

Mr. Kelly.

INVERCARGILL RESERVES LEASING ACT 1884
AMENDMENT.

[LOCAL BILL.]

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A BILL INTITULED

AN ACT to empower the Council of the Borough of Invercargill
to lease a Part of a certain Reserve in the said Borough,
and also to amend "The Invercargill Reserves Leasing Act,
1884."

Title.

WHEREAS by the second section of "The Invercargill Reserves
Leasing Act, 1884," it is enacted that it should be lawful for the
Mayor, Councillors, and Burgesses of the Borough of Invercargill (in
the said Act referred to as "the Corporation") from time to time to
lease by public auction, at an upset rental to be fixed by the Cor-
poration, the parcel of land described in the First Schedule thereto
or any subdivisions thereof, for any term of years not exceeding
twenty-one years, to take immediate effect in possession and upon
subject to such terms and conditions as the Corporation may
think fit:

Preamble.

And whereas, by the third section of the said Act, it is further
enacted that all rents payable in respect of the said lands shall from
time to time, as they are received by or on behalf of the Corporation,
be paid into such bank as the Council of the said borough shall
appoint to an account to be called "The Invercargill Market Build-
ing and Maintenance Fund Account," anything in "The Municipal
Corporations Act, 1886," to the contrary notwithstanding:

And whereas by the fifth section of the said Act it is further
enacted that all moneys belonging to the said account shall be held
in trust for the purpose of providing a commodious market-place for
the burgesses of Invercargill, and shall from time to time be

expended in erecting, placing, and maintaining in good repair upon the land described in the Second Schedule to the said Act all such buildings, fences, appliances, and conveniences as shall be needful or expedient for such purpose and not otherwise :

And whereas it is not expedient to erect any building or buildings for the purpose of a market-place on the said land described in the Second Schedule to the said Act, and it is expedient to empower the Council of the said borough to lease the said land described in the said Second Schedule to the said Act and also described in the Schedule hereto in manner hereinafter expressed, and it is also expedient to repeal the third, fourth, fifth, sixth, seventh, eighth, and ninth sections of the said Act and to make other provisions in lieu thereof :

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

Short Title.

1. The Short Title of this Act is “The Invercargill Reserves Leasing Act 1884 Amendment Act, 1899.”

Interpretation.

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

“The Corporation” means the Mayor, Councillors, and Burgesses of the Borough of Invercargill, incorporated under “The Municipal Corporations Act, 1886” :

“The Council” means the Council of the said Borough of Invercargill :

“The said Act” means the said “Invercargill Reserves Leasing Act, 1884.”

Repeal of sections 3 to 9 of “The Invercargill Reserves Leasing Act, 1884.”

3. The third, fourth, fifth, sixth, seventh, eighth, and ninth sections of the said Act are hereby repealed.

Power to lease land described in Schedule.

4. It shall be lawful for the Council from time to time to lease by public auction or public tender, at an upset rental to be fixed by the Council, the parcel of land described in the Second Schedule to the said Act, and also described in the Schedule hereto, or any subdivisions thereof, for any term of years not exceeding fourteen years, to take effect in possession, and upon and subject to such terms and conditions as the Council may think fit ; and the Corporation may in such lease covenant to grant renewals from time to time, for a period not exceeding fourteen years for each renewal, but at a rent to be fixed by valuation or by arbitration. Any such lease may provide for the payment of the value by the incoming tenant of improvements made upon the land by an outgoing tenant.

How moneys at credit of “The Invercargill Market Building and Maintenance Fund Account” to be dealt with.

5. All moneys now standing at the credit of the said account, called “The Invercargill Market Building and Maintenance Fund Account,” shall forthwith be drawn out of the bank in which such moneys are lying, and in which such account is kept, and paid into the same bank, or such other bank as the Council shall appoint, to an account to be called “The Invercargill Town Hall and Municipal Offices Account” (hereinafter called “the said account”) anything in “The Municipal Corporations Act, 1886,” and its amendments to the contrary notwithstanding.

