

New Zealand.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Renewal funds. 3. Validating renewal fund. 4. Power to borrow. 5. Poll for extension of district not required if all electors sign petition. | <ol style="list-style-type: none"> 6. Amending provisions as to recovery of expenses of drains apportioned to owners by Board. Consequential repeal. 7. Determining priority of charges under 1923 Amendment Act and other Acts. 8. Definition of "an efficient drain". |
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1935, No. 9.—*Local and Personal.*

- Title.** AN ACT to amend the Christchurch District Drainage Act, 1907. [25th October, 1935.]
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 District Drainage Amendment Act, 1935, and shall be read together with and deemed part of the Christchurch District Drainage Act, 1907 (hereinafter referred to as the principal Act).
- Renewal funds.** 2. (1) The Board may from time to time set aside out of its General Account any moneys to form a fund or funds for the purpose of replacing or renewing its sewers, plant, machinery, and other depreciable assets or any part or parts thereof that may from time to time become worn out, obsolete, or incapable from any other cause of further usefulness in connection with the Board's undertaking.

(2) The Board shall pay all moneys so set aside into a separate bank account or accounts, and may invest any part thereof in manner following:—

- (a) In New Zealand Government securities ; or
- (b) On deposit in any bank lawfully carrying on the business of banking in New Zealand or in the Post Office Savings-bank ; or
- (c) In the Common Fund of the Public Trust Office ; or
- (d) In any other securities that may from time to time be authorized by the Governor-General in Council.

(3) Separate accounts shall be kept by the Board of all moneys paid to or received by it in respect of each renewal fund.

(4) Section fifty-five of the Christchurch District Drainage Act, 1907, shall not apply to moneys set aside as Renewal Funds.

3. The allocation already made by the Board of the sum of two thousand five hundred pounds towards a renewal fund for the purpose of replacing or renewing its plant, machinery, and other depreciable assets is hereby validated, and the said sum shall be deemed to have been set aside under the last preceding section.

Validating
renewal fund.

4. The Board may from time to time by special order and in manner provided by the Local Bodies' Loans Act, 1926, but without complying with the provisions contained in sections nine to thirteen of that Act, borrow moneys up to but not exceeding in the aggregate ten thousand pounds in any one year for the purpose of carrying out necessary or urgent drainage or sewerage works in the district :

Power to borrow.

Provided that before borrowing any such money the approval of the Minister of Health shall be obtained to the work proposed to be undertaken with such money.

5. If a petition under subsection two of section two of the Christchurch District Drainage Amendment Act, 1920, praying that a poll be taken on a proposal that any area adjacent to the district of the Board be added to the district, is signed by all the electors within the area, the proposal shall for the purposes of the said section two be deemed to be carried without the necessity of taking a poll.

Poll for extension
of district not
required if all
electors sign
petition.

Amending provisions as to recovery of expenses of drains apportioned to owners by Board.

6. (1) The decision of the Board under subsection one of section thirty-one of the principal Act (as added by section two of the Christchurch District Drainage Amendment Act, 1923), as to the apportionment among the owners referred to in the said subsection one of the expenses of the construction and maintenance of any drain constructed by the Board under the said section thirty-one, shall be final and binding on each separate owner, and the amount of the expenses so apportioned by the Board to each owner shall be a debt due to the Board from the owner. If the amount is not paid within fourteen days after demand for payment thereof has been made by the Board it shall be deemed to have been advanced to the owner by the Board under section five of the Christchurch District Drainage Amendment Act, 1923, and shall be recoverable accordingly.

Consequential repeal.

(2) This section is in substitution for subsection two of the said section thirty-one of the principal Act (as added by the said section two of the Christchurch District Drainage Amendment Act, 1923), and the said subsection two is hereby accordingly repealed.

Determining priority of charges under 1923 Amendment Act and other Acts.

7. If any land or other property subject to a charge created by section seven of the Christchurch District Drainage Amendment Act, 1923, is also subject to a charge created by any other Act, then, notwithstanding anything to the contrary in that other Act, the charges shall rank equally with each other unless by virtue of that other Act the charge created thereby would be deferred to the charge created by the said section seven.

Definition of "an efficient drain".

8. For the purposes of the principal Act, if not inconsistent with the context, "an efficient drain" includes all machinery, plant, and appliances in connection with such drain.