

New Zealand.

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1908, No. 17.—*Local.*

Title.

AN ACT to enable the Christchurch City Council to borrow Money and expend the same in connecting, or enabling Owners to connect, Lands, Buildings, and Premises within the said City of Christchurch with some Public Sewer, in providing Sanitary Conveniences for Use in connection with any such Lands, Buildings, and Premises, and to recover Moneys so expended.
[6th October, 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 Sanitation Empowering Act, 1908.

Interpretation.

2. In this Act—

“The city” means the City of Christchurch:

“The Council” means the Christchurch City Council.

Power to borrow.

3. (1.) The Council may from time to time, by special order and in manner provided by the Local Bodies' Loans Act, 1908, but without complying with the provisions contained in the sections numbered seven to thirteen of that Act, borrow moneys not exceeding in the whole the sum of thirty thousand pounds.

(2.) No money shall be borrowed under the authority of this Act which shall produce to the lender a higher rate of interest than five per centum per annum.

How money borrowed may be expended.

4. Moneys borrowed by the Council under authority of this Act shall be expended in connecting any lands, buildings, or

premises within the city with a public sewer, or with a sewer of the Christchurch Drainage Board, or in enabling or assisting any owner of any such lands, buildings, or premises to connect the same with any such sewer, and providing, fixing, furnishing, or repairing water-closets, urinals, or such other sanitary conveniences for use in connection with any such lands, buildings, or premises as the Council may consider necessary or expedient.

5. The Council, at its discretion, may either contract with other persons to supply materials or to do any work authorised by this Act, or the Council may itself purchase such materials and do such work, or the Council may from time to time advance and lend moneys to the owner of any land, building, or premises within the city for the purpose of enabling him to procure such material and do such work: all such work to be done under the by-laws and regulations of the Christchurch Drainage Board.

Power to Council to do necessary work.

6. In cases where any member of the Council's staff is employed in drawing any specification, or in making plans, or inspecting any material or work, or in doing any such work, or otherwise in connection therewith, reasonable charges may be made by the Council in respect thereof.

Council may claim for work done by member of its staff

7. The sum of all moneys advanced, lent, or paid to or for or on account of any owner for any purposes authorised by this Act, together with the cost of all materials provided and used and of all work and labour done by the Council in or upon or in connection with any land, building, or premises under the authority of this Act, shall be made up and determined by the Council, which determination, in the absence of fraud or mistake, shall be final and conclusive; and the Council may by order or certificate in the form in the Schedule to this Act, or as near thereto as conveniently may be, declare what such moneys and cost amount to, and may direct the whole or any part thereof to be due and payable in one sum and immediately or at some future date, or by equal monthly, quarterly, or half-yearly instalments extending over any period not exceeding in the whole ten years from the date of such moneys and cost having been so made up and determined as aforesaid.

Council to determine what moneys owing for work done.

8. The moneys so advanced and the cost of any materials provided or work done in or upon any land, buildings, or premises under the authority of this Act as so made up and determined by the Council as aforesaid, together with interest thereon at the rate of five pounds per centum per annum from the date on which such moneys and cost are so made up and determined, shall constitute a debt owing by the owner of such premises, and may be recovered against any such owner in any Court of competent jurisdiction.

Owners liable for work done to premises.

9. (1.) When the premises whereon or for which any work as aforesaid has been executed are held by a tenant having a term of at least one year then unexpired, the owner may recover from the tenant, in like manner as if the same were rent reserved under the tenancy, interest at the rate of six per centum per annum on the cost of the work, such interest to be computed from the date mentioned in the last preceding section, and to be payable at the end of each year during the residue of the term of the tenancy.

Tenant liable to owner.

(2.) If the tenant paying such interest has at the time of any such payment a tenant under him with at least one year's unexpired tenancy, he may in like manner recover the amount so paid by him from such last-mentioned tenant.

Order for moneys owing may be registered against land.

10. (1.) Upon receiving any such before-mentioned order or certificate under the seal of the Council, certifying as to the amount due in respect of moneys so advanced or paid, or the cost of any work done or materials provided in respect of any land, buildings, or premises under the authority of this Act, it shall be the duty of the District Land Registrar for the time being of the Canterbury District to register such order or certificate against the lands, buildings, and premises therein described.

(2.) Upon the registration of such order or certificate the amount therein shown to be due to the Council shall become and be a charge upon such land, building, and premises, and the rights, easements, members, and appurtenances thereto belonging and appertaining, and such charge shall have priority both at law and in equity over all mortgages, incumbrances, liens, and interests then existing or which may thereafter arise or be created in respect of any such land, buildings, or premises; and payment of any moneys or any instalment shown by such certificate to be due, owing, and payable to the Council may be enforced against the said land and any estate or interest therein in the same manner as and by any of the modes in which any person being a mortgagee or incumbrancer of the said land might upon default enforce payment of the amount due under a mortgage or incumbrance duly registered against the said land.

Security for money borrowed under the Act.

11. The repayment of all principal moneys borrowed or intended to be borrowed under the authority of this Act, with interest and charges thereon, shall be secured in manner provided in the Local Bodies' Loans Act, 1908, relating to "Security for the Loan."

Loan-moneys to be kept in separate account.

12. All moneys received on account of the said loan or loans, or for or on account of any works done or material provided under the authority of this Act, or for interest thereon, shall be paid into a separate account, to be opened and kept with the bankers of the Council; and it shall be lawful for the Council, from time to time and as often as it may consider advisable, to apply and expend such moneys in manner before mentioned, or in payment of principal moneys or interest and charges in respect of any such loan, or at its discretion either to pay or make up any deficiency in either principal or interest moneys from time to time accruing due and payable in respect of any such loan with moneys drawn from the general revenue account of the city.

When it is optional for Council to collect rate.

13. If and for so long as all principal moneys and interest accruing due and payable from time to time in respect of any such loan are duly and punctually paid and satisfied, it shall not be obligatory upon the Council to collect any rate under the authority of this Act.

SCHEDULE.

Schedule.

CHRISTCHURCH CITY COUNCIL.

In the matter of the Christchurch City Sanitation Empowering Act, 1908.

PURSUANT to the above-mentioned Act the Christchurch City Council hereby certifies and declares that the sum of £ is due and owing to the Council for moneys advanced and paid, or for work and labour done and materials provided, under the authority of the said Act in respect of the land, buildings, and premises described in the Schedule hereto at the request of the owner thereof for the time being, and the said Council doth order that the said sum shall be payable in one sum and immediately, or that the said sum shall fall due and be payable by equal payments of £ each, extending over a period of years, together with interest thereon, calculated from the day of the date hereof, at the rate of five pounds per centum per annum, the first of such payments to fall due and be payable on the day of , 19 . And the said Council requires this certificate to be registered as a charge against the said land, buildings, and premises pursuant to the provisions of the said Act.

Schedule.

All that parcel of land , as the same is delineated in the plan drawn in the margin hereof and thereon coloured green, together with the rights, easements, members, and appurtenances thereto belonging and appertaining.

Given under the seal of the Christchurch City Council and by authority of the same, this day of , 19 .