

## New Zealand.



### ANALYSIS.

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| <p>Title.<br/>Preamble.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Interpretation.</li> <li>3. Certificate of cost of railway already constructed to be deemed to represent ultimate cost. Certificate may be altered.</li> <li>4. For certain years cost of railway deemed to be £95,000.</li> <li>5. Certificate of deficiency of rates to be reduced in certain cases.</li> <li>6. No new rate necessary; rate-books already made to be sufficient.</li> <li>7. Rate-books may be altered to meet this Act.</li> </ol> | <ol style="list-style-type: none"> <li>8. Rates in amended rate-book deemed effectually made.</li> <li>9. When rates payable.</li> <li>10. Amounts paid by Treasury to company in excess to be recovered.</li> <li>11. Amounts paid by ratepayers in excess to be repaid.</li> <li>12. Proposed rates in future to be submitted to ratepayers.</li> <li>13. Prior to levying of future rate, land to be classified in terms of "District Railways Act, 1877."</li> <li>14. Provisions of said Acts as to rates, &amp;c., to apply hereto.</li> </ol> |
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1885, No. 53.

AN ACT to authorize the levying and recovery of certain Rates by  
the Waimea Plains Railway Company (Limited). Title.

[22nd September, 1885.]

WHEREAS the Waimea Plains Railway Company (Limited) has  
constructed a railway from Gore, in the Provincial District of Otago,  
to the Elbow, in the same district, and under the provisions of "The  
District Railways Act, 1877," and its amendments, made certain rates  
for the years ending respectively on the thirty-first day of March, one  
thousand eight hundred and eighty-three, one thousand eight hundred  
and eighty-four, and one thousand eight hundred and eighty-five; and  
such rates were made under the said Acts upon a certificate of cost of  
the Waimea Plains Railway, amounting to one hundred and eight  
thousand seven hundred and thirteen pounds: And whereas such  
certificate of cost has been held to be erroneous in certain particulars,  
and it has been decided by the Supreme Court of New Zealand, at  
Dunedin, that the said rates so made as aforesaid, and proposed to be  
recovered, were invalid: And it is expedient that provision should  
be made in respect of such rates and otherwise, as hereinafter set  
forth: Preamble.

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

1. The Short Title of this Act is "The Waimea Plains Railway  
Rating Act, 1885." Short Title.

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

Interpretation.

“Company” means the Waimea Plains Railway Company (Limited):

“The said Acts” mean “The District Railways Act, 1877,” and include any amendments of that Act now in force.

Certificate of cost of railway already constructed to be deemed to represent ultimate cost.

3. Any certificate already given to the company, setting forth the cost or value of the said railway in terms of the Fifth Schedule of “The District Railways Act 1877 Amendment Act, 1878,” shall be deemed to represent merely the ultimate cost or value authorized for the railway, including the equipment thereof when entirely completed and equipped, as originally proposed by the company; but notwithstanding anything contained in any such certificate, or in section twenty-two of such last-mentioned Act, the cost or value of the said railway for the purposes of the guarantee of interest from year to year shall be such amount as is or may be fixed under this Act from time to time.

Certificate may be altered.

For certain years cost of railway deemed to be £95,000.

4. In the case of rates made by the company for the years herein-before mentioned the cost or value of the said railway, for the purposes of guarantee of interest on cost, shall be deemed to be ninety-five thousand pounds, and for each subsequent year commencing on the first day of April, one thousand eight hundred and eighty-five, the cost or value of the said railway for such purposes shall be ninety thousand pounds.

The equipment of the said railway shall be deemed to be included in such cost or value as aforesaid.

Certificate of deficiency of rates to be reduced in certain cases.

5. Where a certificate of deficiency of rates has already been given for a larger amount than would be due under this Act, the amount of rate which the company was authorized to levy and collect in pursuance of such certificate shall be reduced in the proportion that the certificate of cost on which it was based bears to the cost as fixed or ascertained under this Act, and the company may proceed to levy and recover the reduced rate accordingly.

No new rate necessary; rate-books already made to be sufficient.

6. If any rate has already been made on the annual value of the rateable property in the said district, or upon the capital value of such property, as the same respectively appear and are set forth in any rate-books heretofore made by the company under and for the purposes of the said Acts, then it shall not be necessary to make or levy a new rate, but any rate-book already made by the company, and the properties and values therein set forth, shall be deemed to be the rateable properties and rateable values thereof for the purposes of the several rates authorized to be made and levied under this Act.

