

## New Zealand.



### ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Section 34 of principal Act amended. Rates to be on graduated scale.</p> <p>3. Section 35 of principal Act amended.</p>	Rates	<p>4. Section 38 of principal Act amended.</p> <p>5. Managing ratepayers may be appointed. Repeal.</p> <p>6. Companies formed for irrigation may acquire land.</p>
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1913, No. 57.

AN ACT to amend the Water-supply Act, 1908.

Title.

[15th December, 1913.]

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 Water-supply Amendment Act, 1913, and shall form part of and be read together with the Water-supply Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

2. Subsection two of section thirty-four of the principal Act is hereby repealed, and the following subsection is substituted in lieu thereof:—

Section 34 of principal Act amended.

“(2.) Every such special rate shall be levied on a graduated scale according to a classification made by the Council of the rateable property within the district or subdivision:

Rates to be on graduated scale.

“Provided that if the Minister of Internal Affairs, on the request of the Council, and after due inquiry, is satisfied that all the lands liable to be rated will derive practically equal benefit from the works in respect of which the special rate is proposed to be made and levied, he may authorize the Council to make and levy such rate on a uniform scale:

“Provided also that nothing herein shall affect any special rate made before the commencement of this Act, notwithstanding that the levy thereof may be after the commencement of this Act.”

3. Subsection one of section thirty-five of the principal Act is hereby amended by adding the following proviso:—

Section 35 of principal Act amended.

“Provided that the Council shall, before the appointment of such proportions, cause public notice to be given of the respective proportions it proposes to appoint; and shall, at a meeting of the

Council to be held after the expiration of a period of twenty-eight days from the first publication of such public notice, consider all objections in writing (if any) which have been received by the Council to such proposed proportions.”

Section 38 of principal Act amended.

4. Section thirty-eight of the principal Act is hereby amended by adding the following subsection:—

“(3.) All such rates and charges shall be recoverable in the same manner as ordinary rates.”

Managing ratepayers may be appointed.

5. (1.) On receipt by a Council of a requisition signed by a majority of ratepayers supplied by any water-race vested in the Corporation requesting that the management of the water-race be given to managing ratepayers as hereinafter mentioned, the Council may, by special order, appoint not less than five nor more than seven ratepayers, who shall, on behalf of the Council, have the management of the water-race, and for that purpose shall have and may exercise all or such of the powers of management possessed by the Council as are specified in the special order.

(2.) Any such special order may from time to time be varied or rescinded by resolution of the Council.

(3.) A notification in the *Gazette* under the hand of the Chairman of the Council shall be sufficient evidence of the appointment of such managing ratepayers, and of the powers conferred on them.

Repeal.

(4.) This section is in substitution for section forty-nine of the principal Act, and shall be deemed to have been in operation as from the passing of the Water-supply Act Amendment Act, 1898. The said section forty-nine is hereby accordingly repealed.

Companies formed for irrigation may acquire land.

6. Where a company is formed, having among its objects the irrigation of land, and the subdivision and sale of such land for settlement after or during the process of irrigation, and such company proposes to undertake irrigation-works within the County of Vincent,—

(a.) The Governor in Council may enter into contracts for the sale to such company of any Crown lands or settlement lands in the said county requiring irrigation, anything in any Act relating to land or mining to the contrary notwithstanding, subject to the following conditions:—

(i.) The price to be paid by the company shall be a sum per acre to be approved by the Land Board of the district constituted under the Land Act, 1908.

(ii.) No Crown grant or certificate of title shall be issued in respect of such land, or any part thereof, to the company or any trustee for or agent of the company.

(iii.) The company shall covenant to irrigate such lands, or a specified part or parts thereof, according to plans and methods to be approved by the Governor in Council.

(iv.) The company shall be required, within a time to be fixed by the contract, or within such enlargement of such time as the Governor in Council from time to time may grant, to cause such lands to be surveyed and subdivided and offered for sale or lease (with a purchasing clause), by auction, or tender, or contract, upon conditions to be approved by the Governor in Council.

(v.) The subdivisions shall be such as that none shall exceed the total area limited by and computed as provided by section ninety-seven of the Land Act, 1908, and no purchaser or lessee shall be entitled to acquire by purchase or lease or otherwise more than one such subdivision.

(vi.) Crown grants or certificates of title shall be issued to the purchasers from the company at the request of the company.

(b.) (i.) Notwithstanding any of the provisions expressed in paragraph (a) hereof, the Governor may, if the company proposes to borrow money for the purpose of enabling it to carry out the irrigation of the lands, issue Crown grants or certificates of title of such lands to the company, and the company may execute valid and effectual mortgages of such lands, with power of sale, to secure moneys borrowed by the company and interest thereon.

(ii.) The company shall nevertheless be bound by and perform the covenants and conditions defined in paragraph (a) hereof.

(iii.) If the company makes default in the performance of any such covenants or conditions, any right reserved to the Governor by the contract entered into between the Governor in Council and the company to determine such contract shall not be exercised to the prejudice of the mortgagee.

(iv.) If the company makes default in payment of any principal moneys or interest pursuant to the provisions of the mortgage, the mortgagee shall be entitled to request the Governor in Council, by notice in writing in that behalf, to accept an assignment on behalf of His Majesty the King of such mortgage upon payment to the mortgagee of all principal moneys, interest, and expenses then due and owing by the company to the mortgagee.

(v.) If the Governor in Council does not within three months after receipt of such notice accept such assignment and pay such moneys to the mortgagee, the mortgagee shall be at liberty to exercise all powers of sale and purchase conferred upon the mortgagee by the terms of the mortgage and by the provisions of any statute relating to mortgages as if such lands were held by the company without any limitation, and in that case neither the mortgagee nor any purchaser from the mortgagee shall be in any manner bound by, or affected by, or limited in title or power by, the terms of the contract between the company and the Governor in Council, or by any provision of this section.

(c.) The Governor in Council may exempt the company from any of the provisions of any Act relating to land or mining which would or might prevent or limit or make illegal or void the acquisition by the company of Crown or private lands if it is proved to the satisfaction of

the Land Board that the lands to be so acquired by the company will be benefited by or are necessary for the irrigation-works to be carried out by the company, or are adjacent to and capable of being held and occupied with the irrigated lands :

Provided that all lands so acquired shall be offered for sale or lease (with a purchasing clause), by auction, tender, or contract, by the company within such time as the Governor in Council requires, and upon terms and conditions to be approved by the Governor in Council.

- (d.) The purposes of the company shall be deemed to be "mining purposes" within the definition of the Mining Act, 1908, to the extent of authorizing and empowering grants by the Warden to the company of any mining privileges in respect of water and water-rights defined by that Act, and subject to the provisions of that Act.
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