

# Rating Act Amendment Act 1896

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### **An Act to amend the Law for regulating the Making and Levying Of Rates.**

**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.**

The Short Title of this Act is “The Rating Act Amendment Act, 1896,” and it shall form part of and be read with “The Rating Act, 1894” (hereinafter called “the principal Act”).

#### **2 Procedure for recovery of rates on Native land when owners or occupiers exceed four.**

In any case where Native land is liable to be rated, and the Native owners or occupiers exceed four in number, the following special provisions shall apply:—

- (1.) The local authority, if it thinks fit so to do, may, by notice published in the *Gazette* and *Kahiti*, and also in some newspaper circulating in the district, require the Native owners, by writing under the hands of a majority of them, to nominate one of such owners to represent all the owners and occupiers for the purposes of rating. (2.) If such requisition is not complied with within three months after the first publication of such notice, the local authority may itself select any one of such owners for the purposes aforesaid.
- (3.) In lieu of entering in the valuation-list the names of all the Native owners or occupiers, the local authority, if it thinks fit so to do, may enter therein the name of the Native owner so nominated or selected as aforesaid, with the addition of the words "as nominated Native occupier."
- (4.) For all the purposes of the principal Act the nominated Native occupier shall be deemed to represent all the Native owners and occupiers, and, accordingly, the demand for payment of the rates may be delivered to him in manner prescribed by the principal Act as if he were the sole occupier, and rates in arrear may be recovered by suit against him, be being designated in the summons and in the judgment thereon by his own name, with the addition of the words "as nominated Native occupier."
- (5.) Such judgment shall operate and may be enforced against all the Native owners or occupiers, and also against the land, as fully and effectively as if their names were specifically set forth therein as defendants:

Provided that no such judgment shall operate or be enforced until the expiration of one month after the entry thereof, nor shall it operate or be enforced at any time without the previous consent in writing of the Minister of Native Affairs (hereinafter called "the Minister"):

Provided further that the liability of each such Native owner or occupier (as also of the nominated Native occupier) under such judgment shall be limited to the amount due by him in respect of the rates on his own share of the land, together with a duly-proportionate part of the costs included in such judgment:

Provided further that if the relative shares in the block are not ascertained, then the liability under the judgment shall be borne by the Native owners and occupiers in equal shares.

### **3 Minister may grant lease on certain terms.**

In lieu of granting such consent, the Minister, if he deems it expedient in the interests of all parties so to do, may either authorise the Native owners or the Commissioner of Crown Lands for the land district wherein the land is situate (hereinafter called "the Commissioner") to grant, or may himself grant, a lease of the whole or any part of the land, anything in "The Native Land Court Act, 1894," or in any other Act to the contrary notwithstanding; and in any such case the following provisions shall apply:—

- (1.) The land to be leased shall be the whole of the block, or such portion thereof as, in the opinion of the Minister, upon the advice of the Commissioner, can be most advantageously leased, having regard to the wishes and requirements of the Native owners, the sites of their dwellings and cultivations, and all other surrounding circumstances.
- (2.) The lease shall be for such term (not exceeding twenty-one years), in such form, and subject to such covenants and conditions, as, with the approval of the Minister, the Commissioner thinks fit to prescribe.
- (3.) The rents shall be the best obtainable, and for that purpose the lease shall be disposed of by public auction or public tender, as, with the approval of the Minister, the Commissioner thinks fit.
- (4.) If the lease is granted by the Commissioner or the Minister it shall be executed by him in the name and on behalf of the owners, they being therein described not by their individual names, but collectively as the "Native owners"; but for all the purposes of receiving or recovering the rent and enforcing the covenants he shall be deemed to be the lessor, nevertheless without incurring any liability under the lease.
- (5.) If the lease is granted by the Commissioner or the Minister the net proceeds of the rents as and when received shall be applied, first, in satisfying the aforesaid judgment; secondly, in paying the current rates on the whole block as they become due; and the residue shall be divided amongst all the Native owners of the block according to their respective interests therein.

#### **4 Section 68 of principal Act amended.**

Section sixty-eight of the principal Act is hereby amended as follows:—

- (1.) By substituting the words "The Native Land Court, and a confirmation order under 'The Native Land Court Act, 1894,' has been made by the Court in respect of such sale, judgment, or lien," in lieu of the words "a Trust Commissioner under 'The Native Lands Frauds Prevention Act, 1881,' and he certifies that he sanctions such sale or lien."
- (2.) By repealing the words "by the Trust Commissioner."

#### **5 Special rates payable yearly or half-yearly.**

Special rates made for the annual or half-yearly charge on a loan shall be payable yearly or half-yearly, as the local authority from time to time by special order directs.

#### **6 Machinery exempt from rating.**

Notwithstanding anything contained in "The Rating Act, 1894," or any amendment thereof, machinery, whether fixed to the soil or not, shall not be deemed to be improvements, nor shall it be "rateable property" within the meaning of "The Rating Act, 1894," or any amendment thereof.

**7 Principal Act modified accordingly.**

The principal Act is hereby modified in so far as it conflicts with this Act.