

## New Zealand.



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### 1908, No. 7.—*Local.*

**Title.**

AN ACT to require the Owners of Lands lying adjacent to Public Streets widened by the Christchurch City Council to bear Part of the Cost of the Execution of the Works.

*[25th September, 1908.]*

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

**Short Title.**

1. This Act may be cited as the Christchurch City Betterment Act, 1908.

**Interpretation.**

2. In this Act, if not inconsistent with the context,—  
“City” means the City of Christchurch, and includes all areas to be hereafter added to the same;
- “Corporation” means the Mayor, Councillors, and Citizens of the City of Christchurch;
- “Council” means the Christchurch City Council.

## PART I.

3. Where the Council after the coming into operation of this Act widens any street in the city, or widens any part of the length of any street, and takes or purchases or otherwise acquires land required for any such purpose from one side only of the street, then and in every such case the owner, or the several and respective owners, of land fronting upon or having any frontage to the opposite side of the street shall pay to the Corporation by way of compensation such sum or sums of money as represents the increased value given to such last-mentioned lands respectively, or likely to be given thereto, by the execution of the work of widening the said street or part of street and consequent thereon.

Landowners to pay compensation for increase in value derived from widening street.

4. The several amounts to be paid to the Corporation as aforesaid shall be ascertained in manner provided by Part III of the Public Works Act, 1908, or in a manner as near thereto as in the opinion of the Compensation Court set up under this present Act and that Act the circumstances of each case will admit, and the provisions of the said Part III shall, *mutatis mutandis*, be deemed incorporated in this Act, but so that the Corporation shall be the claimant and the owner or the several owners of lands so benefited or likely to be benefited as in the last preceding section mentioned shall be the respondents. Claims for compensation under this Act may be made in or to the effect of the form given in the First Schedule hereto.

Application of Part III of the Public Works Act.

5. The said Compensation Court shall have power, on the application of any party, to order that all or any claims for compensation under this Act in respect of land in which several persons have interests shall be heard and determined together; and any or all of the claims for compensation under this Act arising out of the widening of any street or part of any street and consequent thereon may, with the consent in writing of all parties, be heard and determined together. When the said Court hears and determines several compensation claims together it shall have power to apportion the compensation awarded, and the costs of the proceedings against the several respondents, in such proportions and in such manner as to the Court seems just.

Several claims may be heard together.

6. For the purpose of ascertaining and awarding compensation under this Act, the President of the Compensation Court shall have power to determine who are the owners of the lands, estates, or interests in respect of which compensation is claimed by the Corporation, or he may, if he thinks fit, state a case for the decision of the Supreme Court thereon, and such determination or decision shall be followed by the Compensation Court in making its award.

Compensation Court may ascertain owners.

7. Claims for compensation under this Act shall be made within one year from the execution of the work out of which they arise, and not afterwards.

Claims to be made within one year.

8. Subject as aforesaid, the finding and award of a Compensation Court set up under this Act shall be final and conclusive as to all questions lawfully coming before it.

Awards to be final.

9. (1.) Any respondent may, if he so desires, pay the compensation awarded to be payable by him, with interest at the rate of four

Owners may pay compensation by instalments.

and a half per centum per annum, by equal half-yearly instalments extending over a period of twenty years or less, in which case he shall within fourteen days from the date of the award give notice in writing to the Town Clerk of the Corporation of the period he intends to extend payment over, and shall within one month after the date of the award execute, and, such execution being duly attested, shall deliver to the Town Clerk a memorandum of charge upon the estate or interest forming the subject of the compensation claim made against him, which said charge shall be in the form given in the Second Schedule hereto or to the like effect, and shall pay the costs of the preparation and completion of the said instrument, and thereupon such respondent shall have the right to pay such compensation by instalments as set forth in such notice and charge as aforesaid.

(2.) Such memorandum of charge shall, when registered, bind the property therein described, and operate as a first charge upon the estate or interest of the said respondent therein, and rank in priority to all estates, incumbrances, and interests created by him or any of his predecessors in title.

(3.) Any such charge may be registered without fee in the District Land Registration Office or in the Deeds Registration Office of the district wherein the land affected thereby is situate.

*Instalments may  
be paid off  
before due.*

*Charge may be  
vacated.*

*Application of  
compensation.*

10. Notwithstanding anything to the contrary in any such charge, the Corporation shall receive the whole of the unpaid instalments secured by any such memorandum of charge at any time when the same is tendered, and for the purpose of any such tender interest shall be calculated and paid up to and including the day of such tender.

11. A receipt signed by the City Treasurer indorsed on any such memorandum of charge and expressed to be in full for all moneys secured thereby shall vacate such charge.

12. Moneys received by the Corporation under or by virtue of this Act shall be applied in carrying out the particular street-widening work in respect of which such moneys were received, and for no other purpose.

