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Land Drainage Act 1908

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Note

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

This Act is administered by the Ministry for Cities, Environment, Regions, and Transport.

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An Act to consolidate certain enactments of the General Assembly relating to the drainage of land

1 Short title, etc

(1) The Short Title of this Act is the Land Drainage Act 1908.

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

(a) all districts, Boards, corporations, offices, appointments, bylaws, Orders in Council, orders, warrants, registers, contracts, rates, resolutions, notices, records, instruments, and generally all acts of authority which originated under any of the said enactments or any enactment thereby repealed, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated:

provided that every such Board and corporation respectively shall be deemed to be the same Board and corporation respectively under this Act, without change of corporate entity or otherwise:

provided also that in the case of members elected or appointed for a specified term the current term shall be computed from the date of its commencement:

(b) All members of Boards holding office under any such enactment on the coming into operation of this Act shall continue in office until their successors under this Act come into office:

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

(3) This Act is divided into Parts, as follows:

Part 1	Drainage Districts and Boards (Sections 3 to 57).
Part 2	Irrigation Works (Sections 58 and 59).
Part 3	Powers of Local Authorities (Sections 60 to 66).
Part 4	Powers of Private Owners (Sections 67 to 80).
Part 5	Miscellaneous (Sections 81 to 89).

2 Interpretation

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

Board means a Board of Trustees for a district constituted under this Act

District means a district constituted under this Act

drain includes every passage, natural watercourse, or channel on or under ground through which water flows continuously or otherwise, except a navigable river, but does not include a water race as defined in section 58 hereof

drainage works means drainage works of any sort, including the making of drains for receiving water in its natural flow on or from any hills or other sloping lands, and diverting the same to prevent its overflow on to any other lands on a lower level, as well as drains for carrying off water from any lands

rateable property and **rateable value** mean respectively rateable property and rateable value under the Rating Powers Act 1988

watercourse includes all rivers, streams, and channels through which water flows.

Section 2 **owner**: repealed, on 29 June 1988, by section 208 of the Rating Powers Act 1988 (1988 No 97).

Section 2 **public notice** or **advertisement**: repealed, on 6 June 2026, by section 139 of the Regulatory Systems (Internal Affairs) Amendment Act 2026 (2026 No 26).

Section 2 **rateable property** and **rateable value**: amended, on 29 June 1988, pursuant to section 208 of the Rating Powers Act 1988 (1988 No 97).

2A Relationship to Resource Management Act 1991, Natural Environment Act 2026, and Planning Act 2026

Nothing in this Act derogates from the Resource Management Act 1991, the Natural Environment Act 2026, or the Planning Act 2026.

Section 2A: replaced, on 1 October 2026, by section 343(1) of the Planning Act 2026 (2026 No 70).

Part 1
Drainage districts and boards

3 Governor-General may constitute districts

(1) The Governor-General may from time to time by Order in Council, on petition in that behalf from a majority of the ratepayers in any part of New Zealand, constitute and declare that part to be a district for the purposes of this Part of this Act, and may, on a like petition from a majority of the ratepayers of any area proposed to be included in or excluded from the district, alter the boundaries of any such district.

(2) The Governor-General, by Order in Council, may from time to time, on a like petition, abolish any district or portion of a district.

(3) Every district shall be constituted by such name as the Governor-General in Council specifies.

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

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 3(1) proviso: repealed, on 1 April 1980, by section 8(3) of the Local Government Amendment Act 1979 (1979 No 59).

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

4 Board of Trustees

For every district there shall be a Board of Trustees, consisting of such number of persons, being not less than 5 nor more than 7, as is fixed in the aforesaid or any subsequent Order in Council, and such Trustees shall be elected in the manner hereinafter directed.

5 First election of Trustees

(1) The Governor-General shall appoint such person as he thinks fit to be the Returning Officer to hold the first election of Trustees, appoint the day for such first election, and make full provision for bringing this Part of this Act into operation in the district.

(2) The Trustees elected at such first election shall hold office until the coming into office of their successors elected at the first triennial election held as hereinafter mentioned.

(3) All provisions relating to the qualifications, disqualifications, and elections of members of a County Council shall apply, *mutatis mutandis*, and be in force in respect to elections of Trustees under this Part of this Act.

6 Ratepayers list

(1) The electoral officer, forthwith on being appointed, and thereafter not less than 21 days before the day on which a triennial general election is to be held, must cause to be made out a list, to be called the ratepayers list, containing the name of every person whose name appears on the valuation roll made under the Rating Valuations Act 1998 as the ratepayer in respect of a property within the district liable to be rated under the Local Government (Rating) Act 2002 for the purposes of this Act.

(2) Such list, or a true copy thereof, shall be deposited at the office of the Board, and if such office is not situate within the district, then a true copy of the list shall also be deposited at some public office or elsewhere, in an accessible place in some central part of the district, for inspection without fee, and public notice shall be given of the place where the same is deposited.

Section 6(1): replaced, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

7 Objections

In such notice the electoral officer shall notify the day, not being earlier than 14 days after the date of the notice, and the place when and where the District Court Judge will sit to hear objections and finally revise such list.

Section 7: amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 7: amended, on 1 April 1980, pursuant to section 18(1) of the District Courts Amendment Act 1979 (1979 No 125).

8 Appeal from list. Ratepayers roll

(1) Any person who considers himself aggrieved by reason of the insertion or incorrectness of any matter in any such list, or the omission of any matter therefrom, may object as herein provided.

(2) The District Court Judge on the day fixed for hearing objections, shall hear and determine all objections, and may order such alterations in and additions to the list to be made as he thinks just; and his decision shall be final and without appeal.

(3) All such alterations and additions shall be made by the electoral officer and initialled by the District Court Judge.

(4) The list shall come into force—

(a) immediately after all the alterations and additions have been initialled by the District Court Judge; or

(b) if there are no alterations, or additions, on the day fixed for the hearing of objections;

and shall be the roll of ratepayers for the district until a new roll comes into force in a like manner.

Section 8: replaced, on 20 October 1972, by section 2(1) of the Land Drainage Amendment Act 1972 (1972 No 74).

Section 8(2): amended, on 1 April 1980, pursuant to section 18(1) of the District Courts Amendment Act 1979 (1979 No 125).

Section 8(3): amended, on 1 April 1980, pursuant to section 18(1) of the District Courts Amendment Act 1979 (1979 No 125).

Section 8(3): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 8(4)(a): amended, on 1 April 1980, pursuant to section 18(1) of the District Courts Amendment Act 1979 (1979 No 125).

9 Qualifications of electors and Trustees

(1) Subject to section 25 of the Local Electoral Act 2001 every person whose name appears on the above-mentioned roll of ratepayers shall be deemed to be a **ratepayer** within the meaning of this Part of this Act, and shall be an elector and entitled to vote in the election of Trustees, and shall have one vote only at every such election; and, if of or over the age of 18 years, shall be qualified to be elected a Trustee.

(2) *[Repealed]*

(3) *[Repealed]*

(4) *[Repealed]*

(5) *[Repealed]*

Section 9(1): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 9(1): amended, on 1 April 1974, by section 2(1) of the Local Elections and Polls Amendment Act 1974 (1974 No 10).

Section 9(1): amended, on 1 April 1974, by section 9(2) of the Counties Amendment Act 1974 (1974 No 8).

