

New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Power to constitute town districts in certain counties. 3. Town district not to form part of county. Repeal. | <ol style="list-style-type: none"> 4. Apportionment of liabilities and assets. 5. Preliminary appointments on constitution of new district. Repeal. 6. Town district becoming a borough. Repeal. 7. Town Board may obtain overdraft. |
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1906, No. 53.

Title. AN ACT to amend "The Town Districts Act, 1881."
[29th October, 1906.]

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

Short Title. 1. The Short Title of this Act is "The Town Districts Act, 1906"; and it shall form part of and be read together with "The Town Districts Act, 1881" (hereinafter referred to as "the principal Act").

Power to constitute town districts in certain counties. 2. Notwithstanding any Act wherein it is provided that no local body or authority other than the County Council shall, within the limit of any county, be created or exercise any jurisdiction or authority over any roads or over or in relation to any matter or thing in respect of which jurisdiction is conferred upon a County Council under the principal Act, it is hereby declared that such provision shall not prevent the constitution of any town district by the Governor under the authority of "The Town Districts Act, 1904."

Town district not to form part of county. 3. (1.) Notwithstanding anything in the principal Act or "The Counties Act, 1886," every town district having a population of not less than five hundred shall, for the purposes of "The Counties Act, 1886," be deemed not to form part of the county within which it is included, in the case of an existing town district as from the date of the coming into operation of this Act, and in the case of a town district hereafter constituted as from the date of such constitution; but the entity of the Corporation of such county shall not thereby be destroyed.

(2.) Every main road or county road, or portion of any such road respectively, within the limits of such town district shall be under the control of the Town Board, who shall bear the cost of making and maintaining the same.

(3.) The second paragraph of section ten of the principal Act, commencing "A town district," section thirty-two of the same Act, and section two hundred and fifty-one of "The Counties Act, 1886," are hereby repealed. Repeal.

4. (1.) The Board of every such town district, and the local authority of the district of which such town district was a part, shall agree together and determine as to the following matters:— Apportionment of liabilities and assets.

(a.) What part of the property, real and personal, of the said district shall become the property of the town district:

(b.) What part of the rates payable to such district at the date when such town district ceased to be a part thereof shall be deemed to be rates payable to the town district:

(c.) What part of the liabilities and engagements of such district outstanding at such date shall be liabilities and engagements of the town district:

(d.) What part of the interest and sinking fund of any loan (if any) raised by such district shall be paid by such town district.

(2.) Every such agreement shall be in writing, and shall be final as between the local authority and the town district.

(3.) If no such agreement is made within two months after the coming into operation of this Act (or, in the case of a town district hereafter established, within two months after the first election of the Town Board), the Governor may, upon the application of either the Board or the local authority, appoint any fit person or persons to hold an inquiry and make an award as to the several matters mentioned in subsection one hereof, and their award thereon shall be final.

(4.) All property, real or personal, allotted to the town district by any such agreement or award shall become vested in the Board thereof, in the case of an existing town district as from the date of the coming into operation of this Act, and in the case of a town district hereafter constituted as from the date of such constitution.

(5.) Nothing in this Act shall affect the rights or interests of any bondholder or other creditor of any district from which a town district has been taken, or shall relieve the ratepayers for the time being in the area comprised in such town district from their liability to pay any special rate made under the provisions of any Act as a security for any loan.

5. (1.) On the constitution of any new town district the Governor may make all appointments and do all things necessary for the due conduct of the first election of members of the Board and for the holding of their first meeting. Preliminary appointments on constitution of new district.

(2.) This section shall be deemed to have been in operation as from the passing of "The Town Districts Act, 1904."

(3.) Section seven of "The Town Districts Act 1881 Amendment Act, 1883," is hereby repealed. Repeal.

6. (1.) Where a town district becomes a borough under "The Municipal Corporations Act, 1900," the following provisions shall apply:— Town district becoming a borough.

(a.) The Corporation of such borough shall, in respect of all property, rights, claims, obligations, liabilities, contracts,

and engagements, and for all purposes whatsoever, be deemed to be the same Corporation as that existing in the district before its constitution as a borough.

- (b.) Every person holding any office in or under any such last-mentioned Corporation shall continue to hold office until the time when, if appointed or elected under "The Municipal Corporations Act, 1900," he might be removed from or would vacate the same.
- (c.) Any valuation roll and any electors list or roll in force in the town district at the time when such district becomes a borough shall be deemed to be the valuation roll and the electors roll respectively for the borough.
- (d.) All by-laws or regulations in force within the district at the time of its becoming a borough shall continue in force until altered or revoked in the manner provided by "The Municipal Corporations Act, 1900."

Repeal.

(2.) Sections forty-six and forty-seven of the principal Act are hereby repealed.

Town Board may obtain overdraft.

7. The Town Board may, in anticipation of its current revenue, from time to time borrow moneys from the bank by way of overdraft; but the amount of such overdraft shall never at any time exceed the total amount of the income of the Board for the year ending the thirty-first day of March previous, not including in such income any moneys received by way of grant from the General Government, or any moneys borrowed, or any moneys received for separate rates or special rates.