



ANALYSIS

- | | |
|--|---|
| <p>Title.</p> <p>1. Short Title.</p> <p>2. Valuation roll and rate book may be combined where rating is on annual value.</p> <p>3. Amending provisions as to numbering of valuation roll where rating is on annual value.</p> | <p>4. Abolishing partial exemption from rates in respect of unoccupied buildings.</p> <p>5. Alternative procedure for sale or letting of abandoned property where judgment for rates not satisfied. Consequential amendments.</p> |
|--|---|

1950, No. 67

AN ACT to Amend the Rating Act, 1925.

Title.

[1st December, 1950]

BE IT 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 Rating Amendment Act, 1950, and shall be read together with and deemed part of the Rating Act, 1925 (hereinafter referred to as the principal Act).

Short Title.

See Reprint
of Statutes,
Vol. VII, p. 977

2. Section fifty-two of the principal Act is hereby amended by adding the following subsection:—

“(4) Notwithstanding anything in the foregoing provisions of this section, in any case where the system of rating on the annual value is in force, it shall be lawful for the local authority, instead of transcribing in a rate book the particulars of every rate and such other particulars as are prescribed or authorized by this section, to cause to be entered on the valuation roll for the time being in force under section thirty-three of this Act such of those particulars as are not already entered on that roll. When those particulars are so entered the valuation roll shall be deemed for the purposes of this

Valuation roll
and rate book
may be
combined
where rating
is on annual
value.

Act to be the valuation roll and rate book of the local authority, and the provisions of this Act relating to the valuation roll and to the rate book shall, with any necessary modifications, apply to the valuation roll accordingly."

Amending provisions as to numbering of valuation roll where rating is on annual value.

Abolishing partial exemption from rates in respect of unoccupied buildings.

Alternative procedure for sale or letting of abandoned property where judgment for rates not satisfied.

3. The First Schedule to the principal Act is hereby amended by omitting from the form numbered (2) the words "[N.B.—Every entry on the list must be numbered consecutively, from one upwards.]", and substituting the words "[N.B.—Every entry on the list must be numbered.]".

4. Section sixty-nine of the principal Act is hereby repealed.

5. (1) The principal Act is hereby amended by inserting, after section eighty, the following section:—

" 80A. (1) This section shall apply to any property in respect of which any judgment for rates has been given against the owner, and in respect of which the owner—

"(a) Is unknown; or

"(b) Cannot be found after due inquiry and has no known agent in New Zealand; or

"(c) Is deceased and has no personal representative; or

"(d) Gives notice in writing to the local authority in whose favour the judgment has been given that he desires to abandon the property.

"(2) When the provisions of subsections one to three of section seventy-nine of this Act have been complied with in respect of any property to which this section applies, and the period of six months referred to in subsection two of that section has expired, the local authority may apply to the Registrar of the Supreme Court referred to in the said section seventy-nine for a certificate to the effect that those provisions have been complied with, and it shall be the duty of the Registrar, on payment to him of a fee of one pound, to issue such a certificate accordingly instead of selling or letting the land under that section.

“(3) On receipt of the Registrar’s certificate under the last preceding subsection, the local authority may apply to a Magistrate’s Court having jurisdiction in the district in which the property is situated for an order declaring the property to be abandoned property and authorizing the local authority to sell or let it pursuant to this section.

“(4) Every application to the Magistrate’s Court under this section shall be made and dealt with by way of originating application under the rules of procedure for the time being in force under the Magistrates’ Courts Act, 1947, and the fees prescribed under those rules in respect of such applications shall be payable thereon.

1947, No. 16

“(5) The Magistrate, if satisfied that the property to which the application relates is one to which this section applies, and on production to him of the Registrar’s certificate issued under subsection two of this section, may make an order declaring the property to be abandoned property and authorizing the local authority to sell or let it pursuant to this section.

“(6) Every order so made shall be deemed to be made upon and subject to the following terms and conditions, namely:—

“(a) The local authority may from time to time offer the property for sale or letting by public auction or public tender, until it is sold or let:

“(b) The local authority shall, in the case of every such offer for sale or letting as aforesaid, fix such reserve price or rent as it thinks fit:

“(c) Subject to the provisions of paragraph (b) of this subsection, every offer for sale or letting under this subsection shall be upon and subject to such terms and conditions as the local authority thinks fit:

“(d) The person submitting the highest bid or, as the case may require, the highest tender shall, if the amount of that bid or tender is not less than the reserve price or rent, and if he complies with the terms and conditions so fixed, be the purchaser or lessee, as the case may require:

“(e) Any property offered for sale or letting as aforesaid and not sold or let may, at any time within twelve months thereafter, be sold or let by private contract at a price or rent not less than the reserve fixed when it was so offered and otherwise on such terms and conditions as the local authority thinks fit:

“ Provided that no property which has been so offered for letting only shall be sold by private contract until it has first been offered for sale as aforesaid.

“(7) The provisions of paragraphs (f) to (i) of section eighty of this Act, and the provisions of section eighty-one of this Act, shall, as far as they are applicable and with the necessary modifications, apply to every sale or letting under this section in all respects as if references therein to the Registrar of the Supreme Court were references to the local authority, and as if the reference in paragraph (h) to the signature and seal of office of the Registrar were a reference to the seal of the local authority, in the case of a body corporate, or to the signature of the local authority in any other case:

“ Provided that it shall not be lawful for the District Land Registrar to register any instrument executed by the local authority for the purpose of giving effect to any sale or letting under this section unless there is lodged with the instrument a copy of the order of the Magistrate’s Court sealed with the seal of the Court.

“(8) The provisions of subsection six of section seventy-nine of this Act (which relates to the application of the proceeds of a sale or letting by the Registrar under that section) shall, as far as they are applicable and with the necessary modifications, apply to every sale or letting under this section.

“(9) In any case where the proceeds of any sale under this section are insufficient to meet the amount of any judgment, rates, interest, or costs and expenses to which subsection six of section seventy-nine of this Act applies, the amount of the deficiency may be written off by the local authority as irrecoverable.

“(10) Nothing in this section shall be construed to limit the application of section seventy-nine of this Act to any property to which this section applies, in any case where the local authority elects to proceed under that section or, having proceeded under this section, is unable to sell or let the property pursuant to this section.”

(2) Nothing in section eighty A of the principal Act, as inserted by this section, shall be construed to limit or affect the provisions of the Tenancy Act, 1948, or the Servicemen’s Settlement Act, 1950.

(3) Section seventy-nine of the principal Act is hereby amended by omitting from subsection seven the words “the next succeeding section”, and substituting the words “the next two succeeding sections”.

(4) Section one hundred and twelve of the principal Act is hereby amended by inserting, after the word “eighty”, the words “eighty A”.

1948, No. 76
1950, No. 41

Consequential
amendments.