

New Zealand.



ANALYSIS.

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1882, No. 3.—*Private.*

AN ACT to empower the Ashburton County Council to make By-laws for the Protection and Administration of certain Waterworks in the County of Ashburton. Title.

[13th September, 1882.]

WHEREAS the Ashburton County Council has, by virtue of the powers vested in it in that behalf, constructed a system of waterworks within the County of Ashburton for the purpose of supplying the rate-payers and residents of the said county with water for domestic, agricultural, and pastoral purposes, and the said Council may hereafter extend the said system: And whereas it is expedient to confer upon the said Council power to make by-laws for protecting the said waterworks against trespassers, and securing the proper administration thereof: Preamble.

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

1. The Short Title of this Act is “The Ashburton County Council Empowering Act, 1882.” Short Title.

2. In this Act and any by-laws made thereunder, if not inconsistent with the context,— Interpretation.

“Council” means the County Council of the County of Ashburton:

“Waterworks” means and includes all the races, aqueducts, culverts, and drains (whether opened or covered), sluices, reservoirs, dams, streams, wells, tanks, pipes, bridges, machinery, plant, buildings, and works, whether of the same kind or not which are now or may hereafter be made, erected, or in any way belong to or be used in connection with the

conveyance and supply of water by the Council for the use of the ratepayers and residents of the County of Ashburton, whether the said works be constructed and maintained wholly or in part by the Council or by corporations, companies, or private individuals with the consent and under the authority of the Council.

Penalty for diversion of water without consent of Council.

**3.** The Council may from time to time make, alter, and repeal by-laws for preventing the diversion of the water from waterworks without the consent of the Council, and may fix a penalty of not exceeding twenty pounds for every day during which such diversion shall be suffered to continue, the amount of such penalty to be in the discretion of the Court inflicting the same.

Council may make by-laws.

**4.** The Council may also from time to time make, alter, and repeal by-laws on the following subjects:—

- (a.) To prevent the obstruction of waterworks :
- (b.) To prevent the the pollution of water in waterworks :
- (c.) To prevent the riding and driving of animals, the driving of vehicles, and the conveying of machinery and other material across water-races, except at the appointed crossings :
- (d.) To punish the owners of animals for permitting the same to trespass upon waterworks :
- (e.) To punish persons for interfering with dams, reservoirs, headworks, and buildings connected with waterworks without the consent of the Council :
- (f.) To prevent bathing in reservoirs and other part of waterworks :
- (g.) To protect rangers and other persons employed by the Council in connection with waterworks in the discharge of their duties, and for this purpose to empower all such persons to enter upon private lands :
- (h.) To prevent the widening and deepening of water-races, or the alteration of the course thereof, without the consent of the Council :
- (i.) To prevent trespasses upon water-races on roads :
- (j.) To regulate the use and supply of water from waterworks, and fixing the rates and charges to be paid for water supplied. All such rates and charges may be recovered by the Council as a debt due to it in any Court of competent jurisdiction :
- (k.) Generally, to prevent trespasses, nuisances, and obstructions to waterworks, and to make all such provision as to the Council may seem necessary or expedient for the protection and proper management of waterworks.

Penalty for breach of by-laws.

**5.** Any and every of such by-laws may provide a penalty for every breach thereof of an amount which shall be in the discretion of the Court inflicting the same, and shall in no case exceed fifty pounds.

Council may recover damages.

**6.** In addition to the penalty, the Council may, on every breach of any by-law made under the provisions of this Act, recover from the offender the amount of the damage sustained by reason of his interference with waterworks. Such damage shall be recoverable in any Court of competent jurisdiction, and, in the case of diversion of water

from waterworks, shall include the value of the water so drawn off by the person offending, computed according to the scale of rates and charges to be fixed as hereinbefore mentioned.

7. All by-laws made under the provisions of this Act shall be made, altered, and repealed in the manner in which by-laws are directed to be made, altered, and repealed by County Councils by "The Counties Act, 1876." Any by-law may be made to apply to the whole of the system of waterworks under the control of the Council or any part thereof specified in such by-law. A copy of any by-law or by-laws sealed with the common seal of the Council shall be received as evidence of such by-law or by-laws having been duly made as provided by this Act, unless the contrary be proved.

Mode in which by-laws to be made, altered, and repealed.

8. All penalties which shall be incurred under the provisions of any by-law made hereunder may be recovered in a summary way before any two or more Justices of the Peace in the manner provided by "The Justices of the Peace Act, 1882."

Recovery of penalties under by-laws.

9. Nothing in this Act contained or in any by-law made hereunder shall be deemed to relieve any person from any penalty, punishment, or action to which he would otherwise be liable in respect of anything done by him in breach of any such by-law.

Other penalties not remitted.