

New Zealand.

ANALYSIS.

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1892, No. 6.—*Local.*

AN ACT to provide for the more Economical Collection of the Rates authorised to be levied by "The Napier Harbour Board Empowering and Loan Act, 1884." [31st August, 1892.]

WHEREAS by "The Napier Harbour Board Empowering and Loan Act, 1884," power is given to the Napier Harbour Board to make and levy a rate on the rateable property situate in the Napier Harbour Board Rating District, as constituted by the said Act: And whereas the making and levying of such rate by the Napier Harbour Board directly upon such rateable property as aforesaid would involve considerable clerical labour and expense, and such expense would fall upon the ratepayers in the said district: And whereas a great saving of labour and expense would be effected by collecting the amount required to be realised by such rate from the various local bodies having power to levy rates in the said district, and by imposing upon such local bodies the duty of collecting the amount required to be realised by such rate by increasing their general rates or by levying special or separate rates on the rateable property in the said district:

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

1. The Short Title of this Act is "The Napier Harbour Board Further Empowering Act, 1892."

Interpretation.

2. In this Act the expression—

“The Board” means the Napier Harbour Board :

“The Chairman” means the Chairman of the Board for the time being :

“The said Act” means “The Napier Harbour Board Empowering and Loan Act, 1884:”

“The Napier Harbour Rating District” means the Napier Harbour Rating District as constituted and defined by section fourteen and the Fourth Schedule of the said Act :

“Borough” means any borough within the Napier Harbour Rating District constituted under “The Municipal Corporations Act, 1886,” or any Act thereby repealed, or any special Act ; and “Borough Council” means the Borough Council of any such borough :

“County” means any county within or partly within the Napier Harbour Rating District constituted under “The Counties Act, 1886,” or any special Act ; and “County Council” means the County Council of any such county.

Act only in force when adopted by Council.

3. This Act shall only be in force in any borough or county when its provisions are adopted by the Borough Council or County Council by special order, and, until such special order is gazetted and takes effect, it shall have no operation in such borough or county.

Power to make claim on Borough and County Councils in lieu of rating.

4. The Board, instead of exercising the rating powers vested in it by the said Act, may, if it thinks fit, on or before the twenty-eighth day of February in each or any year, by writing under the hand of the Chairman addressed to the Mayor of any Borough, or the Chairman of any County Council, claim from the Borough Council or County Council a proportionate part of the sum of money as under section twenty-three of the said Act shall be required to provide for the purposes mentioned in such section.

Valuations on which the claims shall be proportioned.

5. The amount to be claimed from such Borough Council or County Council respectively shall be in proportion to the value of the property, including improvements, within the borough or county respectively appearing on the assessment-rolls compiled and made under the provisions of “The Land and Income Assessment Act, 1891,” or of any Act altering or amending the same, or of any other Act which may subsequently be in force for the purpose of assessing the value of land or property, or the regulations made thereunder for any such borough or county respectively, regard being had to sections fourteen and twenty-five of the said Act.

Claim to be paid in two equal instalments.

6. The amount claimed as aforesaid shall be paid by the Borough Council or County Council respectively to the Board by two equal instalments, the first instalment to be paid on or before the first day of June following the date of such claim, and the second instalment to be paid on or before the first day of December following; such instalments shall be paid less such discount for every hundred pounds of such amount not exceeding two and a half per cent., such discount being intended to recoup the Borough Council or County Council respectively for the expenses which may be incurred by such Borough

Council or County Council respectively in making, levying, and recovering the rates hereinafter mentioned.

7. Any claim that may be made under section four of this Act shall constitute a debt due and owing from any such Borough Council or County Council to the Board for such sum of money as may be mentioned therein, payable by two equal payments on the first day of June and the first day of December following the date of such claim, and may be sued for and recovered by the Board in any Court of competent jurisdiction, and there shall be no defence to any such action.

Claim constituted a debt due from Borough or County Councils.

8. In addition to the powers vested in the Borough Council and County Council of making and levying general, special, and separate rates under and by virtue of "The Municipal Corporations Act, 1886," "The Counties Act, 1886," and "The Town Districts Act, 1881," respectively, or by any Act or Acts amending the same respectively, or by any other authority, such Borough Council and County Council is hereby empowered and required to increase its general rates, or make and levy special or separate rates (payable yearly or half-yearly as such Borough Council or County Council may think fit, notwithstanding the provisions of "The Rating Act, 1882," or any other Act or Acts that may for the time being be in force) on the rateable property within the borough or county respectively, to or of an amount sufficient to provide for the payment of the sum of money which the Board shall claim from such Borough Council or County Council respectively, as aforesaid, and such Borough Council and County Council respectively is hereby authorised to increase such general rate, or make and levy such special or separate rates, for the purpose aforesaid, notwithstanding that the rating limits imposed by any Act or Acts may be thereby exceeded: Provided nevertheless that nothing herein contained shall render any property which may be situated outside of the boundaries of the Napier Harbour Rating District liable to an increase of general rates or to special or separate rates for the purposes aforesaid.