Section 9(2): repealed, on 1 April 1974, by section 9(2) of the Counties Amendment Act 1974 (1974 No 8).

Section 9(3): repealed, on 1 April 1974, by section 9(2) of the Counties Amendment Act 1974 (1974 No 8).

Section 9(4): repealed, on 1 April 1974, by section 9(2) of the Counties Amendment Act 1974 (1974 No 8).

Section 9(5): repealed, on 1 April 1974, by section 9(2) of the Counties Amendment Act 1974 (1974 No 8).

10 Extraordinary vacancies

(1) *[Repealed]*

(2) If any Trustee dies, or becomes incapable of acting, or by writing addressed to the Chairman resigns his office as such Trustee, or ceases to reside permanently in New Zealand, or is absent without leave from 3 consecutive meetings of the Board, his office as Trustee shall be deemed to be vacated, and an election shall be held of a Trustee in his stead; and the person so elected shall hold office as Trustee for so long only as his predecessor would have held office had he remained a Trustee.

(3) If at any such day appointed for an election no election is held, or if at any election of Trustees no persons are duly elected, or a less number is elected than is by law required, then the Governor-General may appoint such and so many qualified persons to be Trustees as the occasion may require.

(4) Every person so appointed shall be deemed to be an elected member of the Board.

(5) *[Repealed]*

Section 10(1): repealed, on 2 April 1935, by section 8 of the Local Elections and Polls Amendment Act 1934-35 (1935 No 43).

Section 10(5): repealed, on 26 October 1942, by section 23 of the Statutes Amendment Act 1942 (1942 No 18).

11 Chairman of Board

(1) The Board shall from time to time appoint as Chairman any 1 of its number willing to act, and such Chairman shall preside at all meetings of the Board, and shall have a casting as well as a deliberative vote, and shall hold office until the appointment of his successor.

(2) The Board may from time to time, if it thinks fit, appoint 1 of its members to be Deputy Chairman, who, with the consent of the Chairman, or, in the event

of the Chairman becoming incapable of acting or there being a vacancy in the office of Chairman, without that consent, shall, until the Chairman resumes his duties or a new Chairman comes into office, have all the authority of the Chairman.

(2A) Every Deputy Chairman so appointed shall, so long as he continues to be a member of the Board, hold office until the appointment of his successor.

(3) The Chairman may, by writing addressed to the Secretary of the Board, resign his office as Chairman, and thereupon the Board shall appoint another member to the office.

Section 11(2): replaced, on 23 November 1967, by section 2 of the Land Drainage Amendment Act 1967 (1967 No 87).

Section 11(2A): inserted, on 23 November 1967, by section 2 of the Land Drainage Amendment Act 1967 (1967 No 87).

Section 11(3): amended, on 22 October 1952, by section 3(2)(a) of the Land Drainage Amendment Act 1952 (1952 No 47).

11A Annual Allowance to Chairman and Deputy Chairman

[Repealed]

Section 11A: repealed, on 30 March 1985, by section 39(3) of the Local Government Amendment Act 1985 (1985 No 60).

12 Meetings of Board

(1) The Chairman or any 2 Trustees may convene a meeting of the Board by a notice delivered to each of the Trustees or left at his usual place of residence not less than 7 days before the time appointed for such meeting.

(2) All acts, matters, and things authorised by this Part of this Act to be done and performed by the Board of a district may be done and performed by any 3 of the members thereof at a duly convened meeting.

13 Board incorporated

The Board shall be a body corporate under the name of "The *[Name of District]* Drainage Board", with perpetual succession and a common seal, having a capacity to hold lands, and to do and suffer all things that a body corporate may do and suffer.

13A Travelling allowances

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

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

Section 13A: inserted, on 10 May 1956, by section 3(1) of the Land Drainage Amendment Act 1956 (1956 No 7).

13B Annual allowances and remuneration of Chairman, Deputy Chairman, and members

(1) 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, or members of the Board, there may, subject to the conditions of that determination and sections 214K and 214L of that Act, be paid to each of those persons such annual allowance or remuneration, not exceeding that maximum allowance or remuneration, as the Board determines.

(2) 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, or members of the Board, there shall, subject to the conditions of that determination and sections 214K and 214L of that Act, be paid to each of those persons the annual allowance or remuneration so determined.

Section 13B: replaced, on 30 March 1985, by section 39(2) of the Local Government Amendment Act 1985 (1985 No 60).

14 Board within drainage district to have powers of territorial authority

[Repealed]

Section 14: repealed, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

15 United districts

[Repealed]

Section 15: repealed, on 6 June 2026, by section 140 of the Regulatory Systems (Internal Affairs) Amendment Act 2026 (2026 No 26).

Powers of the Board

16 To subdivide districts

(1) The Board may from time to time by resolution, as it thinks fit, divide the district into subdivisions, and prescribe the boundaries of any such subdivisions and assign names thereto, and by similar resolution may alter the boundaries of any such subdivision.

(2) The Board may not pass a resolution under subsection (1) unless it has given at least 14 days' public notice of its intention to do so.

Section 16(1): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 16(1): inserted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

17 To construct and maintain drains and watercourses

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 may 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 existing watercourse or outfall for water, either within or beyond the district, or any existing bank or defence against water:

(b) deepen, widen, straighten, divert, or otherwise improve any existing watercourse or outfall for water, either within or beyond the district, or remove obstructions to watercourses or outfalls for water, or raise, widen, or otherwise alter any existing defence against water:

(c) make any new watercourse or new outfall for water, or erect any new defence against water, or erect any machinery, or do any other act required for the drainage of the district:

(d) construct any drains of such materials and in such manner as it thinks necessary or proper for carrying the purposes of this Act into execution, and break up the soil of any roads, ways, or footpaths within the district, and excavate and sink trenches for the purpose of laying down, making, and constructing drains therein, and cause such drains to communicate with the sea or any arm thereof, or with any stream or watercourse either within or beyond the district, and also from time to time open, cleanse, and repair such drains, or alter the position thereof, and do all such acts, matters, and things as it deems expedient, necessary, or proper for making, amending, repairing, completing, or improving any watercourse or drain or other works to be made, done, and provided for the purposes of this Act:

(e) take, purchase, and hold any lands, or any estate or interest therein, within or beyond the district, which in its opinion may be 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, clay, or material 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 always that the Board shall pay reasonable compensation for the use of the land or otherwise, and such compensation, if the parties cannot agree, shall be settled by or before a District Court Judge, sitting with 2 Assessors as provided by section 85 hereof:

(g) make, maintain, alter, or discontinue all such works of any kind or description, and erect such buildings and machinery within the district as it thinks proper for the purposes of this Act:

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

(i) enter upon, take, and hold any land within the district for the purposes of this Act:

(j) in the making, widening, deepening, cleansing, or repairing of any drain or ditch, remove the soil thereof, and place it on the bank on either side of such drain or ditch:

(k) fill up or obstruct any drain:

provided that the Board shall first make in lieu thereof a drain or drains equally efficient; and any dispute as to the efficiency of drains so made shall be decided by a District Court Judge sitting with 2 Assessors.

Section 17(f) proviso: amended, on 1 April 1980, pursuant to section 18(1) of the District Courts Amendment Act 1979 (1979 No 125).

Section 17(k) proviso: amended, on 1 April 1980, pursuant to section 18(1) of the District Courts Amendment Act 1979 (1979 No 125).

