

New Zealand.

ANALYSIS.

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1896, No. 30.

Title. AN ACT to amend the Law relating to Government Loans to Local Bodies. [12th October, 1896.]

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. The Short Title of this Act is "The Government Loans to Local Bodies Act Amendment Act, 1896"; and it shall form part of and be read together with "The Government Loans to Local Bodies Act, 1886" (hereinafter called "the principal Act").

Definition of "district" extended. 2. The definition of "district" in section two of the principal Act is hereby extended to include a water-supply district, and also such other local-governing areas as the Governor, by notice in the *Gazette* from time to time, declares to be districts within the meaning of that section.

Limitation of amount to be lent. 3. The Treasurer shall not lend or agree to lend in any one year to the local authority of a water-supply district more than three thousand pounds, nor to the local authority of any district declared by the Governor to be a district within the meaning of section two of the principal Act more than such sum (in no case exceeding three thousand pounds) as the Governor fixes as the maximum amount to be lent:

Provided that, when lending or agreeing to lend any sum to any such local authority in any year as aforesaid, the Treasurer may also agree to lend to it, in the next-succeeding year, any additional sum

not exceeding the maximum amount authorised to be lent in any one year as aforesaid.

4. In any case where a County Council, Borough Council, Road Board, or Water-supply Board has raised a loan under the principal Act for the purpose of constructing a water-race or other water-supply works in a water-race district, such County Council, Borough Council, Road Board, or Water-supply Board may supply water to persons and lands outside such district on such terms as such County Council, Borough Council, Road Board, or Water-supply Board thinks fit: Provided that this power shall not be exercised save as to surplus water available after supplying the requirements of all persons and lands in the district entitled to be supplied: Provided further that all revenue received by such County Council, Borough Council, Road Board, or Water-supply Board from the exercise of such power as aforesaid shall be wholly applied towards payment of the interest and charges in respect of such loan.

Power to sell surplus water outside of district.

5. All the provisions of the principal Act relative to the construction of a public work shall extend and apply to the acquisition of a public work by purchase or otherwise.

Principal Act to apply to acquisition of a public work.

6. Every special rating district shall consist of a continuous area contained within continuous boundaries, and all the rateable property within such district shall be rated for a loan under the principal Act, including in the expression "rateable property" not only all property which is rateable when the special rate is first struck, but also all property which becomes rateable at any time thereafter during the currency of the loan.

Special rating district to be a continuous area.

7. No loan shall be granted under the principal Act on the security of any special rate unless—

Restriction as to loans secured on special rates.

(1.) The rateable value of so much of the rateable property as consists of Native lands or Crown lands is less than two-thirds of the rateable value of all the rateable property on which the rate is levied; nor unless—

(2.) The number of ratepayers on whose property the rate is levied exceeds one.

8. (1.) The Colonial Treasurer may from time to time, if he thinks fit, accept from any local authority the repayment, in whole or in part, of any loan raised by it under the principal Act, notwithstanding that the period for which the loan was raised has not expired, or that the public work for which it was raised has not been completed.

Repayment of whole or part of loan.

(2.) In any case of repayment of principal under this section, a duly proportionate abatement of interest shall be made.

9. If and as often as any local authority makes default in the full and punctual payment of any interest on a loan raised under the principal Act, then, in addition to all other rights and remedies exercisable for the purpose of procuring such payment, the following provisions shall apply:—

Additional remedies when default made in payment of interest.

(1.) The amount of such interest, together with an additional charge at the rate of five per centum per annum on such amount for the period during which such default continues, shall be recoverable from the defaulting local authority as a debt due to the Crown.

(2.) A certificate under the hand of the Controller and Auditor-General shall be sufficient evidence of the sums payable in respect of such interest and additional charge, and it shall be his duty to take all steps necessary in order to procure payment thereof.

Merger of special rating district.

10. Whenever the whole or any part of a special rating district is merged in the district of a local authority other than the local authority that raised the loan to which such special rating district relates, then, with the previous consent and approval of the Controller and Auditor-General, all such entries may be made in the register prescribed by section thirty-two of the principal Act as are necessary in order to duly adjust or apportion the liability in respect of such loan amongst the respective local authorities concerned.