Rate-books may be altered to meet this Act.

7. It shall not be necessary for the company to comply with the seventeenth or eighteenth sections of “The Rating Act, 1882,” so far as the rates for the years ending the thirty-first day of March, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, and one thousand eight hundred and eighty-five are concerned, and any necessary alteration in any such rate-book, for the purpose of showing the amount of the rate in the pound or any other particulars to give effect to this Act and any Act relating to rating, may be made by the directors of the company or any person appointed by the directors for the purpose, and all such alterations shall be initialed by one of the directors, and there shall be no appeal against any such rate-book.

8. The rates set forth in such amended rate-book, if in accordance with this Act, shall be deemed to be effectually made for all purposes, and the company may proceed to levy and recover the same in accordance with law, and all proceedings may be had and taken for that purpose as if the rates authorized by this Act had been made in the manner prescribed by "The Rating Act, 1882."

Rates in amended rate-book deemed effectually made.

9. Notwithstanding anything contained in the said Acts or any of them as to payment of rates by instalments, any rate recoverable under this Act for the years ending the thirty-first day of March, one thousand eight hundred and eighty-three, and the thirty-first day of March, one thousand eight hundred and eighty-four, and the thirty-first day of March, one thousand eight hundred and eighty-five, shall be deemed to be due and payable on the thirty-first day of December, one thousand eight hundred and eighty-five, the thirty-first day of March, one thousand eight hundred and eighty-six, and the thirtieth day of June, one thousand eight hundred and eighty-six, in three equal instalments, and may be levied and recovered by the company accordingly.

When rates payable.

10. If it shall be made to appear that the amount at any time heretofore paid to the company out of the Consolidated Fund of the colony exceeds the amount the company would have been entitled to receive had it been based upon the cost as ascertained or fixed under this Act, such excess shall be refunded by the company to the Colonial Treasurer, and shall be deemed to be a debt due to the Crown, and may be recovered accordingly, and when recovered shall be paid into the Public Account and form part of the Consolidated Fund.

Amounts paid by Treasury to company in excess to be recovered.

11. If at any time heretofore any ratepayer in any railway district shall have paid the company a greater amount than the company would have been entitled to recover under the provisions of this Act had the rates been based upon the cost as ascertained or fixed under this Act, the amount so paid in excess shall be deemed to be a debt due by the company to such ratepayer, and may be sued for and recovered accordingly.

Amounts paid by ratepayers in excess to be repaid.

12. From and after the passing of this Act the company shall, not later than twenty-eight days before, and not less than once in four consecutive weeks previous to, forwarding an application to the Minister for Public Works for his direction to raise a rate under the said Acts, publish in some newspaper having general circulation in the railway district a notice of its intention to make such application, and, together with such notice, shall publish a balance-sheet showing the deficiency between the receipts and the working expenses and charges of the railway by reason whereof the rate is declared necessary.

Proposed rates in future to be submitted to ratepayers.

A copy of each newspaper containing such notice shall be transmitted by the company to the Minister at the time of forwarding their application as aforesaid, and if not so transmitted the Minister shall refuse to give his direction for raising the rate.

Provided that any rate hereafter made by the company shall not be invalid by reason of such rate being made after the date upon which any instalment of rates is made payable under the provisions of the said Acts, or any of them, so long as such rate is made not later than

three months after the date upon which the first instalment thereof would be payable.

Prior to levying of future rate, land to be classified in terms of "District Railways Act, 1877."

13. Prior to the levying of any rate for the year ending the thirty-first day of March, one thousand eight hundred and eighty-six, the lands within the railway district shall be classified in terms of section ten of "The District Railways Act, 1877," by such person or persons as the Governor shall appoint for the purpose, in the same manner as if no previous classification thereof had been made; and the amounts in the pound sterling of the rates to be levied on the lands in the four classes of land mentioned in the aforesaid section ten shall vary respectively as twelvence is to ninepence, sixpence, and threepence.

All provisions of the said Acts, so far as applicable, shall apply, *mutatis mutandis*, to the classification of the lands to be made under the authority hereof, as if the same were an original classification of such lands under the said Acts.

Provisions of said Acts as to rates, &c., to apply hereto.

14. Except where express provision is made to the contrary all the provisions of the said Acts, or any of them, as to the making, levying, or collecting of rates, and as to certificates of deficiency of rates, and all other provisions of such Acts whatsoever, so far as applicable, shall extend and apply to this Act.