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1953, No. 11—*Local*

Title.

AN ACT to empower the Kamo Town Board to make and levy in respect of properties within the Kamo Town District water fees to be fixed by way of differential charges based on the classification of the said properties according to their use and on the area of the said properties. [12 November 1953]

Preamble.

WHEREAS the existing provisions of the Municipal Corporations Act 1933 for the levying of water rates have been found within the Kamo Town District to operate inequitably, inasmuch as a water rate based on the unimproved values of all rateable properties within the said Kamo Town District would cause undue hardship to the owners of certain of such properties: And whereas since the first day of January, nineteen hundred and forty-seven, the Kamo Town Board has purported to make and levy in respect of all properties within the Kamo Town District water fees fixed by way

of differential charges based on the classification of such properties according to their use and on the area of such properties: And whereas by section thirty-four of the Local Legislation Act 1952 such fees were validated to the thirty-first day of March, nineteen hundred and fifty-three: And whereas it is now desired that such fees should be made and levied permanently:

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

1. This Act may be cited as the Kamo Town Board Empowering Act 1953. Short Title.

2. In this Act, unless the context otherwise requires,— Interpretation.
 “Town district” means the Kamo Town District:
 “Board” means the Kamo Town Board.

3. (1) The Board may from time to time, in the manner provided by the Municipal Corporations Act 1933, make by-laws providing for the payment of an annual fee for water supply purposes (hereinafter referred to as the water fee), and may in every year levy a water fee in accordance with such by-laws on all rateable property situated within the town district, and may also in every year levy such fee as aforesaid on all non-rateable property (not being lands vested in Her Majesty of which there is not an owner or occupier, as defined by the Rating Act 1925, other than Her Majesty) situated within the town district and connected with and receiving service from the Board’s water supply system. Board may make by-laws levying annual fee for water supply purposes.

(2) Any such by-laws may make provision for the water fee to be fixed by way of differential charges based on the classification of properties as aforesaid subject to the said fee according to their use, and on the areas thereof.

(3) Any such by-laws may make provision for the exemption from payment of the water fee of any owner or occupier of property which is not served or is not likely to be served by the Board’s water supply service.

(4) The water fee may in any year be of a sufficient amount to provide for the payment of the whole or part of the interest and other charges for that year on any loans heretofore or hereafter raised by the Board for water supply purposes and of the cost of maintaining the Board’s water supply service.

(5) Where any loan has been raised by the Board for the purpose of carrying out any water supply scheme and has been secured by a special rate levied over the rateable property within the town district or any defined portion of the town district, the Board may in any year in which the amount collected or to be collected by way of the water fee is available and sufficient for the payment of the whole or part of the interest and other charges on the loan refrain from levying the said special rate or reduce the amount thereof to be levied in that year, as the case may be.

(6) The proceeds of any water fee shall be available only for the purposes mentioned in subsection four of this section.

(7) A water fee shall for all purposes be deemed to be a separate rate.

4. Any such water fee made and levied in the year commencing on the first day of April, nineteen hundred and fifty-three, and ending on the thirty-first day of March, nineteen hundred and fifty-four, is hereby validated and declared to have been lawfully made and levied and shall be for all purposes valid and effectual.

5. Nothing in this Act shall in any way affect the rights or interests of any debenture holder or other creditor of the Board.

Validating
certain fee
already levied
by Board.

Act not to
affect rights of
debenture
holders or
creditors.