

New Zealand.

ANALYSIS.

- | | |
|---|---|
| <p>Title.
Preamble.
1. Short Title.
2. Power to levy special rates.
3. Provisions for levying of rate.
4. Provisions of Rating Act, 1908, to apply.
5. Power to pay all charges out of rates.</p> | <p>6. Default in payment of interest and principal.
7. Power to raise loan.
8. Power to sell, &c., any lands belonging to Board.
9. Repeal.
10. Powers of Commissioners with respect to loan.
Schedule.</p> |
|---|---|

1913, No. 13.—*Local and Personal.*

Title. AN ACT to empower the Western Taieri Land Drainage Board to make and levy Rates within the Henley River District for the Repayment of a certain Loan. [7th November, 1913.]

Preamble. WHEREAS by the Taieri Land Drainage Act, 1907, there was constituted a special drainage district called the Taieri Drainage District, with a Board called the Taieri Drainage Board, having power to do all such things as might in its opinion be necessary to cope with the drainage of the said district and the flooding of the Taieri Plain: And whereas under section four of the said Act the Boards therein mentioned and called the old Boards were dissolved on the twenty-sixth day of May, nineteen hundred and eight, being the date fixed in that behalf in terms of the said section: And whereas by the said Act it was provided that on the dissolution of the old Boards all their property should be vested in the Taieri Drainage Board, and all the liabilities and engagements of the old Boards should become liabilities and engagements of the Taieri Drainage Board; and also that the liabilities of the old Boards (whether for loans or otherwise) should remain the same charge upon the area of land comprised in the old Board districts as if the old Boards had not been dissolved, and that the Taieri Drainage Board should continue to levy the same special rates as security for loans and other special rates only within the area over which they were originally levied by the old Boards in order to liquidate all the liabilities of the old Boards: And whereas one of the old Boards so dissolved as aforesaid was the Henley River Board: And whereas, amongst the engagements and liabilities of the Henley River Board at the date of dissolution of that Board, there was a sum of money due and owing

by it as and being the balance of a loan raised by it under the provisions of the Hawke's Bay and Marlborough Rivers Act, 1868 (brought into operation within the then Province of Otago by an Ordinance of the Superintendent of that province shortly intitled the Management of Rivers Ordinance, 1870), and the provisions contained in the Hawke's Bay and Marlborough Rivers Act 1868 Amendment Act, 1881, which loan with interest was secured by a deed of mortgage, dated the second day of June, eighteen hundred and eighty-two, and a deed of further charge, dated the fourth day of August, eighteen hundred and eighty-three, and made between the Board of Conservators of the Henley River District of the one part and the Colonial Investment and Agency Company of New Zealand (Limited) of the other part, by which deeds were granted and assigned to and charged in favour of the said company, its successors and assigns, for the purpose of securing the said loan and interest, all and singular the rates, tolls, rents, and profits and other moneys then present and future arising and accruing, or which might thereafter arise and accrue, to the said Board of Conservators or its successors under and by virtue of the last-mentioned Act and Ordinance or any other authority in that behalf, or which the said Board or its successors had or should have power or authority to levy, raise, or collect from the owners or occupiers of any portion or portions of all that parcel of land described in the Schedule hereto, being the Henley River District, whose Board, the Henley River Board, was one of the old Boards dissolved as above recited: And whereas by the Taieri Land Drainage Act, 1910, the Taieri Land Drainage Act, 1907, was repealed, the Taieri Land Drainage District was abolished, the Taieri Land Drainage Board was dissolved, and a land drainage district called the Western Taieri Land Drainage District was constituted a land drainage district within the meaning of the Land Drainage Act, 1908: And whereas the Henley River District is within the Western Taieri Land Drainage District: And whereas, in pursuance of the provisions of section four of the Taieri Land Drainage Act, 1910, the assets and liabilities of the Taieri Land Drainage Board so dissolved as aforesaid were apportioned, and the liability of that Board under the said deeds of mortgage and further charge was apportioned to the Western Taieri Land Drainage Board and became the liability of that Board accordingly: And whereas part of the said loan—namely, the sum of one thousand five hundred and twenty pounds—still remains unpaid with interest thereon: And whereas doubts have arisen as to the power of the Western Taieri Land Drainage Board to make and levy within the area comprised in the said Henley River District rates for the purpose of paying the said loan and the interest thereof:

BE IT THEREFORE 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 Western Taieri Land Drainage Board Enabling Act, 1913. Short Title.

2. It shall be lawful for the Western Taieri Land Drainage Board (hereinafter called the Board) from time to time to make and levy special rates for the payment of the balance of the said loan and Power to levy special rates.

for payment of the interest now due and to become due thereon on all rateable property within the said district described in the Schedule hereto, being the Henley River District aforesaid, and hereinafter called the said district.