## PART II.

### WIDENING AND EXTENDING STREETS.

*Power to improve  
streets, and for  
that purpose to  
acquire lands, to  
borrow moneys,  
and sell or lease  
surplus lands.*

13. For the purpose of widening, diverting, altering the course of, or extending any street in the city the Council shall have the following powers:—

(a.) To take under the Public Works Act, 1908, or purchase, or otherwise acquire the land required for widening, diverting, altering the course of, or extending the street, together with any additional land to any depth on either or both of the sides of such widened, diverted, or altered street or of such extension of street:

Provided that such additional land shall not be taken as aforesaid except with the consent of the owner of the land:

- (b.) To extend any street; but in so extending any street it shall not be lawful for the Council to make the width of such extension less than sixty-six feet:
- (c.) To borrow from time to time for any of the purposes aforesaid any moneys by way of special loan:
- (d.) Either to sell and convey all or any of the surplus lands left after effecting such widening, diverting, altering, or extension, or to lease all or any of the same under the provisions of the Municipal Corporations Act, 1908.
- (e.) The foregoing powers shall extend to any private streets and rights-of-way, provided the Council shall make them respectively at least sixty-six feet wide, and take them over as public streets, which the Council is hereby empowered to do.

**14.** The powers conferred by the last preceding section are to be subject to the following conditions:—

- (a.) That the net rents of all lands leased as aforesaid shall be applied exclusively towards meeting the interest and sinking fund on the loan raised for the purposes of widening, diverting, altering, or extending the particular street, private street, or right-of-way in connection therewith the lease lands shall have been acquired as aforesaid:
- (b.) That the net sale-moneys of any land sold as aforesaid shall be applied exclusively towards meeting the principal moneys so raised:
- (c.) That the total amount of the special rate or special rates levied in connection with any such loan or loans as aforesaid shall not at any time exceed in the aggregate twopence-halfpenny in the pound per annum upon the rateable value of all rateable property in the city.

Rents and sale-moneys to be applied to purpose of paying off loans. Special rates to be levied.

### PART III.

**15.** (1.) For the purpose of providing funds wherewith to meet claims to compensation or costs which may hereafter be awarded against the Council under or by virtue of section one hundred and seventeen of the Public Works Act, 1908, or section one hundred and eighty of the Municipal Corporations Act, 1908, it shall be lawful for the Council from time to time as occasion may require, by special order, and in manner provided in the Local Bodies' Loans Act, 1908, but without the necessity of complying with the provisions contained in sections seven to thirteen of that Act, to borrow moneys to the amount of any such award or awards.

Power to borrow to pay compensation under the Public Works Act or Municipal Corporations Act.

(2.) Lands in respect of which compensation is paid by the Council under or by virtue of section one hundred and seventeen of the Public Works Act, 1908, or section one hundred and eighty of the Municipal Corporations Act, 1908, shall, when brought into use for any purpose of widening the street or part of the street whereon it fronts, be deemed and taken and held to be land acquired and required for such purpose within the meaning of section three of this Act.

Lands in respect of which compensation so paid to be deemed to be land acquired and required under Part I.

## Schedules.

## SCHEDULES.

## FIRST SCHEDULE.

## FORM OF CLAIM TO COMPENSATION.

Under the Authority of the Christchurch City Betterment Act, 1908, and Part III  
of the Public Works Act, 1908.

To , owner of an estate or interest in fee-simple [or as tenant for life,  
or as leaseholder, or as the case may be], in the land described below.

WHEREAS the Mayor, Councillors, and Citizens of the City of Christchurch (hereinafter called the Corporation) have widened or are about to widen Street, in the City of Christchurch, whereby the value of lands described below, which front the said street and in which you are interested as aforesaid, has been increased or is likely to be increased: This is to give you notice that the Corporation claims from you the sum of £ as compensation for the said increase in value of the said lands.

[*Description of lands.*]

Given under my hand, this day of , 19 .  
, Town Clerk.

## SECOND SCHEDULE.

## FORM OF CHARGE.

I, THE undersigned , do hereby, in pursuance of the Christchurch City Betterment Act, 1908, charge my estate or interest as [*Here describe the same*] in [*Here describe land*] with the payment to the Mayor, Councillors, and Citizens of the City of Christchurch (hereinafter called the Corporation) of [*Number*] equal half-yearly payments of £ , each payable on the day of the months of in each year, the first payment to be made on the day of , 19 ; such charge to be a first charge upon my said estate and interest in priority to all estates, incumbrances, and interests created by me or any of my predecessors in title, as provided by the said Act: And I, the said , hereby covenant with the Corporation to pay to the Corporation the said several instalments on the respective dates aforesaid.

Given under my hand, this day of , 19 .

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