

PART III.

A.D. 1933.

PRIVATE ROADS.

11. From and after their conveyance to the Council the following provisions shall apply and have effect with respect to the scheduled roads that is to say :—

Provisions  
with  
respect to  
scheduled  
roads.

- 10 (1) The owner and the occupier of any premises  
fronting or abutting on any of the said roads  
or of any of the scheduled premises and any  
other person with his permission shall for the  
purpose of going to or departing from such  
premises have the right of using with or  
without vehicles such of the said roads as  
15 as aforesaid the said roads shall remain  
private roads and no person except with the  
consent of the Council shall have any right  
of way or passage thereon or thereover :  
Provided that this subsection shall not affect  
20 any public rights of way for pedestrians on  
or over Warren Road or George Road which  
may exist at the date of the passing of this Act ;
- 25 (2) The Council may maintain repair cleanse and  
scavenge the said roads in such manner and to  
such extent and erect and maintain gates  
stiles or posts thereon in such positions as  
they may from time to time determine and the  
total cost thereby incurred by the Council in  
any financial year together with such an  
30 amount not exceeding one tenth part of such  
cost as the Council may from time to time  
determine to be necessary for the purpose of  
forming a reserve fund shall be apportioned  
by the Council as to such part thereof and in  
35 such proportions as the Council may from time  
to time consider reasonable on the scheduled  
premises and as to the remainder on the  
premises fronting or abutting on any of the  
said roads in proportion to the frontage of  
40 the respective premises ;
- 45 (3) Any sum apportioned on any premises shall  
be payable in the case of premises owned by  
the Council out of the general rate fund and  
in the case of any other premises by the  
owner for the time being of such premises to  
the Council on demand and in default of

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- payment may be recovered by the Council summarily as a civil debt ;
- (4) The Council shall prepare annually an estimate of the cost to be incurred by the Council in the ensuing financial year under subsection (2) of this section and shall deposit such estimate prior to the twenty-eighth day of February at the offices of the Council for inspection by the owners referred to in subsection (1) of this section. The Council shall cause an advertisement of such deposit to be published on or before the said date in a newspaper circulating within the district and shall take into consideration any representation with respect to such estimate made by any such owner prior to the thirty-first day of March ;
- (5) If the owner or occupier of any premises fronting or abutting on any of the said roads or of any of the scheduled premises causes or suffers or permits to be caused to any of the said roads any damage by reason of excessive or unreasonable user of the same such owner or occupier shall pay to the Council on demand the cost incurred by the Council in repairing such damage and such cost in default of payment may be recovered by the Council summarily as a civil debt ;
- (6) If any new road is made which communicates with one or more of the scheduled roads the premises fronting or abutting on such new road shall for the purposes of this section be deemed to be scheduled premises ;
- (7) Any obligation of the owner of any premises fronting or abutting on any of the said roads or of any of the scheduled premises to contribute towards the cost of the maintenance or repair of any of the said roads arising under any agreement or covenant entered into or made before the conveyance of the scheduled roads to the Council shall cease.

Applica-  
tion of  
Private  
Street  
Works  
Act 1892  
to  
scheduled  
roads.

**12.** The scheduled roads shall for the purposes of the Private Street Works Act 1892 and any Act amending or modifying the same for the time being in force be deemed to be streets not being highways repairable by the inhabitants at large and the Council may at any time put into force as respects any of the