

**Version
as at 28 October 2021**

Ashley River Improvement Act 1925

Public Act 1925 No 41
Date of assent 1 October 1925

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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 Department of Internal Affairs.

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An Act to make Better Provision for the Improvement of the Waterway of the Ashley River, and the Protection of certain Land in Canterbury.

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

1 Short Title and commencement

- (1) This Act may be cited as the Ashley River Improvement Act 1925, and shall come into force on a date to be fixed in that behalf by the Governor-General by Order in Council.
- (2) 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 <i>Gazette</i>	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 1(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

2 Ashley River Trust District constituted

- (1) The area described in Schedule 1 to the Ashley River Improvement Amendment Act 1927 is hereby constituted and declared to be a special river district to be called the Ashley River Trust District (hereinafter referred to as the district).
- (2) *[Repealed]*
- (3) All lands within the area described in Schedule 1 to the Ashley River Improvement Amendment Act 1927 which at the commencement of this Act form part of the Waimakariri River Trust District shall thereupon cease to form part of that district, and the Governor-General shall, by notice in the *Gazette*, define the boundaries of that district as so altered.

Subsections (1) and (3) were amended, as from 30 November 1927, by section 2(1) Ashley River Improvement Amendment Act 1927 (1927 No 59) by substituting the reference “to the Ashley River Improvement Amendment Act 1927” for the reference to “hereto”.

Subsection (2) was repealed, as from 30 November 1927, by section 3(1) Ashley River Improvement Amendment Act 1927 (1927 No 59).

3 Ashley River Trust constituted

- (1) There shall be constituted for the district a trust under the name of the Ashley River Trust (hereinafter referred to as the Trust), which shall consist of eight Commissioners, of whom—
 - (a) Three shall be elected by the ratepayers of the Rangiora County Subdivision:
 - (b) Two shall be elected by the ratepayers of the Rangiora Borough Subdivision:
 - (c) Two shall be elected by the ratepayers of the Kowai-Ashley Subdivision:
 - (d) *[Repealed]*
 - (e) One shall from time to time be appointed by the Minister of Public Works.
- (2) The said Minister may from time to time revoke the appointment of the member appointed by him as aforesaid, and thereupon such Commissioner shall cease to be a member of the Trust. The Commissioner appointed by the Minister shall be the Chairman of the Trust.

Paragraphs (a), (b), (c) were substituted, and paragraph (d) was repealed, as from 30 November 1927, by section 4(1) Ashley River Improvement Amendment Act 1927 (1927 No 59).

4 Trust incorporated

The Trust shall be a body corporate under the name of the Ashley River Trust, with perpetual succession and a common seal, and shall be capable of holding real and personal property, and of doing and suffering all that bodies corporate may do and suffer.

5 Election of Commissioners

The first elective Commissioners of the Trust shall come into office on the day of their election.

6 First election

- (1) The Governor-General shall appoint a day for the first election of the elective Commissioners, and shall appoint a Returning Officer, and make such other appointments as may be necessary and generally do all things necessary in or towards the carrying-out of such election.
- (2) For the purposes of the first election of Commissioners every person who immediately before the commencement of this Act was entitled to vote, by virtue of his being a ratepayer, at an election for any riding of a county, or for any road district, town district, or borough, or for any part thereof respectively which is included in the district, shall be entitled to be enrolled as a ratepayer.
- (3) Such person as the Governor-General appoints for the purpose shall make a roll of ratepayers for the district by placing thereon the names of all persons entitled to be enrolled as aforesaid, and in such roll shall assign to each ratepayer the number of votes he would be entitled to exercise if he were a ratepayer voting at an election under the River Boards Act 1908; and in any case where a property lies partly within and partly outside the district may apply to the Valuer-General to be furnished with an assessment of such first-mentioned part of such property to enable him to complete the roll.
- (4) The first meeting of the Trust shall be held at such place and at such time as the Governor-General may, by notice in the *Gazette*, appoint in that behalf.

7 Application of certain provisions of River Boards Act and Land Drainage Act

The enactments specified in Schedule 3 hereto as from time to time in force, together with all enactments hereafter passed in amendment thereof or in substitution therefor and from time to time in force shall be deemed to be incorporated with and to form part of this Act, and for the purposes of this Act references in any of the said enactments to a Board, or to any member or members of a Board, shall be construed as references to the Trust and to a Commissioner or to Commissioners, as the case may require.

Section 7 was amended, as from 1 April 1938, by inserting the words “as from time to time in force, together with all enactments hereafter passed in amendment therefor in substitution therefor and from time to time in force” by section 4(1) Ashley River Improvement Amendment Act 1938 (1938 No 18(L)).

8 Trust may make and levy an administrative rate

Notwithstanding anything to the contrary in this or any other Act, the Trust may, in addition to exercising any other rating-power conferred on it, make and levy on a uniform scale a rate, to be called an administrative rate, over all rate-

able property in the district to provide for the payment of the general expenses of administration of this Act and of the cost of making surveys:

Provided that until the lands within the district are classified in accordance with the provisions of section nine of the River Boards Amendment Act 1913, as applied by this Act, such rate may be made and levied over all such lands.

9 Classification and rating by the Trust in the case of certain lands

In any case where the Trust proposes to carry out works, and for that purpose to raise a special loan on the security of a special rate over a special-rating area, the Trust, in classifying the lands in such area for the purpose of such special rate, may—

- (a) Take into account the extent to which it will be relieved from incurring expenditure in connection with the proposed works by the existence of works which were constructed by any local authority or other public body and in respect of which a special rate is being levied on any such lands; and
- (b) So classify such lands that to the extent the Trust deems equitable they will bear a smaller proportion of the special rate than they would be called upon to bear if they had been classified strictly in accordance with the provisions of section nine of the River Boards Amendment Act 1913, as applied by this Act.

10 Powers of Trust

- (1) The Trust shall have full power to do all such things as may, in its opinion, be necessary to effectively cope with the drainage and the flooding of the district.
- (2) In particular, and without restricting the general powers hereby conferred, the Trust may—
 - (a) Enter upon any land within the district, divert any drain, stream, or river, and close up any outlet or inlet from or to the same, without payment of any compensation for loss of riparian or other water rights:
 - (b) Divert, raise, lower, or alter roads, bridges, and culverts where in the opinion of the Trust they interfere with the proper discharge of floodwaters.

11 Trust to approve proposed works

All proposals by any person or body for any drain or drains to empty into any river in the district or into any drain or drains under the control of the Trust, and all plans for locks, tide-gates, bridges, ferries, or wharves within the district, shall be submitted to and approved by the Trust before being carried into effect. No planting or cutting of willows on the banks of the Ashley River shall be done except by or by direction of the Trust.