Provisions for
levying of rate.

3. With regard to the making and levying of every such rate the following provisions shall apply :—

- (a.) The rate in each year shall be calculated to provide for all interest due or accruing in that year or previously due and unpaid, and a sum of not less than two hundred pounds on account of the principal for the time being owing in respect of the said loan.
- (b.) Such rate shall continue to be made and levied in each year until the said loan and the interest thereof have been paid off and discharged.
- (c.) Such rate shall be made on the basis of the capital value of the rateable properties within the said district in accordance with the valuation roll in force for the time being for the Taieri County.
- (d.) The period in respect of which a rate under this Act shall in the first instance be payable shall be as for one year from the thirty-first day of March, nineteen hundred and thirteen, and thereafter each year in which it shall be payable shall be reckoned from the first day of April to the thirty-first day of March (inclusive).
- (e.) Within three calendar months after the passing of this Act a rate-book shall be made up in respect of the rate for the said year from the thirty-first day of March, nineteen hundred and thirteen, in the manner prescribed by section forty-nine of the Rating Act, 1908, from the valuation roll in force as aforesaid at the time of transcribing the rate. Thereafter the said rate-book shall be made up in due course in each year for the purpose of collecting the rate in that year until the said loan, with the interest thereof, is paid off and discharged.
- (f.) Such rate may be made payable in one sum, or in equal instalments on a day or days and at a place to be fixed by the Board at the time of making the rate.

Provisions of
Rating Act, 1908,
to apply.

4. The provisions contained in the Rating Act, 1908, and the amendments thereof, with reference to rating and rates on the capital value, and the recovery and enforcement of the payment of rates, shall apply to the rating and rates under this Act, except in so far as such provisions are modified by or are inconsistent with the provisions of this Act.

Power to pay
all charges
out of rates.

5. The Board may pay out of the rates authorized by this Act the costs of the preparation and promotion of this Act, and recoup itself for all moneys paid by it out of its own funds in respect of the said loan, pay all charges of making, levying, and recovering such rates, and also the proper charges of the holder of the said loan in connection with the promotion of this Act or the ascertainment or enforcement of such holder's rights and remedies, and may make the rates of sufficient amount for those purposes.

6. If default be made in payment of the interest or any part of the interest in respect of such loan, or in payment of the principal thereof, or any part of the principal thereof, and such default be continued for twenty-one days, the person or persons for the time being entitled to receive and give a discharge for such loan may apply for the appointment of a Receiver of the rates hereby authorized in accordance with the provisions of the Local Bodies' Loans Act, 1908, and its amendments, and thereupon all the other provisions of that Act contained in sections thirty-six to forty-six (inclusive) thereof shall apply and be available to and in respect of the premises.

Default in
payment of interest
and principal.

7. It shall be lawful for the Board at any time, if it thinks proper so to do, to raise another loan for the purpose of paying off the balance then unpaid of the said loan, and to make and levy in accordance with the provisions of this Act a rate as security for such loan and the interest thereof, such rate to be an annually recurring rate, and to be of such amount as the Board may consider necessary for such purpose :

Power to raise loan

Provided that no money shall be borrowed under the authority of this Act which shall produce to the lender a higher rate of interest than five and a half per centum per annum.

8. The Board shall have power to sell, convey, and transfer any lands belonging to it.

Power to sell, &c.,
any lands
belonging to Board.
Repeal.

9. Section five of the Taieri Land Drainage Act, 1910, is hereby repealed.

10. The Commissioners appointed under section six of the Taieri Land Drainage Act, 1910, shall for the purposes of that section be deemed to be a local authority within the meaning of the Local Bodies' Loans Act, 1908, and they may raise the loan referred to in the said section six without taking the preliminary steps required by sections seven to thirteen of the last-mentioned Act.

Powers of
Commissioners
with respect to loan.

SCHEDULE.

Schedule.

ALL that parcel of land in the Otago Land District, situated in the Maungatua Survey District, containing by admeasurement 10,400 acres, more or less, being parts of Blocks IV, V, and VI of said district: bounded towards the north by Sections Nos. 65, 66, 51, 50, and 48, Block III, of said district, and Section No. 54, Block IV, and Section No. 1, River Sections; towards the east by the Taieri River; towards the south and west by the Waipori River and Waipori Lake; and towards the west by the Waipori River and Sections Nos. 14, 12, 10, 8, 6, 4, 2, Block II, of said district; again towards the north by Section No. 42, Block V, of said district; again towards the west by the Lee's Creek and Section No. 38, Block III, Taieri West Survey District.