New Zealand.

ANALYSIS.

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1910, No. 28.—*Local.*

Title.

An Act to confer on the Council of the Borough of Woodville Power to borrow Money for Drainage Connections and other Powers in relation to Drainage and Sanitation.

[*21st November, 1910.*

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. This Act may be cited as the Woodville Borough Drainage Empowering Act, 1910.

Interpretation.

2. In this Act, if not inconsistent with the context,—

"Borough" means the Borough of Woodville, and includes all areas that may hereafter be added thereto:

"Corporation" means the Mayor, Councillors, and Burgesses of the Borough of Woodville:

"Council" means the Council of the Borough of Woodville:

"Owner" of any premises means the person for the time being entitled to receive the rack-rent thereof, or who would be so entitled if the premises were let to a tenant at a rack-rent.

Power for Council to execute drainage and sanitation works for owners.

3. Where the owner of any premises situate in the borough is liable by law to execute any work for the drainage or sanitation of such premises and makes default in so doing, or where the owner of any such premises requests the Council to execute any such work, it shall be lawful in either case for the Council to execute the work.

4. Where the Council executes any such work as aforesaid there shall be added to the cost of such work a sum equal to five per centum of such cost for supervision.

Cost of supervision.

5. (1.) By agreement between the Council and the owner of the premises, the cost of any such work may be divided into equal half-yearly instalments, extending over a period not exceeding ten years. Interest at a rate not exceeding six per centum per annum on the principal-money for the time being unpaid shall be included in such instalments, half-yearly rests being taken.

Provision for repayment of cost by instalments.

(2.) Each such instalment shall, for the purpose of the recovery thereof, be deemed to be a general rate of the borough, payable primarily by the owner of the premises.

(3.) Particulars of all such instalments, and of the dates on which they fall due and are paid respectively, shall be entered in a book kept by the Collector of Rates to the Council, and such book shall be *prima facie* evidence of the correctness of its contents.

6. The owner for the time being of the premises may, at the expiration of three months' notice in writing of intention in that behalf given by him to the Council, discharge all instalments remaining unpaid by paying to the Council the amount thereof, less a rebate in respect of the future interest.

Power for the owner to pay off instalments.

7. (1.) Where an owner of premises pays the cost of any such work as aforesaid, or pays any instalment in respect of such cost, and at the date of the completion of the work the premises are held by a tenant under such owner having a term of at least three years then unexpired, such tenant shall pay to the owner during such unexpired term an annual sum equal to five per centum of such cost or of such instalment (as the case may be), computed from the date of the completion of the work.

Power for owner to recover percentage of cost of work from tenant.

(2.) Such sum shall be payable on each anniversary of the date of such completion, and a proportionate part thereof shall be paid for any fraction of a year.

(3.) Such percentage in case of non-payment shall be recoverable by the owner as if it were rent in arrear payable to him by the tenant in respect of the premises.

8. (1.) Where at the date of the completion of the work the premises are sublet for an unexpired term of at least three years, or are sublet by different landlords for similar unexpired terms respectively, any such percentage paid by the tenant shall be repaid to him by his subtenant, and the percentage so paid by any subtenant shall be repaid to him by his subtenant.

Power for tenant to recover percentage from subtenant.

(2.) Every such percentage shall be recoverable as if the same were rent in arrear in respect of the premises payable by such subtenant to the person to whom such percentage ought to be paid as aforesaid.

9. (1.) The Council, for the purpose of the immediate payment for any works the cost whereof is payable by any owners of premises, may from time to time borrow, at interest not exceeding five per centum per annum, any sums of money not exceeding in the whole the sum of four thousand pounds, upon the security of any instalments payable to it under this Act, and upon the security of a special

Power for Council to borrow upon the security of instalments or of a special rate.

rate over that portion of the borough over which the special rate struck as security for the Woodville drainage loan is struck; but no money shall be borrowed under the authority of this Act which will produce to the lender a higher rate of interest than five per centum per annum. All moneys borrowed under this section shall be devoted exclusively to the purposes authorized by this Act.

(2.) Such moneys shall be borrowed under the Local Bodies' Loans Act, 1908.

(3.) Any instrument securing the repayment of any such sum and interest may be in such form, and may contain such covenants by the Corporation (including covenants for the repayment of such sum and interest), and such powers and provisions, as the Council thinks fit.

(4.) The Council shall apply all such instalments upon the security of which it borrows any money as aforesaid towards repayment of such money and the interest thereon until such money and interest are paid and satisfied.

(5.) A person lending any money to the Council under this Act shall not be concerned to inquire as to the necessity or propriety of the transaction or to see to the application of the money so lent.

Power to make by-laws.

10. (1.) The Council may make by-laws—

(*a.*) Directing in what manner and under what conditions private streets and private ways may be drained into public drains and covered or other watercourses:

(*b.*) Prescribing the lowest levels at which any part of any building may be constructed with a view to the drainage thereof:

(*c.*) Forbidding the leading into any public drain or covered watercourse of any matter (other than ordinary household sewage or drainage) that in the opinion of the Council is likely to injuriously affect the same:

(*d.*) Providing for the protection from injury in any other way of any public drain or covered watercourse:

(*e.*) For any purpose in relation to the drainage or sanitation of the borough, or the connection of private drains with public drains or covered or other watercourses.

(2.) The provisions of Part XLII of the Municipal Corporations Act, 1908, shall apply to every by-law made under this Act.

Valuation roll to be evidence.

11. The valuation roll for the time being in force in the borough shall be *prima facie* evidence that any person appearing thereon as the owner of any property is the owner thereof for the purposes of this Act or of any by-law made thereunder.

Saving of powers of general Act.

12. Nothing contained in this Act shall take away from the Council or the Corporation any power or remedy possessed by it under the Municipal Corporations Act, 1908, or any other general Act.