

Where land sold,
road to give access
to be dedicated to
public use.

1903, No. 93, sec. 2
1904, No. 46, secs.
5, 14

116. (1.) Where the owner of any land sells any part thereof he shall (unless such part has a frontage to an existing road, street, or private street) provide and dedicate as a public road or street, a strip of land of not less than sixty-six feet in width, giving access to such part from some existing road, street, or private street :

Provided that this section shall, so far as it relates to land within a borough, be read subject to the provisions of section two hundred and thirty-six of "The Municipal Corporations Act, 1900," and shall not extend or apply to the sale of land to the owner of any adjoining land, or to any case where the local authority is satisfied that the land sold is not intended to be used for the erection of a dwellinghouse, and resolves that this section shall not apply.

(2.) The owner shall form the road or street so dedicated to the satisfaction of the local authority, and shall, where the road or street is in a borough or town district, or is within the County of Selwyn, if so required by the local authority, metal the road or street, or any required portion thereof, to the satisfaction of the local authority, and shall also construct in connection therewith such drains and footpaths as may be agreed upon between the owner and the local authority.

(3.) The dedication shall be by instrument in writing under the hand of the owner, and registered by him in the office of the District Land Registrar or, as the case may require, of the Registrar of Deeds.

(4.) The Registrar shall refuse to register any instrument affecting the land unless and until he is satisfied that the owner has complied with the requirements of this section :

(5.) The road or street so dedicated shall be deemed to be vested in and under the control of the Borough Council where the road or street is within a borough, and in all other cases shall be deemed to be vested in His Majesty, and shall be under the control of the local authority.

(6.) For the purposes of this section—

"Owner" means the owner in fee-simple, whether beneficially or as trustee, and includes a mortgagee acting in exercise of power of sale, the Public Trustee, and any local authority, Board, or other body or authority, howsoever designated, constituted, or appointed, having power to dispose of land by way of sale or lease :

"Sale" includes gift, exchange, or other disposition affecting the fee-simple, and lease for any term (including renewals under the lease) of not less than fourteen years.

(7.) The foregoing provisions of this section shall not be deemed to prevent the registration of any transfer or conveyance of any allotment or subdivision of land abutting on any road or street of not less than forty feet in width shown on any plan of subdivision deposited in any Land Registry Office or Deeds Register Office before the twentieth day of October, one thousand nine hundred, being the date of the passing of "The Public Works Acts Amendment Act, 1900."

117. (1.) Where land having a frontage to an existing road or street of a less width than sixty-six feet is subdivided into allotments for the purpose of sale, the owner shall set back the frontage of the land to a distance of at least thirty-three feet from the centre line of the road or street, and shall dedicate as a public road or street the strip of land between the frontage-line so set back and the frontage-

Where land fronts
road or street of
less width than
66 ft., frontage to be
set back.

1903, No. 93, sec. 3
1904, No. 46, sec. 5