

Reprint
as at 1 July 2013

Ashburton County Council
Empowering Act 1882

Private Act 1882 No 3
Date of assent 13 September 1882

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

An Act to empower the Ashburton County Council to make bylaws for the protection and administration of certain water-works in the County of Ashburton.

Preamble

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 ratepayers 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:

1 Short Title

The Short Title of this Act is the Ashburton County Council Empowering Act 1882.

2 Interpretation

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

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.

3 Penalty for diversion of water without consent of Council

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 \$40 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.

The reference to “forty dollars” was substituted, as from 10 July 1967, for a reference to “twenty pounds” pursuant to section 7(1) of the Decimal Currency Act 1964 (1964 No 27).

4 Council may make by-laws

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 in, through, or 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 machinery, or any appliances 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 the purpose of enabling them to discharge such duties, to empower all such Rangers and other persons to enter upon private lands, either with or without horses, vehicles, machinery, material, and appliances for the construction, cleansing, repair, or maintenance of waterworks:
- (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 over, or under 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:
- (l) to provide for the cleansing, repair, or maintenance of any water-race, or for the construction, repair, and maintenance of field crossings over any water-race, by the owner or occupier of the land on which such race is situate, or, if the race is situate upon any road or reserve, by the owner or occupier of the land on which such race is situate, or, if the race is situate upon any road or reserve, by the owner or occupier of land adjacent to such road or reserve. Also, to provide for the apportionment by the Council between the owners and occupiers of adjoining lands of the work of cleansing, repairing, and maintaining water-races situated upon the common boundaries of such lands, and of constructing, repairing, and maintaining field crossings over such races. Any by-laws made under this subsection may empower the Council, in case any owner or occupier of land thereby made liable to cleanse, repair, or maintain any water-race or any part thereof, or to construct, repair, or maintain any field crossings, shall make default in cleansing, repairing, or maintaining such water-race, or part thereof, or in constructing, repairing, or maintaining any such field crossings, to do the work, and recover the cost thereof from such owner or occupier as a debt due to the Corporation of the County of Ashburton from such owner or occupier in any Court of competent jurisdiction:
provided always that such recovery by the Council shall not release such owner or occupier from any penalty