act 1967 (1967 No 14 (L))
Christchurch District Drainage Amendment Act 1966 (1966 No 14 (L))
Decimal Currency Act 1964 (1964 No 27): section 7(1)
Christchurch District Drainage Amendment Act 1960 (1960 No 4 (L))
Public Bodies Contracts Act 1959 (1959 No 98): section 5(2)
Christchurch District Drainage Amendment Act 1957 (1957 No 5 (L))
Local Authorities (Members' Contracts) Act 1954 (1954 No 49): section 7(3)
Local Elections and Polls Act 1953 (1953 No 16): section 103(1)