Borough and County Councils empowered to increase general or make special rate, payable yearly or half-yearly.

Properties outside Harbour Rating District excluded from payment.

9. If at the date upon which either of the instalments mentioned in section six of this Act shall become payable the Borough Council or County Council respectively shall not have realised from the rates authorised to be levied by section eight of this Act sufficient to pay such instalment, then and in such case the Borough Council or County Council respectively may pay the deficiency out of the ordinary funds at the disposal of such Borough Council or County Council, or out of any moneys received by way of subsidy, or may borrow moneys from the bank for the purpose of paying such deficiency, notwithstanding that the amount of overdraft allowed by law shall be thereby exceeded: Provided nevertheless that nothing in this section contained shall abridge, affect, or limit the rating powers given to such Borough Council or County Council by the eighth section of this Act: Provided also that it shall be lawful for any Borough Council or County Council (when the whole of such borough or county is included within the Napier Harbour Rating District) to pay the amount of the claim to be made by the Board under this Act out of the moneys derived from the general rates of such Borough Council or County Council.

Councils may pay claims out of general funds or may borrow moneys to pay same.

No rate can be
quashed.

10. No general, special, or separate rate to be made by any Borough Council or County Council for the purposes aforesaid shall be capable of being set aside or of being quashed by any proceeding of any Court or otherwise, and no defect in the same shall be set up as a defence to any action which may be brought to recover the same.

Valuation-roll to be
used in boroughs in
which "The Rating
Act, 1876," is in
force.

11. Notwithstanding section twenty-seven of the said Act, the rates to be made for the purposes of this Act by any Borough Council of a borough in which "The Rating Act, 1876," or part of such last-mentioned Act shall for the time being be in force shall be made upon the valuation-roll made in the manner provided by "The Rating Act, 1876."

Act to apply to
rates authorised
by "The Napier
Harbour Board
Loan Act, 1892."

The provisions of this Act shall in all respects apply also to the making, levying, and collection of rates in the Napier Harbour Rating District, authorised by "The Napier Harbour Board Loan Act, 1892."

Board may resume
rating power and
make rates payable
yearly.

12. If any Borough Council or County Council shall fail or neglect to pay to the Board the whole or any part of the amount payable by such Borough Council or County Council as provided by section six of this Act, the Board may thereupon, or at any time thereafter, by notice in writing under the hand of the Chairman, addressed to the Mayor of any defaulting Borough Council, or the Chairman of any defaulting County Council, declare that the Board elects to resume its powers of rating under the said Act within the borough or county, and thereupon the Board shall, in respect of the rateable property within such borough or county, have and may exercise all the powers of rating vested in the Board by the said Act as fully and effectually as if this Act had not been passed; and, in the event of the resumption of its rating powers, the Board may, if it thinks fit, notwithstanding the provisions of the said Act, "The Rating Act, 1882," or any other Act that may for the time being be in force, make and levy the rate authorised under the said Act, so that it shall be payable in one annual sum.

Serving notices.

13. Any notice to be given for any of the purposes of this Act shall be sufficient if served personally upon the person to whom such notice shall be addressed, or, if left at or sent by the ordinary course of post, addressed to such person at the office of the Borough Council or County Council respectively.

Rating of borough
or county in which
Act not adopted.

14. The Board shall, in respect of the rateable property in any borough or county within the Napier Harbour Rating District where the provisions of this Act shall not be adopted by special order as provided by section three, have and may exercise all the powers of rating vested in the Board by the said Act as fully and effectually as if this Act had not been passed, and may compile a separate rate-book or rate-books for any such borough or county in which the special order above referred to shall not have been made; and the Board may, if it thinks fit, notwithstanding the provisions of the said Act, "The Rating Act, 1882," or any other Act that may for the time being be in force, make and levy, from year to year, the rate authorised under the said Act, so that it shall be payable in one annual sum; and the said Board shall have power to make and levy

in the whole of the Napier Harbour Rating District the rate authorised under the said Act for the year commencing on the first day of January, one thousand eight hundred and ninety-two, so that it shall be payable in one annual sum.

15. Nothing in this Act shall abridge or affect in any way the provisions contained in sections twenty-nine, thirty, thirty-one, thirty-two, and thirty-three of the said Act. Remedies of debenture-holders preserved.