

Nelson Waterworks Act Amendment Act 1875 (N)

Provincial Act 3
Date of assent 4 June 1875

References in this Act to decimal currency were substituted for references to the former currency by section 7 Decimal Currency Act 1964 (1964 No 27).

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**In the 38th year of the reign of Her Majesty Queen Victoria
An Act to amend and repeal the Nelson Waterworks Act 1863**

Preamble

WHEREAS an Act was passed by the Superintendent and Provincial Council of the Province of Nelson, in Session X, No 1, intit-

uled the Nelson Waterworks Act 1863, which Act was amended by an Act passed by the Superintendent and Provincial Council of the said Province, in Session XX, No. 1, intituled an Act to Amend the Nelson Waterworks Act: AND WHEREAS in order to facilitate the levying and collecting of the water rate payable under the said Acts, it is expedient to further amend the said first recited Act, and to repeal the said last mentioned Act altogether, and to make other provision in lieu thereof.

1

Section 1 was repealed by section 2 Statutes Repeal Act 1907.

2 Levy of water rate

For the purpose of raising the necessary funds for carrying into effect the provisions of the Nelson Waterworks Act 1863, hereinafter referred to as “the said Act”, and for paying any money borrowed for that purpose and interest or the same, there shall be levied on the 1st day of April in every year, and paid, as hereinafter mentioned, a water rate of \$3 percent per annum upon the annual value of all buildings in the City of Nelson situated within 100 yards of any water pipe laid down under the authority of the said Act, where the water shall not be laid on to such buildings or any premises occupied therewith, and where the water shall be laid on to such buildings or premises, a water rate of \$6 percent per annum upon the annual value of such buildings or premises, and the same is hereby levied accordingly.

3 Water rate payable to Collector quarterly

The water rate shall be paid by the person or persons liable to pay the same to some person appointed by the Superintendent to receive the same, hereinafter called the “Collector”, by 4 equal quarterly payments, on the 1st day of April, July, October, and January, in every year, unless any such day shall be a Sunday or holiday authorised by law, when the same shall be paid on the day (not being a Sunday or holiday) next following any such Sunday or holiday, at a place to be fixed by

the Superintendent, by public notice in some newspaper published in the City of Nelson:

Provided that the Superintendent may, from time to time, by public notice, as aforesaid, substitute another person for any Collector previously appointed by him, and the water rate shall be paid to and recoverable by such person in the same manner as if he had been originally appointed Collector of such water rate.

4 Water rate payable by occupier, or in default by owner

The water rate shall be paid by the occupier of every such building, who shall be in occupation on the quarterly day when the quarters rate shall become payable, or if there be no occupier then by the owner thereof.

Provided that for the purposes of this Act the owner of every such building shall be deemed to be the occupier thereof, and be accordingly liable to pay the water rate in every case where the actual occupier shall be a tenant or occupier for a term less than 3 months.

5 Half-rate on unoccupied buildings

Where a building shall be vacant and unoccupied at the beginning of any quarter of a year for which a quarterly payment is made payable as aforesaid, the water rate payable in respect thereof shall be calculated at the rate of \$3 percent per annum for that quarter.

6 Rate to be recovered by action of debt

The Collector may recover the water rate from the person or persons liable to pay the same by an action of debt in any Court having jurisdiction.

7 Occupier to pay rate in default of owner doing so, but not more than the rent due by him to owner

When the owner of any rateable building is rated in respect thereof, and the water rate remains unpaid for 3 months, the Collector may demand the amount of such water rate or any part thereof from the occupier for the time being of such build-

ing, and on recover thereof may recover the same by an action of debt, as aforesaid, from such occupier, and every such occupier shall be entitled to deduct from the rent payable by him to such owner so much as was so paid or recovered from him:

Provided always that no such occupier shall be required to pay any further sum than the amount of rent due from him at the time of the demand made upon him for such amount of water rate, or which after such demand, and after notice not to pay the same to his landlord, at any time accrues and becomes payable to him, unless he refuse, on application being made to him for that purpose, by such Collector, truly to disclose the amount of his rent, and the name and address of the person to whom such rent is payable.

8

Section 8 was repealed by section 2 Statutes Repeal Act 1907.

9 This Act to be read as part of former Act

This Act shall be read and construed as part of the said Act.

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Section 10 was repealed by section 2 Statutes Repeal Act 1907.

11 Short Title

The Short Title of this Act shall be the Nelson Waterworks Act Amendment Act 1875.