Further as to moneys for opening up blocks of land for settlement.

11. (1.) The moneys which under section two of "The Government Loans to Local Bodies Act Amendment Act, 1891," the Colonial Treasurer is empowered to issue and apply towards opening up blocks of land for settlement shall be such sums, not exceeding in the whole fifty thousand pounds in any one year, as are in such year appropriated by Parliament for that purpose, out of the moneys authorised by the principal Act to be borrowed for the purpose of making loans to local authorities.

(2.) The aforesaid section two shall be read subject to this section.

(3.) All sums issued and applied as aforesaid may be borrowed in manner prescribed by section six of the last-mentioned Act, and the provisions of that section shall apply accordingly.

Section 8 of principal Act amended.

12. The eighth section of the principal Act is hereby amended by the addition at the end thereof of the following proviso:

"Provided, however, in the case of a district divided into ridings or subdivisions, nothing herein contained shall be deemed to forbid the payment out of the ordinary revenue of such riding or subdivision of the charges on any loan raised within the said riding or subdivision."

Section 37 of principal Act amended.

13. (1.) The second paragraph of section thirty-seven of the principal Act is hereby amended by substituting the words "two hundred and fifty thousand" in lieu of the words "two hundred thousand."

(2.) The loans authorised to be made under that paragraph may be made notwithstanding the appropriation of any sum under section eleven hereof for the purpose of opening up blocks of land for settlement; but for the purpose of fixing the total amount of the loans so authorised every sum so appropriated shall be included.

Counties may levy a bridge rate.

14. Notwithstanding anything contained in "The Counties Act, 1886," or "The Rating Act, 1894," limiting the amount of general and separate rates which may be made in any one year by any local body, it shall be lawful for the Council of any county, if duly authorised in that behalf by a poll of the ratepayers taken in manner prescribed by "The Counties Act, 1886," in the case of a proposal to raise a special loan, to make and levy, in addition to the general and separate rates authorised by the said Acts to be raised, a rate, to be called a "bridge rate," for the purpose of providing funds for the reconstruction of bridges on roads under the jurisdiction of the

Council, but such rate shall not in any one year exceed the amount of one farthing in the pound on the capital value of the rateable property in the county.

Such rate may be levied on the whole county when the bridge proposed to be reconstructed is for the benefit of the county generally, or the Council, if it thinks fit, may levy the rate on one or more ridings which are specially benefited by such bridge.

15. The proceeds of any such rate shall be paid into a separate account at the bank, to be called "The [*name of local body*] Bridge Account," and a special account kept thereof by the Council. The cost of raising the rate shall be charged against the General County Fund, and no part of such Bridge Fund shall be used for any purpose whatever save as in manner hereinafter provided.

Bridge Account to be kept separate.

16. When, by reason of any accident of flood, fire, or other mischance, or on account of dilapidation, it becomes necessary to renew any such bridge exceeding thirty feet in span, the Council may make application to the Colonial Treasurer for a loan for the proposed renewal. Such application shall set out—

Renewal of bridges

- (1.) Particulars of the span and locality of the bridge proposed to be renewed, and an estimate of the cost thereof:
- (2.) A certificate of the amount then standing to the credit of the Council's Bridge Account, signed by the agent of the bank at which the said account is kept:
- (3.) A statement signed by the County Chairman showing the total charges to date against the said Bridge Account, and the amount of interest and sinking fund required to pay off all bridge loans already granted to the Council under this Act.

17. The Colonial Treasurer, upon being satisfied that the circumstances of the case and the funds at the disposal of the Council, as hereinbefore provided, warrant him in so doing, may, anything contained in "The Local Bodies' Loans Act, 1886," and "The Government Loans to Local Bodies Act, 1886," and their several amendments respectively, to the contrary notwithstanding, and without reference to the ratepayers of the county, grant such loan.

Loans for renewal of bridges.

18. The Bridge Fund of any county shall be used solely and exclusively for meeting the interest and charges on loans raised under the provisions of the last-preceding section of this Act.

Objects of Bridge Fund.