

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]  
*House of Representatives, 17th November, 1948*

*Hon. Mr. Parry*

MUNICIPAL CORPORATIONS AMENDMENT

ANALYSIS

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## A BILL INTITULED

Title. AN ACT to Amend the Municipal Corporations Act, 1933.  
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 Municipal Corporations Amendment Act, 1948, and shall be read together with and deemed part of the Municipal Corporations Act, 1933 (hereinafter referred to as the principal Act).

1933, No. 30

## PART I

10

## HOUSING

Provisions to be deemed part of Part XXVII of principal Act. 2. This Part of this Act shall be deemed to form part of Part XXVII of the principal Act.

Interpretation.

3. (1) For the purposes of this Part of this Act, unless the context otherwise requires,—

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“ Building society ” means a society formed under or subject to the Building Societies Act, 1908:

“ Estimated value ” means the value as estimated in a valuation made on behalf of the Council for the purposes of this Part of this Act:

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“ Financial institution ” means any Government Department, building society, savings-bank, company, or body corporate (whether incorporated in New Zealand or elsewhere) empowered to lend money on mortgage of land:

“ House ” means any house, or part of a house, occupied as a separate dwelling, and includes outbuildings, paths, and fences:

See Reprint of Statutes, Vol. I, p. 708

“ Insurance fund ” means an insurance fund established under section *eleven* of this Act:

“ Savings-bank ” means a savings-bank constituted under the Savings-banks Act, 1908:

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*New*

“ Services ” includes water-supply, sewerage, drainage, gas, and electricity:

“ Valuer ” means the officer or valuer appointed from time to time by the Council as valuer for the purposes of this Part of this Act.

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(2) Nothing in this Part of this Act shall derogate from the provisions of the Servicemen’s Settlement and Land Sales Act, 1943.

See Reprint of Statutes, Vol. VIII, p. 142

1943, No. 16

4. (1) Where any person approved by the Council is desirous of erecting a house upon land in the borough and applies to a financial institution for an advance by way of first mortgage upon the security of the land and proposed house, the Council may, out of loan-moneys raised as hereinafter provided, pay to the financial institution such sum, not exceeding the limit provided by subsection *four* of this section, as it thinks fit, conditionally on that sum, together with the moneys to be advanced by the financial institution, being secured upon the land and proposed house by a first mortgage in favour of the financial institution containing such terms and provisions as the Council may approve.

(2) The Council and the financial institution may from time to time enter into such agreements in writing as they think fit in regard to the application and appropriation, as between the Corporation on the one hand and the financial institution on the other hand, of all payments made and sums recovered under any such mortgage or mortgages, and in regard to such other matters concerning any such mortgage or mortgages as the Council and the financial institution may deem expedient. Every such agreement may be varied from time to time by agreement in writing between the Council and the financial institution.

(3) Before exercising in any case the power conferred on it by subsection *one* of this section, the Council shall be satisfied—

(a) That the applicant for the loan has provided or is able to provide towards the cost of the land and proposed house not less than one-tenth of the total estimated value of the land and of the proposed house when erected thereon:

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Advances by Council towards loans for housing purposes.

(b) That the moneys to be advanced as aforesaid by the financial institution on first mortgage out of its own moneys (not including the moneys to be paid by the Council to the financial institution under this section) amount to not less than two-thirds of the total estimated value of the land and of the proposed house when erected thereon: 5

(c) That the total principal moneys to be secured by the mortgage (after deduction therefrom of the moneys payable to the insurance fund under this Part of this Act) do not exceed nine-tenths of the total estimated value of the land and of the proposed house when erected thereon. 10 15

(4) The total principal moneys secured by any mortgage to which this section relates shall not exceed the sum of *one thousand five hundred and fifteen* pounds, and the amount to be paid by the Council to any financial institution for the purpose of being advanced by the financial institution upon the security of any such mortgage shall not exceed one-fourth of the total principal moneys advanced under that mortgage. 20

Guarantees by Council of portions of mortgages granted for housing purposes.

5. (1) Where any person approved by the Council is desirous of erecting a house upon land in the borough and applies to a financial institution for an advance by way of first mortgage upon the security of the land and proposed house, the Council may, in the name and on behalf of the Corporation, by deed or other instrument, guarantee to that financial institution repayment of any portion, not exceeding the limit provided by subsection *four* of this section, of the moneys which the financial institution may so advance to that person. 25 30

(2) Every guarantee under this section shall contain such provisions as the Council and the financial institution may agree upon in regard to the application and appropriation, as between the portion of the moneys guaranteed by the Corporation and the other moneys secured by the mortgage, of all payments made and sums recovered under the mortgage and in regard to such other matters concerning the mortgage or the guarantee as the Council and the financial institution may deem expedient. Every such guarantee may from time to time 35 40

be varied by deed or other instrument executed by the Council in the name and on behalf of the Corporation, and by the financial institution.

5 (3) Before exercising in any case the power conferred on it by this section, the Council shall be satisfied—

(a) That the applicant for the loan has provided or is able to provide towards the cost of the land and proposed house not less than one-tenth of the total estimated value of the land and of the proposed house when erected thereon:

10 (b) That the moneys to be advanced by the financial institution on first mortgage as aforesaid amount to not less than two-thirds of the total estimated value of the land and of the proposed house when erected thereon, but do not  
15 (after deduction therefrom of the moneys payable to the insurance fund under this Part of this Act) exceed nine-tenths of the total estimated value.

