



ANALYSIS

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1953, No. 5—*Local*

AN ACT to validate subdivisions of the Kaikoura River District, the classification of the rateable property therein, the reconstitution of the Kaikoura River Board, and rates made and levied by that Board. Title.

[25 September 1953

WHEREAS by Order in Council made on the fifteenth day of March, nineteen hundred and fifty, the boundaries of the Kaikoura River District were, as on and from the first day of April, nineteen hundred and fifty, altered by the inclusion in the said district of the area described in the First Schedule to the said Order in Council: And whereas the Kaikoura River Board, by resolution of the twelfth day of August, nineteen hundred and fifty, purported to divide the Kaikoura River District into two subdivisions, being firstly the North Riding, comprising the land which, before the first day of April, nineteen hundred and fifty, constituted the whole river district, and secondly the South Riding, comprising all the land which was added to the river district pursuant to the Preamble.

said Order in Council: And whereas on the twelfth day of August, nineteen hundred and fifty, the Board purported to adopt a classification of all rateable property in the said South Riding: And whereas on the twelfth day of August, nineteen hundred and fifty, the Board, pursuant to section twenty of the River Boards Act 1908, resolved that the Board should thereafter consist of four members for the North Riding and one member for the South Riding: And whereas doubts have arisen as to the validity of the said division of the Kaikoura River District, and of the said classification of part of the river district, and of the constitution of the Board, and of the validity of the rates made and levied by the Board since the first day of April, nineteen hundred and fifty, and it is desirable that such doubts should be resolved:

BE IT THEREFORE 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 Kaikoura River Board Validating Act 1953.

Division of the Kaikoura River District validated.

2. The division of the Kaikoura River District into two subdivisions to be known as the North and South Ridings, pursuant to the resolution of the Kaikoura River Board made on the twelfth day of August, nineteen hundred and fifty, is hereby validated and shall be deemed to have been lawfully made.

Validation of constitution of Board.

3. The reconstitution of the Kaikoura River Board pursuant to the resolution of the Board made on the twelfth day of August, nineteen hundred and fifty, fixing the number of members to be elected for the North Riding as four and the number of members to be elected for the South Riding as one, is hereby validated and shall be deemed to have been lawfully carried out.

Classification list established.

4. (1) Subject to the provisions of this section, the classification list of the Kaikoura River District as that list existed on the thirty-first day of March, nineteen hundred and fifty, and the classification list of the rateable property in the South Riding adopted by the Kaikoura River Board on the twelfth day of August, nineteen hundred and fifty, shall together constitute and be deemed to have constituted since the twelfth day of August, nineteen hundred and fifty, the classification list of the Kaikoura River District.

(2) Any person who considers himself aggrieved by reason of such classification may appeal against the same, on the grounds set out in section ninety-six of the River Boards Act 1908, by giving to the Registrar of the nearest Magistrate's Court, within twenty-eight days after the passing of this Act, a notice of appeal setting out the matter objected to and the cause of objection; and all the provisions of that Act relating to appeals shall apply with the necessary modifications.

(3) The fact that an appeal is pending shall not in the meantime interfere with or affect the classification list, and rates may be made and recovered on the valuations and classifications fixed therein in like manner as if no appeal were pending:

Provided that in the event of the classification list being altered on appeal a due adjustment shall be made, for which purpose any amount paid in excess shall be refunded, and any amount not paid shall be recoverable as arrears.

5. Subject to the provisions of the last preceding section, all rates made and levied by the Kaikoura River Board since the first day of April, nineteen hundred and fifty, and before the passing of this Act are hereby validated and declared to have been lawfully made and levied.

Validation of rates.

6. In respect of any rates made and levied by the Kaikoura River Board since the first day of April, nineteen hundred and fifty, and unpaid at the date of the passing of this Act, judgment may be entered, notwithstanding anything to the contrary in section seventy-seven of the Rating Act 1925, within two years after the passing of this Act.

Limitation of judgment for rates.