



ANALYSIS

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2. Alteration of width of streets
3. Advances by Council to land owners
to meet emergency expenditure

1956, No. 87

An Act to amend the Municipal Corporations Act 1954

[26 October 1956]

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 Municipal Corporations Amendment Act 1956, and shall be read together with and deemed part of the Municipal Corporations Act 1954 (hereinafter referred to as the principal Act).

2. Alteration of width of streets—Section one hundred and seventy of the principal Act is hereby amended by repealing paragraph (e) of subsection four, and substituting the following paragraph:

“(e) To increase or diminish the width of any street, save that, except as specially provided by this Act or any other Act, or unless the consent of the Governor-General in Council is first obtained, the width shall in no case be diminished to less than sixty-six feet:”.

3. Advances by Council to land owners to meet emergency expenditure—The principal Act is hereby amended by inserting, after section three hundred and sixty-nine, the following section:

“369A. (1) Upon the application of the owner of any land in the district, and with the consent in writing of all persons having any registered interest in the land, the Council may advance to the owner the whole or any part of the money required to remedy conditions that have arisen in relation to the land by reason of flood, storm, landslip, earthquake, fire, or other accident.

“(2) Any such advance may be made out of money borrowed for the purpose or out of any money available for the purpose.

“(3) The Council and the owner may agree that the amount of any such advance shall be repayable in one sum at a fixed time, with interest at a rate to be fixed by the Council at the time when the advance is made, or by instalments extending over a number of years, with interest at a rate fixed as aforesaid. The agreement may contain any incidental provisions, and may provide for the earlier payment of instalments, or any of them, on terms to be mentioned in the agreement:

“Provided that where an agreement makes no provision as aforesaid for the early payment of instalments, the Council shall accept the whole of the unpaid instalments at any time when the same is tendered, and for the purpose of any such tender interest shall be calculated and paid only up to and including the day of the tender.

“(4) The agreement may, where the money is repayable in one amount, contain provisions for securing the repayment thereof, and where the money is repayable by instalments each such instalment shall, for all purposes, be deemed to be a rate, subject nevertheless to the following conditions:

“(a) The owner for the time being of the land in question shall in all cases be deemed to be the person primarily liable for payment:

“(b) A separate rate book shall be kept by the Collector of Rates to the Council in which particulars of the instalments (distinguishing capital and interest) and of the lands in respect whereof they are payable, and of the dates for payment thereof, and all the names of persons paying the same shall be entered; and that book shall be *prima facie* evidence of the correctness of its contents.

“(5) The capital money advanced by the Council under this section may, when repaid, be advanced to other owners for the purposes aforesaid, and, subject thereto, all such capital money shall be applied in or towards the repayment of the

money referred to in subsection two of this section, either by payment into the sinking fund in addition to the annual sinking fund payments required, if any, or in any such other manner as the Council, with the sanction of the Audit Office, determines.

“(6) Interest money on any such advances shall be applied in or towards payment of the interest or other annual charges in respect of the money referred to in subsection two of this section.

“(7) All money payable to the Council by the owner of any land in respect of any advances made under this section shall be a charge on that land.

“(8) On being satisfied after full inquiry that undue hardship would be caused if the owner had to pay in full any amount due under this section, the Council may, if it thinks fit, remit the payment of any interest by the owner, either wholly or partly or for any period or periods, and may also, if it thinks fit, remit the payment of any part of the capital money.

“(9) Where the Council is satisfied that the owner of any land in the district cannot by reason of his financial position be adequately assisted under the foregoing provisions of this section, the Council may expend any money borrowed for the purpose of any emergency referred to in subsection one of this section, or any other available money, for the purpose of enabling or assisting the owner to remedy conditions that have arisen in relation to the land by reason of any of the causes specified in subsection one of this section.”
