

New Zealand.



ANALYSIS.

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1890, No. 12.—*Local.*

Title.	AN ACT to provide a more Convenient and Inexpensive Method of raising the Funds required towards providing Interest on the Loans authorised by the Timaru Harbour Board Loan Acts 1881 and 1885. [3rd September, 1890.]
Preamble.	WHEREAS it is expedient to provide a more convenient and inexpensive method of raising the funds required towards providing interest on the loans authorised by the above-mentioned Acts: BE IT THEREFORE 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 Timaru Harbour Board Empowering Act, 1890.”
Interpretation.	2. The definitions contained in section two of “The Timaru Harbour Board Loan Act, 1885,” shall, unless there is something inconsistent in the context, apply to all similar expressions used in this Act. The words “the said Acts,” where used in this Act, shall mean “The Timaru Harbour Board Loan Act, 1881,” and “The Timaru Harbour Board Loan Act, 1885;” and the words “rateable value,” where used in this Act, shall, in the case of counties, road districts, and town districts, mean the rateable value appearing in the valuation-rolls for the time being in force in the said counties, road districts, and town districts respectively; and in the case of the Borough of Timaru shall, so long as “The Rating Act, 1882,” is not in force in such borough, or the principle of rating on capital value otherwise established by law therein, mean the rateable value as appearing in the roll to be compiled from each succeeding property-assessment roll in manner provided by “The Timaru Harbour Board Loan Act 1885 Amendment Act, 1888;” and on “The Rating Act, 1882,” being brought into force in the said borough, or the principle of

rating on capital value otherwise established by law therein, shall mean the valuation-roll for the time being in force in the said borough.

3. For the purpose of raising the amount authorised to be levied under the said Acts towards providing interest on the loans thereby respectively authorised, the said Board is hereby empowered by resolution to—

Power to suspend operation of rate towards providing interest on loans, and to make other provisions in lieu thereof.

- (1.) Suspend from a date to be fixed by such resolution the operation of the rate already made towards providing such interest as aforesaid, and the exercise of the powers delegated under section seventeen of "The Timaru Harbour Board Loan Act, 1885," without prejudice, however, to the recovery of any moneys theretofore accrued due or owing in respect of such rate :
- (2.) Declare that the Council of the Borough of Timaru and the Councils of the counties now existing or hereafter constituted, which are or shall be wholly or partially included within the Timaru Harbour District, shall be liable to contribute the amount authorised to be levied as aforesaid in proportion to the rateable value of all rateable property comprised within the boundaries of such borough and counties respectively, and situated within the Timaru Harbour District :
- (3.) Fix on the aforesaid basis the amount of the proportion of the contribution to be made by each of the aforesaid local authorities respectively in each year from the first day of January to the thirty-first day of December inclusive, and the time or times for the payment thereof, either in one sum or by two equal instalments :
- (4.) In lieu of any one or more of the Councils of the said counties, declare the Road Boards and Boards of Commissioners of town districts whose districts are comprised within each such county to be liable to contribute the proportion of the amount hereinbefore authorised to be declared payable by the Council of such county; and in such case the said Road Boards and Commissioners shall, as between themselves, contribute in the proportion that the rateable values of the rateable property comprised within the limits of the road districts or town districts over which such Boards have jurisdiction bear to each other :
- (5.) Fix, on the basis mentioned in the last-preceding subsection, the amount of the proportion of the contribution to be made by each of the aforesaid Road Boards and Boards of Commissioners respectively in each year from the first day of January to the thirty-first day of December inclusive, and the time or times for the payment thereof, either in one sum or by two equal instalments :
- (6.) From time to time vary, alter, or rescind any of the acts authorised by subsections one to five inclusive.

4. Every contributory local authority declared liable to pay any such contribution as aforesaid may pay the same out of the ordinary

Mode in which contributory local

authorities to
provide funds.

funds at its disposal, or out of any general rate or rates levied by it, or out of any moneys received by way of subsidy; or may, if it thinks fit, and shall, if the means aforesaid are insufficient for payment of the amount required, levy a rate to provide such amount, and the power to levy such rate shall be in addition to any power of rating already possessed by such local authority :