18 May enter lands, etc, for survey, etc

(1) For the purposes of any inspection, survey, or inquiry directed as necessary under any of the provisions of this Act, the Board, or its surveyors, agents, officers, and workmen, may 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 may dig or bore therein, and may also examine where necessary any weir, sluice, or floodgate erected in or upon any watercourse, and open or raise any floodgate or sluice for the purposes of any such examination, and make any soundings, or bore the bed or channel of any part of any such watercourse, or any mill-course connected therewith, making reasonable compensation for any damage done thereby.

(2) The amount of such compensation shall be ascertained by a District Court Judge sitting with 2 Assessors, and such District Court Judge is hereby authorised and required to inquire into and determine the same, and for that purpose to examine on oath or otherwise all such witnesses as may be produced before him, and to make such order as he deems just for the payment by the Board to the party aggrieved of the amount of such damage.

(3) Pending the decision of the District Court Judge, the Board, its surveyors, agents, engineers, officers, and workmen, may enter upon such lands and watercourses as aforesaid and do all necessary matters and things authorised by this Act.

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

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

19 May enter and take earth, etc

(1) The Board, or any officer appointed by the Board, may from time to time cut, dig, take, and carry away, or cause to be cut, dug, taken, or carried away, any

quantity of earth or materials in, upon, out of, or from any lands within the district.

(2) Reasonable compensation for digging and taking of earth or other materials therefrom for the purposes of this Act shall be made to the owner or occupier of such land for the damage thereby sustained, as agreed on between the Board and the owner or occupier of the land.

(3) If such owner or occupier cannot agree with the Board concerning the amount of such damage, then the same shall be assessed and finally determined by a District Court Judge sitting with 2 Assessors, upon complaint thereof by such owner or occupier.

(4) Notice in writing of such complaint shall be given to the Board by such owner or occupier 14 days before such complaint is made.

Section 19(3): amended, on 1 April 1980, pursuant to section 18(1) of the District Courts Amendment Act 1979 (1979 No 125).

20 Notice to local authority before interfering with road or footpath

Before interfering with any road or footpath the Board shall give 1 month's notice in writing to the local authority having control thereof; and if such local authority objects to the proposed work the matter shall be referred to the Minister of Transport, whose decision shall be final.

Section 20: amended, on 1 April 1988, by section 2 of the Land Drainage Amendment Act 1988 (1988 No 69).

21 Owner of private land may object to construction of works

(1) Before constructing any drain or other work through private land the Board shall give 1 month's notice in writing to the owner of such land of the intention to construct the work, and shall deposit at its office for public inspection plans of the proposed work.

(2) If the owner does not lodge with the Secretary of the Board within the said month a notice of objection to the work, it may be proceeded with; but if an objection is lodged either to the work or to the mode of executing it, then the matter shall be referred to the decision of a duly qualified engineer to be appointed jointly by the Board and the owner, whose decision shall be final.

(3) If the Board and owner cannot agree as to the engineer so to be appointed, the matter shall be referred to the decision of a District Court Judge sitting with 2 Assessors, and the decision of the District Court Judge shall be final.

(4) This section shall not apply—

(a) in respect of the carrying out by the Board of urgent work to meet an emergency; or

(b) where the owner of the land has entered into an agreement in writing with the Board as to the construction of the work, or where the entry on the land is for the purpose of the maintenance or repair of any existing

work on the land and the Board has given to the occupier of the land notice in writing at least 48 hours before entering on the land.

Section 21(2): amended, on 22 October 1952, by section 3(2) of the Land Drainage Amendment Act 1952 (1952 No 47).

Section 21(3): amended, on 1 April 1980, pursuant to section 18(1) of the District Courts Amendment Act 1979 (1979 No 125).

Section 21(4): inserted, on 23 November 1967, by section 3 of the Land Drainage Amendment Act 1967 (1967 No 87).

22 The Board may join with other Boards for execution of works, etc

(1) For the execution of any works either wholly or partially within its district, or outside thereof, the Board may join with the Board of any other district, or if the lands through which the works are to be constructed are not within the jurisdiction of any Board, then with the owner of such lands or with any local authority, and may agree for the apportionment of the cost of such works among the parties thereto in such proportions as are deemed fair and equitable by the said parties, or as any person whom they appoint as referee in the case decides.

(2) Any dispute shall, on the application of either party, be heard and decided, and the cost of the works and their future maintenance between the parties to the dispute apportioned, by a District Court Judge sitting with 2 Assessors.

Section 22(2): amended, on 1 April 1980, pursuant to section 18(1) of the District Courts Amendment Act 1979 (1979 No 125).

23 May make drains from private lands

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

(2) All expenses incurred by the Board in respect of any such drain, or any part thereof, made through the lands of any separate owners shall be apportioned by the Board between such separate owners in proportion to the amount of benefit, if any, derived from the construction of the drain by the land of each such separate owner, and shall be repaid to the Board by such separate owners respectively in the aforesaid proportions, and the same may be sued for and recovered as a debt due to the Board in any Court of competent jurisdiction.

24 May relinquish lands or rescind contracts

(1) Where it seems expedient to the Board, at any time within 6 months after any notice or contract has been given or entered into under this Act, not to take or injure the whole or any part of any land or other matter or thing named

or described in such notice or contract, the Board may serve a further notice upon or cause the same to be left at the usual place of abode of the person who appears by the first-mentioned notice or contract to be interested in such land, matter, or thing, stating that the same or that a part thereof will not be taken for or injured by anything to be done under this Act; and in such case the said first-mentioned notice or contract, or, at the option of the Board, so much thereof as relates to the part not required to be taken or injured as aforesaid, shall be void.

(2) Where a part only of any 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 should be deducted on account of the part not required to be taken or injured, and, if necessary, apportion the residue between the persons entitled thereto, and shall amend such notice or contract accordingly, and such amended notice or contract shall have the same force and effect as any other notice or contract under this Act.

(3) Where the Board serves notice that it is not intended to take or injure the whole or any part of such land, matter, or thing, the persons interested therein 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 expenses; and, in case the amount thereof cannot be agreed upon, the same shall be ascertained and fixed by a District Court Judge sitting with 2 Assessors.

Section 24(3): amended, on 1 April 1980, pursuant to section 18(1) of the District Courts Amendment Act 1979 (1979 No 125).

25 Watercourses not to be allowed to become nuisance

(1) Every Board shall cause all watercourses and drains vested in it or under its management to be so constructed and kept as not to be a nuisance or injurious to health, and to be properly cleared and cleansed, and maintained in proper order.

(2) Subsection (1) of this section shall not prevent a Board from exercising any power conferred on it by section 62 of this Act.

(3) Where, in the case of a drain actually constructed by it, a Board fails to comply with any requirement of subsection (1) of this section, it shall be liable to the owners or occupiers of any land for damage done to that land in consequence of or through that failure.

Section 25: replaced, on 22 December 1980, by section 3(1) of the Land Drainage Amendment Act 1980 (1980 No 118).

26 Interfering with drains, etc

Every person, not being authorised for that purpose by the Board, who, without the consent of the Board, makes any branch drain into any watercourse or drain vested in the Board or under its management, or without such consent stops or obstructs any such last-mentioned watercourse or drain, is liable for every such offence to a fine not exceeding 30 pounds; and the Board may cause such

branch drain to be remade as it thinks fit, and all expenses incurred thereby shall be repaid to the Board by the person making such branch drain, and may be recovered in accordance with Part 3 of the Summary Proceedings Act 1957.

