

New Zealand.

## ANALYSIS.

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1923, No. 13.—*Local and Personal.*

**Title.** AN ACT to authorize the Corporation and Council of the City of Wellington to provide for the Annual Charges in respect of all its Special Loans, for that Purpose to make and levy One Special Rate over the Whole of the City, to extend the Operation of certain Local Acts, to authorize the Extended Application of the Loan-moneys raised to meet Compensation for Street Dedications, and to amend the Wellington City Empowering and Amendment Act, 1922. [29th August, 1923.]

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 Wellington City Empowering and Special Rates Consolidation Act, 1923.

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

“Annual charges,” when used in reference to a special loan, means and includes interest, sinking fund, charges, clerical and legal expenses, and all other expenses lawfully incurred by the Council in respect of the special loan :

“City” means the City of Wellington :

“Corporation” means the Corporation of the Mayor, Councillors, and Citizens of the City of Wellington :

“Council” means the Wellington City Council :

“Profits,” when used with reference to any work or undertaking, means excess of receipts over expenditure and working-expenses, including all charges authorized by statute other than annual charges on any special loan raised for the purposes of such work or undertaking.

3. (1.) The annual charges in respect of special loans heretofore or hereafter raised for the purpose of the undertakings described in the First Schedule hereto shall be paid out of the profits of the undertaking on which such loan-moneys have been or are to be expended, so far as such profits will extend.

Provision of annual charges of special loans.  
 Out of undertakings.

(2.) The balance of the annual charges of the special loans mentioned in subsection one of this section, and the annual charges in respect of all other special loans at any time repayable by the Corporation, other than a special loan referred to in section eleven hereof, shall, if the Council shall in any year make and levy a rate as hereinafter provided, be payable out of such rate.

Out of rate.

(3.) (a.) The Council may, for the purpose of providing the moneys necessary to meet the charges mentioned in subsection two of this section, by resolution annually make and levy a consolidated special rate on all rateable property in the city on the basis of the system of rating for the time being in force in the city.

Power to make rate.

(b.) Such rate shall be made and levied as if it were a general rate made under the provisions of the Municipal Corporations Act, 1920, and the provisions of that Act and of the Rating Act, 1908, shall apply to such rate accordingly.

Rate to be made as a general rate.

(4.) So long as the annual charges on any loan are provided and met pursuant to the provisions of this Act the Council shall not collect any special rate made and levied as security in connection with such loan.

Provisional suspension of original special rates.

(5.) Nothing in this section shall be so construed as to affect in any way the security afforded to any creditor of the Council by any special rate.

Security of original special rates not affected.

4. (1.) Every rate made and levied as security in connection with any loan hereafter raised by the Corporation for the purpose of paying off the whole or part of any special loan, other than a special loan referred to in section eleven hereof, shall be made and levied on all rateable property in the City of Wellington.

Rates for loans raised for paying off old loans.

(2.) The Wellington City Empowering Act, 1907, is hereby repealed.

Repeal.

5. The Council may by special order, and without taking the steps described in sections eight to twelve of the Local Bodies' Loans Act, 1913, raise special loans for the purposes of sanitary works as defined in section twenty-two of the Health Act, 1920:

Power to raise loans by special order.

Provided that, before raising any such loan, the consent of the Governor-General in Council shall be obtained.

6. Nothing in this Act shall affect the right of the Council to collect special rates payable by the Crown under section one hundred and twelve of the Local Bodies' Loans Act, 1913, and all such rates shall be due and payable as if this Act had not been passed.

Crown's liability for special rates not affected

7. The local Acts set out in the Second Schedule hereto shall apply to the whole of the city

Extension of certain local Acts.

Loan-moneys raised to meet street dedications applicable to all city dedications.

8. The balance of the loan-moneys (portion of the Electrical Power, Tramways, and City Works Loan, 1906) raised to meet claims for street dedications under section one hundred and seventeen of the Public Works Act, 1908, may be used to meet claims for dedications in any part of the city, and every unauthorized expenditure of such moneys made by the Council before the coming into operation of this Act that would have been valid if this Act had been in force at the time of making such expenditure is hereby ratified.

Amendment of Wellington City Empowering Act, 1922.

9. (1.) In the Wellington City Empowering and Amendment Act, 1922, "owner" of any property shall mean the person for the time being entitled to receive the rack-rent thereof, or who would be so entitled if the same were let to a tenant at a rack-rent.

(2.) The provisions of this section shall apply as from the date of the coming into operation of the said Wellington City Empowering and Amendment Act, 1922.

Reduction of valuation of farming lands not suitable for subdivision for building purposes.

10. (1.) Where land in the city is occupied solely for farming purposes, and is in the opinion of the Council not fit for subdivision for building purposes, and the Council passes a resolution to that effect, the Valuer-General shall (if he agrees with the decision of the Council that the land is not fit for subdivision as aforesaid) make reduction in the assessment of the capital value and of the unimproved value of such land and of the several interests therein to the extent by which in his opinion such value is reduced by reason of the purposes to which such land is applied.

(2.) Such valuation when made shall be the valuation on which all city rates shall be based, but shall not be valid or effectual for any other purpose.

(3.) If at any time the Council is of opinion that any such resolution should be rescinded, the Council may, with the previous approval in writing of the Valuer-General, rescind any such resolution, and the land affected by the rescinded resolution shall be forthwith revalued by the Valuer-General under the provisions of the Valuation of Land Act, 1908.

Act not to apply to Sand-drift Loan for Lyall Bay.

11. Nothing in sections three and four hereof shall apply in respect of any special loan raised under section one hundred and twenty-seven of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1922, or any special loan raised for which the security is a special rate made and levied over portion only of the city prior to the first day of April, nineteen hundred and twenty-four.

Coming into operation of Act.

12. This Act shall come into force on the first day of April, nineteen hundred and twenty-four, except section nine hereof, which shall come into force on the passing of this Act.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

Abattoirs.	Milk-supply.
Cemetery.	Power-supply.
Electric lighting.	Tramways.
Housing and workers' dwellings.	Town Hall.
Library.	Waterworks.

SECOND SCHEDULE.

Wellington City Empowering Act, 1897.  
Wellington City Empowering Act, 1899.  
Wellington City Empowering Act, 1908 : Sections 1 to 5.  
Wellington City Empowering and Amendment Act, 1913.  
Wellington City Empowering Act, 1917 : Section 4 only.  
Wellington City Empowering and Amendment Act, 1919 : Section 4 only.

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