6. All rents payable in respect of the land described in the First Schedule of the said Act, and also of the land described in the Second Schedule of the said Act and in the Schedule of this Act, shall from time to time as they are received by or on behalf of the Corporation, be paid into the said bank to the said account, anything in "The Municipal Corporations Act, 1886," and its amendments to the contrary notwithstanding.

How rents of lands described in First Schedule of "The Invercargill Reserves Leasing Act, 1884," and of lands described in Schedule to be dealt with.

7. All moneys belonging to the said account, and which are mentioned in the preceding sections, shall be held in trust, for the purpose of providing a suitable town hall for the burgesses of Invercargill, and municipal offices for transacting the business of the Corporation, and shall from time to time be expended in erecting, placing, and maintaining in good repair upon Sections Seventeen and Eighteen, Block Three, on the record map of the Town of Invercargill, all such buildings, fences, and conveniences as the Council shall think fit for such purposes and not otherwise.

How moneys to be applied.

8. The provisions contained in sections one hundred and sixty-two to one hundred and seventy-six inclusive of "The Municipal Corporations Act, 1886," so far as they are applicable, shall apply to the said account in the same manner as if such account were a "separate account" within the meaning of that Act.

Sections 162 to 176 of "The Municipal Corporations Act, 1886," to apply.

9. The Council may from time to time invest the whole or any part of the moneys standing to the credit of the said account on mortgage of freehold property in New Zealand, or in New Zealand Government debentures, or in the stock or debentures of any local body having authority to borrow under any Act of the General Assembly: Provided that all interest accruing therefrom, and all moneys arising out of the sale thereof, shall be duly paid into the said account.

Moneys may be invested.

10. If any person, into whose hands any portion of the moneys mentioned in sections six and nine shall at any time come, fails to pay the same into the said account forthwith, or if any Councillor or officer of the Council shall, at any time, directly or indirectly, consent to or in any way authorise or sanction the payment or expenditure of the whole or any portion of the moneys standing to the credit of the said account for any purpose other than those hereinbefore mentioned, he shall be liable to be sued in any Court of competent jurisdiction, or, if there be more than one such person, then they shall be liable to be sued jointly or severally by any burgess of the said borough for any moneys which he or they shall have so failed to pay into the said account, or the payment or expenditure of which contrary to the provisions of this Act he or they shall have so consented to or in any way authorised or sanctioned, together with a penalty not exceeding *one hundred* pounds, and all costs of the proceedings.

Penalty for non-compliance.

11. The amount recovered by a judgment in any such action as aforesaid, less the sum awarded by way of penalty and costs, shall be paid by the defendant into the said account, and unless so paid such judgment shall not be deemed to be satisfied. The residue of the amount so recovered shall be paid to the plaintiff.

How amount recovered to be paid.

In case money paid
under writ of sale or
distress warrant.

12. In case the moneys covered by a judgment in any such action be paid upon the issue of a writ of sale or other like writ or distress warrant, the Sheriff or other officer of the Court receiving the same shall thereupon, in the first place, pay to the plaintiff the amount awarded as costs in the action; and, secondly, shall pay into the credit of the said account the moneys which should have been paid by the defendant into, or which were so improperly paid or expended from, the said account. The balance remaining, after deducting these amounts, shall be paid to the plaintiff.

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Schedule.

SCHEDULE.

ALL that piece or parcel of land situated in the ~~Town~~ Borough of Invercargill, being ~~and forming~~ part of Section 11 of Block 76 of the ~~said town,~~ *Town of Invercargill*, and now held by the Corporation in trust for a public market, commencing at the south-east angle of the said Section 11, *at the intersection of Clyde Street with Forth Street*, and bounded thence by a line running ~~due~~ north *along the western side of Clyde Street* 196·8 links, thence by a line running due west a distance of 200 links, thence by a line running due south a distance of 196·8 links *to Forth Street*, and thence by a line running ~~due~~ east *along the north side of Forth Street* a distance of 200 links, to the commencing-point.