



ANALYSIS

- Title.
Preamble.
1. Short Title.
2. Interpretation.

3. Annual water charge.
4. Validation of water charges levied by Board.
5. Rights of debenture holders or creditors not affected.

1954, No. 5—*Local*

Title.

AN ACT to empower the Onerahi Town Board to make and levy in respect of properties within the Onerahi Town District water charges to be fixed, *inter alia*, by way of uniform annual charges to consumers.

[2 September 1954

Preamble.

WHEREAS the existing provisions of the Municipal Corporations Act 1933 and of section thirty-six of the Local Legislation Act 1926 for the levying of water rates have been found within the Onerahi Town District to operate inequitably, inasmuch as a water rate based on the unimproved values or on the annual values of all rateable properties within the district or on the quantity of water consumed would cause undue hardship to the owners of certain of such properties: And whereas since the first day of April, nineteen hundred and fifty-two, and for many years before that date, the Onerahi Town Board has purported to make and levy in respect of all properties within the Onerahi Town District water charges fixed by uniform annual charges to consumers covering the period from the first day of April to the following thirty-first day of March,

and payable half-yearly within fourteen days from the date of the demands for the periods from the first day of April to the following thirtieth day of September and from the first day of October to the following thirty-first day of March: And whereas the making and levying of such water charges was not in accordance with the provisions of sections eighty-two to eighty-six of the Municipal Corporations Act 1933 or section thirty-six of the Local Legislation Act 1926, and the Onerahi Town Board had no authority to make and levy the said charges: And whereas it is desirable that such water charges should be validated as from the first day of April, nineteen hundred and fifty-two: And whereas it is desirable that such water charges should be made and levied permanently:

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

1. This Act may be cited as the Onerahi Town Board Empowering Act 1954. Short Title.

2. In this Act, unless the context otherwise requires,— Interpretation.
 “Board” means the Onerahi Town Board:
 “Town district” means the Onerahi Town District.

3. (1) The Board may from time to time, in the manner provided by the Municipal Corporations Act 1933, make by-laws providing for the payment for water supply purposes of an annual charge (hereinafter referred to as a water charge), and may in every year levy a water charge in accordance with such by-laws on all rateable property situated within the town district which is directly or indirectly supplied with water by the Board, and may also in every year levy such water charge on all non-rateable property (not being lands vested in Her Majesty of which there is not an owner or occupier, as defined by the Rating Act 1925, other than Her Majesty) situated within the town district and connected with and receiving service from the Board’s water supply system. Annual water charge.

(2) Any such by-laws may provide for the exemption from payment of the water charge of any owner or occupier of property which is not served or is not likely to be served by the Board’s water supply service.

(3) The water charges may in any year be of a sufficient amount to provide for the payment of the whole or part of the interest and other charges for that year on any loan or loans heretofore or hereafter raised by the Board for water supply purposes and of the cost of maintaining and administering the Board's water supply service and of the cost of purchasing or otherwise obtaining the water which is or may be supplied.

(4) Where any loan has been raised by the Board for the purpose of carrying out any water supply scheme and has been secured by a special rate levied over the rateable property within the town district or any defined portion of the town district, the Board may in any year in which the amount collected or to be collected by way of the water charge is available and sufficient for the payment of the whole or part of the interest and other charges on the loan refrain from levying the said special rate or reduce the amount thereof to be levied in that year, as the case may require.

(5) The proceeds of any water charge shall be available only for the purposes mentioned in subsection three of this section.

(6) A water charge shall for all purposes be deemed to be a separate rate.

Validation of
water charges
levied by
Board.

4. Any such water charges made and levied for the year commencing on the first day of April, nineteen hundred and fifty-two, and for the two subsequent years, are hereby validated and declared to have been lawfully made and levied and shall for all purposes be valid and effectual.

Rights of
debenture
holders or
creditors not
affected.

5. Nothing in this Act shall in any way adversely affect the rights or interests of any debenture holder or other creditor of the Board.
