

Tauranga Borough Council Empowering Act 1953

Local Act 1953 No 6
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An Act to empower the Tauranga Borough Council to consolidate separate and special rates and levy the same over the whole or part or parts of the borough, to impose charges for drainage services outside the present or any future drainage areas, and to make a yearly payment to the trustees or owners of “The Elms” or old mission station in Mission Street, Tauranga.

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.

This Act may be cited as the Tauranga Borough Council Empowering Act 1953.

2 Amalgamated rate and amalgamated separate rate.

- (1) Notwithstanding anything to the contrary in the Municipal Corporations Act 1933 or in any other enactment, the Tauranga Borough Council, instead of all or any special rates made and levied, whether before or after the passing of this Act, over the whole of the Borough of Tauranga or over any defined portion or portions thereof, may make and levy an annually recurring rate on a

uniform basis for the whole borough or any defined special rating area or areas (hereinafter referred to as an amalgamated special rate) on all rateable property within the borough or any defined special rating area or areas of an amount calculated to produce a sum greater than the annual charges payable in respect of the loans secured by such special rates by an amount equal to ten per cent of those annual charges:

Provided that nothing in this section shall affect the liability of the Crown for the payment of any special rates in accordance with the provisions in that behalf of section one hundred and twenty-three of the Local Bodies' Loans Act 1926.

- (2) The powers conferred by the last preceding subsection shall extend so as to apply in respect of special rates made and levied, whether before or after the passing of this Act, by any local authority other than the Tauranga Borough Council over any area which now is or may hereafter become part of the Borough of Tauranga.
- (3) Nothing in this section shall prejudicially affect the security afforded by any special rate to the holders of any securities.
- (4) Notwithstanding anything to the contrary in the Municipal Corporations Act 1933 or in any other enactment, the Council, instead of all or any separate rates made and levied, whether before or after the passing of this Act, over the whole of the Borough of Tauranga or over any defined portion or portions thereof, may make and levy an annually recurring rate on a uniform basis for the whole borough or any defined portion or portions thereof (hereinafter referred to as an amalgamated separate rate) on all rateable property within the borough or any defined portion or portions thereof of an amount calculated to produce a sum not greater than the sum that would be produced by making and levying the said separate rates or any of them separately.
- (5) The Council may in any year make and levy over the whole borough or any defined portion or portions thereof a consolidated rate comprising the general rate and any amalgamated special rate and any amalgamated separate rate and any rate necessary to meet any demand or levy properly made on the Borough of Tauranga by any statutory body or authority or comprising any of the aforesaid rates.
- (6) The proceeds of an amalgamated special rate or an amalgamated separate rate or a consolidated rate made, levied, and collected under this section shall be applied for the purposes of the several rates in place of which the amalgamated special rate or amalgamated separate rate or consolidated rate was made.
- (7) All acts of the Council heretofore done in making, levying, and demanding special rates for the years that ended on the thirty-first day of March, nineteen hundred and fifty-two, and on the thirty-first day of March, nineteen hundred and fifty-three, and for the year ending on the thirty-first day of March, nine-

teen hundred and fifty-four, are hereby validated, and the said rates are hereby declared to have been validly and lawfully made, levied, and demanded.

3 Drainage charges outside special drainage areas.

- (1) The Tauranga Borough Council in exercising the powers conferred by section two hundred and twenty-three of the Municipal Corporations Act 1933 or by any other enactment relating to drainage may, with respect to any property or properties within the Borough of Tauranga which are outside the present special rating area for drainage purposes or any future special rating area or areas for drainage purposes and which are either served by a public drain or situated within one hundred feet of a public drain, fix such charges for capital cost, repayment of capital cost, and interest thereon as the Council shall deem reasonable.
- (2) Any charges made, levied, or imposed under the last preceding subsection shall be deemed to be and be collected as a rate.

4 Authorizing annual grant to mission station.

- (1) The Tauranga Borough Council may in each year pay to the trustees or owners of "The Elms", being the old mission station in Mission Street, Tauranga, a sum not exceeding one hundred pounds or the amount of rates from time to time levied on the property by the Council, whichever is the greater, out of the Council's District Fund Account in recognition of their services in permitting and assisting the public to visit the said property.
- (2) The provisions of this section shall extend to authorize any payment within the aforesaid limits made in the year ending on the thirty-first day of March, nineteen hundred and fifty-four.