Section 26: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

27 Removal of trees

The Board may at any time give written notice to the occupier or owner of any land to remove any tree or part thereof that in the opinion of the Board is likely, by falling or otherwise, to obstruct or damage any drain vested in the Board or under its management; and, in default of such removal within 28 days of the service of such notice, may cause such tree or part thereof to be removed, and may recover the cost of such removal from such occupier or owner.

28 Board not liable for consequential damage unless arising from neglect

(1) Nothing herein shall render the Board liable for any consequential damages for injury to any land or other property through or by the accidental overflowing of any watercourse, or by the sudden breaking of any bank, dam, sluice, or reservoir made or maintained by the Board under the authority of this Act.

(2) If the owner or occupier of such land or other property gives notice in writing to the Board warning it that such injury is likely to occur, or that any such bank, dam, sluice, or reservoir is weak or deficient, and requiring it to strengthen, amend, or repair the same, and the Board within a reasonable time after the delivery of the said notice fails to take proper and reasonable precautions to prevent such injury, or efficiently to strengthen or repair such bank, dam, sluice, or reservoir, then the amount of the consequential damages sustained through such failure shall be made good out of the rates to be levied by the Board under this Act.

Compensation

29 Claims for compensation for injury or damage

(1) The owners of, and all other persons having any less estate or interest in, any land or water taken or used by the Board for the purposes of this Act, or damaged or injuriously affected by the construction or maintenance of any works by the Board for the purposes of this Act, shall be entitled to compensation in respect thereof from the Board.

(2) All claims for compensation shall be made in writing to the Board within 12 months from the time when such claim arose, and no claim for compensation shall be allowed unless made within that period.

(3) Subject to the foregoing provisions of this Act relating to the assessment of compensation by the District Court Judge sitting with 2 Assessors, the amount of compensation shall, unless the parties agree thereon, be ascertained in the

manner provided by the Public Works Act 1981, and the provisions of that Act shall accordingly apply.

Section 29(3): amended, on 1 February 1982, pursuant to section 248(1) of the Public Works Act 1981 (1981 No 35).

Section 29(3): amended, on 1 April 1980, pursuant to section 18(1) of the District Courts Amendment Act 1979 (1979 No 125).

30 High Court may stay construction of works if compensation not paid

On the application in a summary manner of any person entitled to compensation for injury sustained through the construction of any proposed work, if it appears to the satisfaction of the High Court or any Judge thereof that such compensation has not been paid, or that the Board is unable to pay the same when assessed, the said Court or Judge may issue an injunction to restrain the Board from proceeding with the work until the said compensation is assessed and paid, or security given to the satisfaction of the Court or Judge for its payment within a limited time.

Section 30: amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Rates

31 Board may levy rate

[Repealed]

Section 31: repealed, on 29 June 1988, by section 209(1) of the Rating Powers Act 1988 (1988 No 97).

31A Separate rates for operation of pumping units in portion of district

[Repealed]

Section 31A: repealed, on 29 June 1988, by section 209(1) of the Rating Powers Act 1988 (1988 No 97).

31B Rating on area system

[Repealed]

Section 31B: repealed, on 29 June 1988, by section 209(1) of the Rating Powers Act 1988 (1988 No 97).

32 Exemption from rates

[Repealed]

Section 32: repealed, on 29 June 1988, by section 209(1) of the Rating Powers Act 1988 (1988 No 97).

33 Classification of land for rating purposes

[Repealed]

Section 33: repealed, on 29 June 1988, by section 209(1) of the Rating Powers Act 1988 (1988 No 97).

34 Procedure

[Repealed]

Section 34: repealed, on 29 June 1988, by section 209(1) of the Rating Powers Act 1988 (1988 No 97).

35 Classification list to remain in force till another issued

[Repealed]

Section 35: repealed, on 29 June 1988, by section 209(1) of the Rating Powers Act 1988 (1988 No 97).

36 Invalidity of rate no bar to its recovery

[Repealed]

Section 36: repealed, on 29 June 1988, by section 209(1) of the Rating Powers Act 1988 (1988 No 97).

37 Application of money received

All money levied or received by the Board under the authority of this Act shall be at the sole and absolute disposal of the Board, to be applied in the district in such manner as it sees fit for the purposes of this Part of this Act, and generally in carrying out in the district the administration and purposes of this Part of this Act, and for no other purpose.

Borrowing powers

38 Board may, with consent of ratepayers, raise special loan

[Repealed]

Section 38: repealed, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

39 Ratepayers may vote by attorney

[Repealed]

Section 39: repealed, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

40 Special rate may be levied

[Repealed]

Section 40: repealed, on 29 June 1988, by section 209(1) of the Rating Powers Act 1988 (1988 No 97).

41 In case of extraordinary damage special loan may be raised without consent of ratepayers

[Repealed]

Section 41: repealed, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

42 Board may borrow by overdraft

[Repealed]

Section 42: repealed, on 30 January 1922, by section 10 of the Local Bodies Finance Act 1921-22 (1921 No 36).

Officers

43 Appointment of officers, etc

(1) The Board may from time to time appoint and employ a treasurer, secretary, surveyor, engineers, valuers, collectors, and all such other officers to assist in the execution of this Act as it thinks proper and necessary, and may pay such salaries and allowances to them respectively as it thinks reasonable.

(2) All such officers shall, before acting in the execution of their respective offices, give such security for the due execution thereof as the Board requires.

(3) *[Repealed]*

Section 43(1): amended, on 22 October 1952, by section 3(1) of the Land Drainage Amendment Act 1952 (1952 No 47).

Section 43(3): repealed, on 27 August 1953, by section 103(1) of the Local Election and Polls Act 1953 (1953 No 16).

44 Officer accepting or exacting fees

[Repealed]

Section 44: repealed, on 10 May 1956, by section 6 of the Land Drainage Amendment Act 1956 (1956 No 7).

45 Collectors to pay over money

(1) Every collector appointed or employed by the Board under this Act to collect any rate shall, within 7 days after he has received any money on account of any such rates, pay over the same to the Board, or in such manner as the Board directs.

(2) He shall also render to the Board, within such time and in such manner as it directs, true and faithful accounts in writing under his hand of all money received by him, and of all money paid over by him, under this Act, and also a list of the names of all persons who have failed to pay any rate or money owing to the Board, with a statement of the money due from such persons respectively, and of the several periods and rates for or on account of which the same are due respectively.

(3) If any such officer fails to render such accounts as aforesaid, or to produce and deliver up the vouchers and receipts relating to the same in his possession or power, or to pay the balance owing by him when thereunto required, or if for 5 days after being thereunto required any officer of the Board fails to deliver up to the Board, or to any person appointed by it to receive the same, all papers and writings, property, matters, and things in his possession or power relating to the execution of this Act or belonging to the Board, any 2 Justices may hear

and determine the matter, and may order such officer to render such accounts, or to deliver up such vouchers and receipts as aforesaid, or to pay over the balance owing by him, or to deliver up all such papers, writings, property, matters, and things; and if such officer fails to obey such order he may by such Justices be committed to prison for any period not exceeding 6 months.

(4) No such proceeding against or dealing with any officer as aforesaid shall deprive the Board of any remedy it may otherwise have against such officer or any surety for such officer.

