

FENCES ORDINANCE 1974

211

No. 25 of 1974

An Ordinance to amend the *Fences Ordinance 1972* as amended

[Assented to 19 August 1974]

BE it ordained by the Legislative Council for the Northern Territory of Australia as follows:

1. This Ordinance may be cited as the *Fences Ordinance* 1974. Short
title
2. The *Fences Ordinance 1972* as amended is in this Ordinance referred to as the Principal Ordinance. Principal
Ordinance
3. Section 4 of the Principal Ordinance is amended by omitting all words after "*Stock Routes and Travelling Stock Ordinance*". Saving of
related
Ordinances
4. Section 8(1)(b) of the Principal Ordinance is amended by omitting the words "in that event". Orders to
fence
5. Section 13 of the Principal Ordinance is repealed and the following section substituted:
"13. Where—
 - (a) an agreement is made between owners of adjoining lands as to the repair of a dividing fence or an order to repair a dividing fence is made by a court under section 8(3) or under section 15; and
 - (b) a person bound by that agreement or order fails, within the time specified in the agreement or order or, if no time is specified, within 3 months after the making of the agreement or order, to observe a liability placed on him by that agreement or to comply with that order, as the case may be,the owner of the land separated by the dividing fence the subject of the agreement or order from the land of the person in default may—
 - (c) repair the whole fence the subject of the agreement or order; and

Action in
default of
compliance
with agreement
or order

(d) recover from the person in default—

- (i) the part of the cost of the repair that the owner of the adjoining land was liable to pay under the agreement or order or otherwise under this Ordinance; or
- (ii) if the whole of the repair was by the agreement or order required to be carried out by the person in default, the whole of the cost of the repair.”.

Apportionment
between owner
and lessee

6.(1) Section 20 of the Principal Ordinance is amended by omitting “shall, as between the lessee and the owner of the leased land” and substituting “as between the lessee and the owner of the leased land shall, subject to this Ordinance and to any agreement between the lessee and the owner”.

(2) Paragraphs (b), (c) and (d) of section 20 of the Principal Ordinance are amended by omitting “more than” (wherever occurring) and substituting “not less than”.
