



## ANALYSIS

Title	3. Power to levy annual sanitation fee
1. Short Title	4. Rights of debenture holders and
2. Interpretation	creditors not affected

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1963, No. 5—*Local*

**An Act to empower the Lyttelton Borough Council to levy a sanitation fee on the Diamond Harbour Area of the Borough of Lyttelton** [22 August 1963]

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

**1. Short Title**—This Act may be cited as the Lyttelton Borough Empowering Act 1963.

**2. Interpretation**—In this Act, unless the context otherwise requires,—

“Borough” means the Borough of Lyttelton;

“Council” means the Lyttelton Borough Council.

**3. Power to levy annual sanitation fee**—(1) Notwithstanding anything to the contrary in the Municipal Corporations Act 1954, and instead of making and levying any separate rate or uniform annual fee for sewerage purposes that could be made and levied under that Act, the Council may from time to time, in the manner provided by that Act, make bylaws providing for the payment of an annual fee for sewerage purposes (hereinafter referred to as the sanitation fee) and may in every year levy a sanitation fee in accordance with such bylaws on all rateable property situated within the Diamond Harbour Area of the Borough of Lyttelton.

(2) Any such bylaws may make provision for the exemption from payment of the sanitation fee of any owner or occupier of property which is not served or is not likely to be served by the Council's sewerage service.

(3) The sanitation fee may in any year be of sufficient amount to provide for the payment of the whole or part of the interest or other charges for that year on any loans heretofore or hereafter raised by the Council for sewerage or drainage or combined water-supply and sewerage purposes within the said area, and of the cost of maintaining and extending any sewerage service provided by the Council within that area.

(4) Where any loan has been raised by the Council for the purpose of carrying out any sewerage or drainage or combined water-supply and sewerage scheme within the said area and has been secured by a special rate levied over the rateable property within the Borough or any defined portion of the Borough, the Council may, in any year in which the amount collected or to be collected by way of sanitation fee levied on all rateable property situated within the Diamond Harbour Area is available and sufficient for the payment of the whole or part of the interest and other charges on any such loan or loans, refrain from levying the said special rate or reduce the amount thereof to be levied in that year, as the case may be.

(5) The proceeds of any sanitation fee shall be available only for the purposes mentioned in subsection (3) of this section.

(6) A sanitation fee shall for all purposes be deemed to be a separate rate.

**4. Rights of debenture holders and creditors not affected—**  
Nothing in this Act shall in any way prejudicially affect the security afforded by any special rate to the holders of any securities or affect the rights or interest of any debenture holder or other creditor of the Council.

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