Section 45(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Accounts

46 Books of account 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 under this Part of this Act, and of the several purposes for which such sums of money have been received and paid.

(2) Any ratepayer may at all reasonable times inspect such books and take copies of or extracts from the same free of charge.

(3) Every person having the custody of the said books who does not, on the reasonable demand of any ratepayer, permit him to inspect the same, or to take such copies or extracts therefrom as aforesaid, is liable to a fine not exceeding 5 pounds.

47 Form of accounts to be kept

The accounts of the Board shall be kept under the several heads as follows:

(a) the General Account, which shall be credited with all money received that is not hereby required to be carried to any other account, and shall be debited with all the ordinary expenditure of the Board, and with any advances the Board thinks fit to make to the other accounts:

(b) separate accounts, consisting of works for which money is provided and appropriated to separate purposes, each of which severally shall be credited with the money received, and debited with all payments on account of the work for which such money was provided:

(c) special loan accounts, each of which severally shall be credited with all money raised by loan for a special purpose, and debited with the costs and charges of raising such loan, and with the expenditure on account of such purpose:

(d) interest accounts, in which the account of the interest payable on each loan shall be credited with all money received on account of special rates (if any) or transferred from the general or any separate account to

provide for such interest, and shall be debited with the interest paid on such loan:

(e) sinking fund accounts, in which an account for each separate loan shall be credited with the sums provided for the repayment of such loan, either by way of sinking fund, comprising the interest and profits on the investments of such sinking fund, or by way of periodical drawings and repayments of debentures, and shall be debited with all money invested or paid in repayment of such debentures.

48 Money received to be paid into bank

All money of the Board shall, within 7 days after the same has come into the hands of the proper officer of the Board, be paid into the account of the Board at such bank as the Board from time to time appoints, and no part of such money shall be drawn out of such bank except by cheque or other instrument (not being a promissory note or bill) signed by the Treasurer and countersigned by a member of the Board.

Section 48: amended, on 8 November 1974, by section 3 of the Land Drainage Amendment Act 1974 (1974 No 93).

48A Establishment of renewal and replacement funds

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

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

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

(a) in New Zealand Government securities; or

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

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

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

Section 48A: inserted, on 10 May 1956, by section 7 of the Land Drainage Amendment Act 1956 (1956 No 7).

Section 48A(3)(c): amended, on 1 March 2002, by section 170(1) of the Public Trust Act 2001 (2001 No 100).

49 Accounts and audit

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

(2) Every statement so prepared shall forthwith be signed by the Chairman and Treasurer of the Board, and submitted by the Chairman to the Audit Office for audit.

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

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

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

Section 49: replaced, on 9 December 1976, by section 2 of the Land Drainage Amendment Act 1976 (1976 No 97).

Section 49(5): amended, on 6 June 2026, by section 141 of the Regulatory Systems (Internal Affairs) Amendment Act 2026 (2026 No 26).

49A Unauthorised expenditure

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

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

Section 49A: inserted, on 1 April 1978, by section 140 of the Public Finance Act 1977 (1977 No 65).

Bylaws

50 Board may make bylaws

[Repealed]

Section 50: repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

50A Penalty for breach of bylaws

[Repealed]

Section 50A: repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Miscellaneous

51 Service of notices and legal process

Any notice or legal process may be served on the Board by leaving the same at the office of the Board, or by delivering the same personally to the Chairman or the Secretary of the Board.

Section 51: amended, on 22 October 1952, by section 3(2)(c) of the Land Drainage Amendment Act 1952 (1952 No 47)

52 Authentication of documents by Board

Every order, summons, notice, or other such document requiring authentication by the Board shall be sufficiently authenticated if signed by 2 members or by the Secretary of the Board, without being under the common seal of the Board.

Section 52: amended, on 22 October 1952, by section 3(2)(c) of the Land Drainage Amendment Act 1952 (1952 No 47)

53 Bankruptcy and other proceedings concerning Board

(1) If any person against whom the Board has any claim or demand becomes bankrupt, the Chairman or Secretary of the Board or any other person from time to time appointed by the Board for the purpose may represent the Board in all proceedings against the estate of such bankrupt, and act in its behalf in all respects as if such claim or demand had been the claim or demand of such Chairman or Secretary or other appointed person and not of the Board.

(2) In all proceedings under this Act in the District Court, or before any Justice or Community Magistrate, in which the Board is concerned, the Chairman or the Secretary of the Board or any other person from time to time appointed by the Board for the purpose may represent the Board and act in its behalf in all respects as though he, and not the said Board, had been the party concerned.

(3) The Chairman or Secretary or other appointed person shall be reimbursed all damages, costs, charges, and expenses to which he is put, or with which he may become chargeable, by reason of anything in this section.

Section 53(1): amended, on 22 October 1952, by section 3(2)(c) of the Land Drainage Amendment Act 1952 (1952 No 47)

Section 53(1): amended, on 22 October 1952, by section 5(a) of the Land Drainage Amendment Act 1952 (1952 No 47)

Section 53(1): amended, on 22 October 1952, by section 5(b) of the Land Drainage Amendment Act 1952 (1952 No 47)

Section 53(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 53(2): amended, on 30 June 1998, by section 7 of the District Courts Amendment Act 1998 (1998 No 76).

Section 53(2): amended, on 22 October 1952, by section 3(2)(c) of the Land Drainage Amendment Act 1952 (1952 No 47)

Section 53(2): amended, on 22 October 1952, by section 5(c) of the Land Drainage Amendment Act 1952 (1952 No 47)

Section 53(3): amended, on 22 October 1952, by section 3(2)(c) of the Land Drainage Amendment Act 1952 (1952 No 47)

Section 53(3): amended, on 22 October 1952, by section 5(d) of the Land Drainage Amendment Act 1952 (1952 No 47)

54 No action against Board if tender of sufficient amends is made

[Repealed]

Section 54: repealed, on 1 January 1952, by section 35(2) of the Limitation Act 1950 (1950 No 65).

55 Notice of action

[Repealed]

Section 55: repealed, on 1 January 1952, by section 35(2) of the Limitation Act 1950 (1950 No 65).

56 Defendant may plead general issue

[Repealed]

Section 56: repealed, on 1 January 1952, by section 35(2) of the Limitation Act 1950 (1950 No 65).

57 Action not to delay works

If any action is commenced or prosecuted touching or concerning the right, title, or interest of any owner or proprietor of or in any lands taken or injuriously affected by anything done in pursuance of this Act, or in execution of the powers or authorities herein, such action shall not impede, delay, or hinder the Board from proceeding in the execution of the powers vested in it by this Act.

Part 2
Irrigation works

[Repealed]

Part 2: repealed, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

58 Interpretation

[Repealed]

Section 58: repealed, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

59 Application of Part 1 for construction of water races

[Repealed]

Section 59: repealed, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Part 3
Powers of local authorities

60 Interpretation

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

Local authority means any Harbour Board, Drainage Board, River Board, and any other Board, Commissioners, Trustees, or other persons or body however designated having authority under any Act to undertake the construction of any public work.

Section 60 **Local authority**: amended, on 1 April 1980, by section 8(3) of the Local Government Amendment Act 1979 (1979 No 59).