Provided that, in lieu of levying a rate under the provisions hereof to provide the amount of contributions allocated to be paid by the Council of any county, such Council may, by resolution, require the Road Boards and Boards of Commissioners of town districts whose districts are situated within the limits of such county to contribute and pay to such County Council the amount of the aforesaid contribution, and may, by such resolution, fix the amount to be paid by each such Road Board and Board of Commissioners, and the time or times for the payment thereof; and in such case the said Road Boards and Commissioners shall, as between themselves, contribute in the proportion that the rateable values of the rateable property comprised within the limits of the road districts or town districts over which such Boards have jurisdiction bear to each other; and the preceding provisions of this section and of section five as to the means of payment shall, *mutatis mutandis*, apply to the contributions to be paid by such Road Boards and Boards of Commissioners; and the provisions of sections six and eight of this Act shall, *mutatis mutandis*, apply to the recovery by such County Councils of the amounts of such contributions, and the powers exercised by such County Council. Nothing herein contained shall affect the liability of any County Council to pay to the said Timaru Harbour Board the amount of the contribution allocated to be paid by such County Council within the time limited by resolution of the said Harbour Board.

Mode in which
local authorities
may levy rates.

5. Every rate authorised under the last-preceding section of this Act shall be struck, made, levied, and collected in, with, under, and subject to the same powers, rights, and authorities, and in all respects in the same manner, as rates for general or ordinary purposes levied by such local authority, and may be included in and collected with any such last-mentioned rate or rates.

Enforcing payment
of contributions.

6. If any local authority declared liable to contribute as aforesaid shall neglect or refuse to pay the amount of such contribution, or any instalment thereof, as the case may be, to the said Timaru Harbour Board for the period of one month after the time fixed for the payment thereof, such contribution or instalment may be recovered by the said Board in any Court of competent jurisdiction as a debt due to the Board by the Corporation represented by such contributory local authority, or payment thereof may be enforced by the said Board by proceedings in the Supreme Court for a writ of *mandamus* to compel the members of such local authority to pay such contribution or instalment within a time to be limited by the Court or Judge thereof, or to take the necessary steps to provide for such payment, and to make such payment within a time to be limited as aforesaid.

Remedies of
debenture-holders
preserved.

7. The holders of debentures issued in respect of the loans authorised by "The Timaru Harbour Board Loan Act, 1881," and "The Timaru Harbour Board Loan Act, 1885," shall have the same remedies in respect of all moneys payable under this Act by con-

tributory local authorities as they have under the said Acts in respect of the rates thereby authorised to be levied; and in the event of default being made by the said Board in the payment of principal or interest moneys owing in respect of such loans, or either of them, the Supreme Court of New Zealand, or a Judge thereof, may from time to time, on application in a summary way by any person to whom such principal or interest moneys are owing, vary, alter, or rescind any resolution authorised by subsections one to five inclusive of section three of this Act.

8. Subject and without prejudice to the power vested in the said Board to vary, alter, or rescind any resolution passed under section three of this Act, and also subject and without prejudice to the provisions of the last-preceding section, no resolution passed under section three of this Act, and no allocation of contribution thereunder, or determination of the amount of contributions to be paid by any local authority, shall be removable by *certiorari* or otherwise, or quashed, set aside, or suspended, or restrained by injunction, or otherwise quashed, set aside, suspended, or restrained by any proceeding of any Court or otherwise, on any ground whatsoever; and no defect in such resolution, allocation, or determination shall be set up as a defence to any action or proceeding which may be brought to recover the amount of such contribution; but the Supreme Court or any Judge thereof may, on application in a summary way by any local authority within one calendar month after notice to such local authority of such allocation, reduce the amount of the contribution allocated to be paid by such local authority if the amount thereof is found to be excessive or unequal, and may make such other order as such reduction may render just.

9. The Property-tax Commissioners shall, on application in writing by the Chairman of the Timaru Harbour Board, and on payment of the actual cost of copying and compiling the same, which sum shall be paid into the Public Account and form part of the Consolidated Fund, forward through the post to such Chairman a statement in writing signed by such Commissioner of the total rateable values of the rateable property in each county, borough, road, and town district comprised within the said harbour district; and, in cases where only a portion of any county, borough, road, or town district is comprised within such harbour district, shall show in such statement the total rateable value of the rateable property comprised in such portion, and in such statement shall also show separately the total value of all Crown lands included in the valuation of any such county, borough, road, or town district, or portion thereof as aforesaid; and it shall be lawful for the said Harbour Board to adopt such statement as the basis of allocating contributions payable under this Act so long as the assessment-roll from which such statement is compiled remains in force, and thereafter like statements shall on such application as aforesaid be compiled and furnished from each succeeding property-assessment roll in like manner.

Resolutions and allocations of contributions not to be quashed, restrained, or impeached, but amounts may be reduced.

Property-tax Commissioner to furnish statements to form basis of allocations.