61 Powers of local authority not within drainage or river district

Every local authority not within a drainage district constituted under Part 1 of this Act, nor within a river district constituted under the River Boards Act 1908, shall have and may, in regard to the cleansing, repairing, or otherwise maintaining of watercourses or drains, exercise the powers exercised by Boards under Part 1 hereof.

62 Local authority may order removal of obstruction from watercourse or drain

(1) Where there is any watercourse or drain within or beyond the district of a local authority, and its obstruction, in the opinion of the local authority, is likely to cause damage to any property in such district, the local authority may order the occupier (or, if there is no occupier, the owner) of any land on the banks of such watercourse or drain within the district or within 1.5 kilometres beyond the boundary of the district to remove from such watercourse or drain, and from the banks of such watercourse or drain to a distance not exceeding 3

metres from the nearest margin of the watercourse or drain, all obstructions of any kind calculated to impede the free flow of water in such watercourse or drain.

(1A) For all the purposes of this section—

(a) **obstructions** includes earth, stone, timber, and material of all kinds, and trees, plants, weeds, and growths of all kinds:

(b) the occupier or owner of land adjoining a road shall be deemed to be the occupier or owner of land on the banks of any watercourse or drain running upon such road where such road fronts the land of such occupier or owner, unless such watercourse or drain has been artificially constructed by the local authority for the purpose only of draining the surface of such road:

(c) **remove**, in relation to any obstruction consisting of trees, plants, weeds, or growths, includes, if the local authority so specifies, burning, poisoning, cutting, or treating, whether with or without the removal of the burnt, poisoned, cut, or treated portions.

(2) Every occupier or owner who fails to commence the work specified in the order within 14 days from the receipt thereof and to continue that work with all reasonable expedition or, where the local authority specifies a time within which the work must be completed, who fails to complete the work within the time specified in the order is liable to a fine not exceeding 1 pound for every day during which such order is not obeyed, and a further sum equal to the cost incurred by the local authority in removing any such obstruction; and the said cost shall be a charge on the land, and may be recovered as rates are recovered under any Act for the time being in force in the district:

provided that any such occupier or owner may appeal to a District Court Judge against such order within 10 days after the service thereof, and such District Court Judge shall have jurisdiction to determine whether such order shall have effect, having regard to all the circumstances of the case, and pending the determination of such appeal the order shall be suspended.

(3) The local authority, for the purpose of removing any obstruction from a watercourse or drain, either within or beyond the limits of the district of its jurisdiction, shall by its servants have the free right of ingress, egress, and regress on any land on the banks of any such watercourse or through which any such drain runs.

Section 62(1): replaced, on 4 December 1913, by section 7 of the Land Drainage Amendment Act 1913 (1913 No 31).

Section 62(1): amended, on 8 November 1974, by section 2(2) of the Land Drainage Amendment Act 1974 (1974 No 93).

Section 62(1A): inserted, on 4 December 1913, by section 7 of the Land Drainage Amendment Act 1913 (1913 No 31).

Section 62(1A)(c): inserted, on 10 May 1956, by section 9(1) of the Land Drainage Amendment Act 1956 (1956 No 7).

Section 62(2): amended, on 10 May 1956, by section 9(1) of the Land Drainage Amendment Act 1956 (1956 No 7).

Section 62(2) proviso: amended, on 1 April 1980, pursuant to section 18(1) of the District Courts Amendment Act 1979 (1979 No 125).

63 Power to compel local authority to order removal of weeds and obstructions

(1) Where any ratepayer within the district of a local authority, by notice in writing, requests the local authority to exercise the powers conferred by the last preceding section by ordering any specified occupier or owner of land to remove from any specified watercourse or drain all weeds and other growth or refuse and obstructions of any kind, and for the space of 28 days after receipt of the notice the local authority fails to comply therewith, then the following provisions shall apply:

(a) the ratepayer may apply to the District Court for an order requiring the council to comply with the notice:

(b) on the hearing of the application the District Court has jurisdiction to determine whether and to what extent the notice should be complied with by the local authority, and the decision of the District Court is final.

(2) Any order made by the local authority pursuant to the District Court's decision is subject to appeal as provided in section 62.

Section 63(1)(a): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 63(1)(a): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 63(1)(b): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 63(2): inserted, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

63A Advances to owners by local authorities

(1) The local authority may make advances to the owner of any land within the district for the purpose of enabling him to do all things necessary to comply with any order of the local authority under section 62 hereof or to cover in or improve any watercourse or drain on the banks of which that land is situated.

(2) Instead of making any such advance to any owner, the local authority may, by agreement with him, itself do such things as aforesaid, and all money expended by the local authority pursuant to that agreement, together with an amount equal to 5 percent of the amounts so expended to cover the cost of supervision by the servants of the local authority, shall be deemed to be an advance for the purposes of this section.

(3) The local authority and the owner may agree that the amount of any advance shall be repayable in one amount at a fixed time with interest at a rate not exceeding 6 percent per annum, or by instalments extending over a number of

years with interest not exceeding that rate. That agreement may contain any incidental provisions and may provide for the earlier payment of instalments, or any of them, on terms to be mentioned in the agreement:

provided that, where the agreement makes no provision as aforesaid for early payment of instalments, the local authority shall accept the whole of the unpaid instalments at any time when the same is tendered, and for the purpose of any such tender interest shall be paid up to and including the day of tender.

(4) That agreement may, where the money is repayable in one amount, contain provisions for securing the repayment thereof; and, where the money is repayable by instalments, each such instalment shall for all purposes be deemed to be a rate, subject to the following conditions:

(a) the owner of the land shall be deemed the person primarily liable for payment:

(b) a separate book shall be kept by the Collector of Rates to the local authority, in which particulars of the instalments (distinguishing capital from interest), and of the works in respect of which they are payable, and of the dates for payment thereof, and of the names of the persons paying the same shall be entered; and that book shall be prima facie evidence of the correctness of its contents.

Section 63A: inserted, on 10 May 1956, by section 10 of the Land Drainage Amendment Act 1956 (1956 No 7).

64 Governor-General may direct drains or drainage works to be under control of local authority

(1) The Governor-General in Council may from time to time, by Proclamation publicly notified,—

(a) direct that any drains or drainage works already constructed or which may hereafter be constructed, and any watercourses, respectively shall, from and after a date to be fixed in such Proclamation, be under the exclusive care, control, and management of such local authority as is mentioned in that behalf in such Proclamation:

(b) vary or alter such care, control and management:

(c) fix and determine whether all or any, and, if so, what part, of the cost of managing, repairing, improving, or reconstructing any such drain, drainage works, or watercourses, and the machinery and appliances used therewith, is to be provided and paid by any local authority or local authorities (if more than 1), and, if so, by what local authority or local authorities (if more than 1):

(d) direct how, when, and to whom any such payment is to be made.

(2) Every payment so directed to be made shall be made as directed by such Proclamation, and unless so made may be recovered in any Court of competent

jurisdiction at the suit of the Minister as a debt due to Her Majesty, or of the local authority, as the case may be, to whom such payment ought to be made.

(3) In fixing and apportioning the cost of managing, maintaining, repairing, improving, or reconstructing any such drain, drainage works, or watercourses, and the machinery and appliances used therewith, the Governor-General shall take into account the net revenue (if any) derived from or incident to the use of such drain, drainage works, or watercourses by the local authority having the care, control, management, or maintenance thereof.

65 Governor-General may fix amount to be paid by local authority towards cost of works

[Repealed]

Section 65: repealed, on 6 June 2026, by section 142 of the Regulatory Systems (Internal Affairs) Amendment Act 2026 (2026 No 26).

66 County Council to keep certain water-courses clear

[Repealed]

Section 66: repealed, on 1 April 1980, by section 9(1) of the Local Government Amendment Act 1979 (1979 No 59).

Part 4
Powers of private owners

67 Application to adjoining owner

(1) Any person having any interest in land who desires to prevent the overflow of water thereon, or to drain the same, and in order thereto deems it necessary that new drains should be opened through or between lands belonging to another owner or owners, or that existing drains in or between lands belonging to another owner or owners should be cleansed, widened, deepened, straightened, or otherwise improved, may apply in writing under his hand to such owner or owners (hereinafter included in the expression **adjoining owner**) for leave to make such drains or improvements in drains through, on, or between the lands of the adjoining owner.

(2) Such application shall be served on the adjoining owner, and also on the occupier if the owner is not the occupier, or, if there is no occupier and the owner is absent from New Zealand, on the owner's agent in New Zealand, or, if there is no such agent, or the owner is unknown, shall be posted on some conspicuous place on the land to be affected by such application.

(3) The application shall state the nature of the drains or improvements in drains proposed to be made, and shall be accompanied by reference to a plan deposited at some public office in the district, on which the length, width, and depth of the proposed drains or improvements in drains shall be delineated, and shall further state the compensation (if any) which the applicant proposes to pay and

the value of any benefit which in the opinion of the applicant will accrue to the land of the adjoining owner by reason of the proposed works.

Section 67(3): amended, on 23 August 1922, by section 17 of the Land Drainage Amendment Act 1922 (1922 No 5).

68 Assent of adjoining owner

The adjoining owner may by deed assent to such application with such modifications or alterations (if any) as may be mutually agreed to between the applicant and the adjoining owner and upon such terms and on payment of such compensation as he requires; and any assent so given shall, subject to the provisions of the next succeeding section, be binding on all parties having any estate or interest in the land.

Section 68: amended, on 23 August 1922, by section 18 of the Land Drainage Amendment Act 1922 (1922 No 5).

69 Where adjoining owner under disability

Any arrangement entered into by or on behalf of any adjoining owner under any disability or incapacity, or not having power to assent to such application except under the provisions of this Act, shall not be valid unless the same is approved by 2 surveyors, 1 of whom is to be nominated by the applicant and the other by or on behalf of the adjoining owner; and if the surveyors approve of the arrangement, they shall annex to the document containing the same a declaration to that effect subscribed by them.

70 Compensation to other persons interested

Any person interested other than the adjoining owner shall be entitled to compensation for any injury he may sustain by the making of the proposed drains or improvements in drains, if the claim therefor is made within 12 months after completion of such drains or improvements in drains, the amount of such compensation to be determined, in case of dispute, in the manner in which disputed compensation for land is required to be determined by the Public Works Act 1981.

Section 70: amended, on 1 February 1982, pursuant to section 248(1) of the Public Works Act 1981 (1981 No 35).

71 Deed of assent to be filed with Registrar-General of Land

The applicant shall deposit in the office of the Registrar of Deeds or Registrar-General of Land the deed containing the assent of the adjoining owner to the proposed drains or improvements in drains, and the Registrar, on receipt of the deposit fees (if any), shall file the same in his office as a record of the proceedings between the parties.

Section 71 heading: replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 71: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

72 Dissent of adjoining owner

(1) The adjoining owner shall be deemed to have dissented from the application made to him if he fails to express his assent thereto within one month after the service of the application on him.

(2) In the event of such dissent the District Court Judge, sitting with 2 Assessors, shall (unless the adjoining owner has, within such period of 1 month, required the same to be decided by arbitration) decide whether or not the proposed drains or improvements in drains will—

(a) cause any injury to the adjoining owner or to the occupier or other person interested in the lands; or

(b) benefit any such person.

Section 72(2): amended, on 1 April 1980, pursuant to section 18(1) of the District Courts Amendment Act 1979 (1979 No 125).

73 Result of decision of District Court Judge

(1) If the decision is that no injury will be caused to the adjoining owner, occupier, or other parties interested in the lands, the applicant may proceed forthwith to make the proposed drains or improvements in drains.

(2) If the decision is that injury will be caused to the adjoining owner, occupier, or other parties interested in the lands, the District Court Judge, sitting with 2 Assessors, shall assess such compensation and apportion the same between the parties in his judgment entitled thereto; and, on payment of the sum so assessed, the applicant may proceed to make the proposed drains or improvements in drains.

(3) If the decision is that benefit will accrue to the adjoining owner, occupier, or other parties interested in the lands, the District Court Judge, sitting as aforesaid, shall assess such benefit, and the amount so assessed shall be recoverable from the parties benefited in such proportions as the District Court Judge determines, or, as the case may be, shall be deducted from the amount of compensation payable under the last preceding subsection.

Section 73 heading: amended, on 1 April 1980, pursuant to section 18(1) of the District Courts Amendment Act 1979 (1979 No 125).

Section 73(2): amended, on 1 April 1980, pursuant to section 18(1) of the District Courts Amendment Act 1979 (1979 No 125).

Section 73(3): amended, on 1 April 1980, pursuant to section 18(1) of the District Courts Amendment Act 1979 (1979 No 125).

74 Application of compensation in case of owners under disability

Where any compensation assessed under section 70 hereof or under the last preceding section is payable to any person under disability or incapacity, or not entitled to receive the same for his own benefit, such compensation shall be applied in the manner in which compensation awarded to parties having limited

interests, or prevented from treating and not making title, may be applied under the Public Works Act 1981.

Section 74: amended, on 1 February 1982, pursuant to section 248(1) of the Public Works Act 1981 (1981 No 35).

75 Duty of District Court Judge, etc

The District Court Judge, sitting as aforesaid, in the event of his approving of a scheme of drainage as proposed by the applicant or as modified by the District Court Judge, shall cause a map thereof to be prepared, and it shall be the duty of the applicant to forward the same to the Registrar of Deeds or Registrar-General of Land, and such Registrar shall, upon payment of a fee of 10 shillings, file the same in his office as a record of the proceedings between the parties.

Section 75: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 75: amended, on 1 April 1980, pursuant to section 18(1) of the District Courts Amendment Act 1979 (1979 No 125).

76 Power of applicant to clear drains

(1) After drains have been opened or improvements in drains made under this Part of this Act, it shall be lawful for the applicant, and his successors in title for ever thereafter, from time to time, as it becomes necessary, to enter upon the lands through which such drains have been opened or improvements in drains made, for the purpose of clearing out, scouring, and otherwise maintaining the same in a due state of efficiency.

(2) If such drains or improvements in drains are not kept so cleared, scoured, or maintained in a due state of efficiency, the owners or occupiers for the time being of the lands through, on, or between which such drains or improvements in drains are made may, after giving 7 clear days' notice of their intention so to do, clear out, scour, and otherwise maintain the same in a due state of efficiency, and recover in a summary manner from the applicant, or his successors in title, a fair and equitable proportion of the expenses incurred by them in so doing.

77 Power of adjoining owner to divert drains

The owners for the time being of the lands through, on, or between which any drain may be opened or improvements in drains made under this Part of this Act may fill up, divert, or otherwise deal with such drains or improvements in drains, on condition of first making and laying down in lieu thereof drains equally efficient; and any dispute as to the efficiency of drains so laid down shall be decided by a District Court Judge sitting with 2 Assessors.

Section 77: amended, on 1 April 1980, pursuant to section 18(1) of the District Courts Amendment Act 1979 (1979 No 125).

78 Obstructing or injuring drains

Every person who wilfully obstructs any person making any drain or improvements in drains under this Part of this Act, or who wilfully dams up, obstructs, or in any way injures any drains or improvements in drains so opened or made, is liable for each offence to a fine not exceeding 50 pounds.

79 Costs of application

All costs, charges, or expenses reasonably incurred by the adjoining owner in respect of any application made under this Part of this Act shall be borne by the applicant.

80 Provision in case of diversion of outfall

(1) Where any person is desirous of constructing under this Part of this Act any drain by means whereof any natural watercourse will be diverted from its ordinary channel into any other natural watercourse, he shall cause a copy of the notice hereby required to be served on the adjoining owner or occupier to be publicly notified every week for 3 consecutive weeks, and to be served on all owners or occupiers of land abutting upon the natural watercourse into which the diversion is to be made, and situate within 6.5 kilometres of the point of junction.

(2) Any person being the owner or occupier of land that might be injured by the proposed drain may, within 8 weeks after the first notice of the proposed drain is publicly notified, serve notice that he apprehends injury from such drain on the person proposing to make the same, and thereupon such owner or occupier shall be deemed to have dissented, and shall be entitled to the same rights and privileges under this Act as if he were the adjoining owner.

Section 80(1): amended, on 6 June 2026, by section 143(1) of the Regulatory Systems (Internal Affairs) Amendment Act 2026 (2026 No 26).

Section 80(1): amended, on 8 November 1974, by section 2(3) of the Land Drainage Amendment Act 1974 (1974 No 93).

Section 80(2): amended, on 6 June 2026, by section 143(2) of the Regulatory Systems (Internal Affairs) Amendment Act 2026 (2026 No 26).

Part 5
Miscellaneous

81 Judge not deemed to be interested merely because a ratepayer

No Judge, District Court Judge, Justice, or Community Magistrate shall be deemed to be interested in any case under this Act in which he is judicially concerned merely on the ground that he is liable to be rated within any district under any of the provisions of this Act, or is a resident or is an owner or occupier of land within the district.

Section 81: amended, on 30 June 1998, by section 7 of the District Courts Amendment Act 1998 (1998 No 76).

Section 81: amended, on 1 April 1980, pursuant to section 18(1) of the District Courts Amendment Act 1979 (1979 No 125).

82 Malicious destruction of property

Every person who wilfully and maliciously cuts, breaks down, destroys, or damages any bank, drain, sewer, dam, mill, engine, building, sluice, or any of the works erected or made for the purposes of this Act, commits an offence and is liable on conviction to imprisonment for any term not exceeding 3 years, or to a fine not exceeding 500 pounds.

Section 82: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

83 Obstruction

Every person who at any time obstructs the Board, or any person appointed by it, in the performance of anything that the Board or such person is empowered or required by this Act to do is liable to a fine not exceeding 50 pounds.

84 Fines recoverable summarily

Except as hereinbefore provided, every offence hereby made punishable by fine shall be prosecuted before 2 Justices and 1 or more Community Magistrates in accordance with the Criminal Procedure Act 2011, and all fines are to be recovered in accordance with Part 3 of the Summary Proceedings Act 1957.

Section 84: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 84: amended, on 1 April 1958, pursuant to section 214(1) of the Summary Proceedings Act 1957 (1957 No 87).

85 Rules as to Assessors

In every case where by this Act it is provided that a matter shall be dealt with by a District Court Judge sitting with 2 Assessors, the following provisions shall apply:

(a) the Assessors shall be appointed by the parties to the dispute, each of whom shall appoint 1 Assessor:

(b) if either of the parties has failed to appoint an Assessor on his behalf at the time when any case comes on for hearing before the District Court Judge, the District Court Judge may appoint an Assessor on behalf of the party so in default:

(c) if neither of the parties has appointed an Assessor, then the District Court Judge alone shall decide the matter in dispute:

(d) if Assessors are appointed, the concurrence of at least 1 of them shall be necessary to any order or decision of the District Court Judge.

Section 85: amended, on 1 April 1980, pursuant to section 18(1) of the District Courts Amendment Act 1979 (1979 No 125).

Section 85(b): amended, on 1 April 1980, pursuant to section 18(1) of the District Courts Amendment Act 1979 (1979 No 125).

Section 85(c): amended, on 1 April 1980, pursuant to section 18(1) of the District Courts Amendment Act 1979 (1979 No 125).

Section 85(d): amended, on 1 April 1980, pursuant to section 18(1) of the District Courts Amendment Act 1979 (1979 No 125).

86 Remuneration of Assessors

The remuneration of Assessors appointed under this Act shall be paid by such party as the District Court Judge directs.

Section 86: amended, on 1 April 1980, pursuant to section 18(1) of the District Courts Amendment Act 1979 (1979 No 125).

87 Financial arrangements on abolition of district or alteration of boundaries

[Repealed]

Section 87: repealed, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

88 Government works not to be interfered with

Nothing in this Act shall—

(a) authorise the Board of any district to interfere with any public work carried on or executed by or under the control of the Crown, except with the written consent of the Minister who has control of that public work; or

(b) prejudice or affect any power or authority vested in Her Majesty, or in the Governor-General, or in any other person on behalf of Her Majesty or the Governor-General, under any Act authorising the erection, construction, or maintenance of any such public works.

Section 88(b): replaced, on 1 April 1988, by section 3 of the Land Drainage Amendment Act 1988 (1988 No 69).

89 Application of Act to Maori lands

(1) Where any Maori land is required to be taken for the purposes of this Act, it shall be taken by the Governor-General under Part 2 of the Public Works Act 1981.

(2) Maori lands rateable under any Act for the time being in force relating to rating shall be rateable for the purposes of this Act.

(3) Subject to the provisions of this section, this Act applies to all Maori lands.

Section 89(1): amended, on 1 February 1982, pursuant to section 248(1) of the Public Works Act 1981 (1981 No 35).

Section 89(1): amended, on 27 November 1947, pursuant to section 2(2) of the Maori Purposes Act 1947 (1947 No 59).

Section 89(2): amended, on 27 November 1947, pursuant to section 2(2) of the Maori Purposes Act 1947 (1947 No 59).

Section 89(3): amended, on 27 November 1947, pursuant to section 2(2) of the Maori Purposes Act 1947 (1947 No 59).

Schedule
Enactments consolidated

Section 1(2)

1894, No 54—The Land Drainage Amendment Act 1894.

1898, No 30—The Land Drainage Amendment Act 1898.

1904, No 13—The Land Drainage Act 1904.

Consolidation notes

1 General

This is a consolidation of the Land Drainage Act 1908 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 About this consolidation

This consolidation is not an official version of the legislation under section 78 of the Legislation Act 2019.

3 Amendments incorporated in this consolidation

Planning Act 2026 (2026 No 70): section 343(1), (5)

Regulatory Systems (Internal Affairs) Amendment Act 2026 (2026 No 26): sections 139–143

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

Land Transfer Act 2017 (2017 No 30): section 250

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

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

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