20 (4) The principal moneys secured by any mortgage to which this section relates shall not exceed the sum of *one thousand five hundred and fifteen* pounds, and the portion of those moneys, repayment of which is guaranteed by the Corporation, shall not exceed one-third of  
25 the total principal moneys secured by the mortgage.

(5) The Council shall not execute any guarantee under the powers conferred by this section if the liability to be assumed by the Corporation under the guarantee, together with the total liability originally assumed by  
30 the Corporation under all guarantees previously executed by the Council under the powers conferred by this section and under which the Corporation is or may be still liable, would exceed in the aggregate the sum for the time being fixed by the Minister of Finance as the maximum amount  
35 which may be guaranteed by the Corporation under this section.

6. (1) Subject to the provisions of subsection *two* of this section, where the Council has entered into any guarantee under section *five* of this Act in respect of  
40 any advance by way of first mortgage (in this section referred to as the original mortgage) granted to any person, and that person, for the purpose of repaying all moneys then secured by the original mortgage, applies

Council may guarantee certain replacement mortgages.

to a financial institution for an advance by way of first mortgage (in this section referred to as the replacement mortgage) upon the security over which the original mortgage was given and on terms providing that the principal moneys secured by the replacement mortgage shall be free of interest but shall include moneys by way of premiums payable by the mortgagor, the Council may guarantee to the financial institution making the advance under the replacement mortgage repayment of the moneys so advanced, or of any portion of those moneys. 5 10

(2) The principal moneys (exclusive of the moneys payable by way of premiums as aforesaid) secured by any replacement mortgage guaranteed by the Council under this section shall not exceed the sum of *one thousand five hundred and fifteen* pounds, and the Council shall not guarantee in respect of the replacement mortgage repayment of any moneys in excess of the amount of the principal moneys secured by the original mortgage at the time of its repayment. 15 20

(3) Subject to the foregoing provisions of this section, the provisions of section *five* of this Act shall apply with respect to every guarantee given under this section.

7. (1) Every mortgage under this Part of this Act shall be for a period of not more than thirty years. 25

(2) Every such mortgage shall contain a covenant by the mortgagor that on any transfer or agreement for sale of the property encumbered by the mortgage he will reduce the principal moneys then secured thereby to such sum as is equivalent to seven-tenths of the principal moneys originally secured by the mortgage, or to such greater sum as the Council and the financial institution may approve in the circumstances of the particular case. 30

(3) Any person, firm, or company may join in or guarantee any of the covenants on the part of the mortgagor contained or implied in any such mortgage. 35

(4) Collateral security may be taken by the financial institution in respect of any such mortgage; and in particular collateral security may be taken over any policy of life insurance, whether the policy be on the life of the mortgagor or on the life of any other person. 40

Provisions  
affecting  
mortgages.

(5) If default is made under any such mortgage the Council shall have the right, while the default continues, to call upon the financial institution to transfer the mortgage to the Corporation.

5 (6) If default is made under any such mortgage and the default continues for a period of not less than three months, the financial institution, by notice in writing given while the default continues, may call upon the Council to elect whether or not it desires to call upon  
10 the financial institution to transfer the mortgage to the Corporation, and the Council shall, if the default continues, make its election within two months after being called upon so to do; and if it elects not to call upon  
15 the financial institution to transfer the mortgage to the Corporation, or if the default continues during the two months and the Council fails to make an election in accordance with this subsection, the Council shall not be entitled thereafter to call upon the financial institution to transfer the mortgage to the Corporation.

20 (7) Where the Council, pursuant to subsection *five* or subsection *six* of this section, calls upon the financial institution to transfer any such mortgage to the Corporation,—

25 (a) The Council shall, within one month after the date upon which the Council calls upon the financial institution to transfer the mortgage to the Corporation, pay to the financial institution all principal and other moneys secured by the mortgage, including all interest secured  
30 by the mortgage down to the date of the payment, but excluding any moneys secured by the mortgage in respect of any sum advanced by the Council to the financial institution under section *four* of this Act:

35 Provided that, except in cases where the Council and the financial institution have previously otherwise agreed, the Council shall not be liable to pay to the financial institution any interest which accrued due under the mortgage  
40 more than six months before the date upon which the Council called upon the financial institution to transfer the mortgage to the Corporation:

(b) The financial institution shall, on the payment being made by the Council as aforesaid, and on the Council paying all reasonable legal and other expenses incurred by the financial institution in so doing, transfer to the Corporation the mortgage and every guarantee thereof and security collateral therewith held by the financial institution. 5

(8) If default is made under any such mortgage and the default continues for a period of not less than six months, the Council may, if the financial institution has not during the period of default and prior to the Council so doing called upon the Council under subsection *six* of this section to make the election referred to in that subsection, require the financial institution to apply (if it may lawfully do so) to the Registrar of the Supreme Court to conduct a sale of the mortgaged property under section seventy-eight of the Property Law Act, 1908, or under section one hundred and ten of the Land Transfer Act, 1915, as the case may be, but the Council shall pay to the financial institution all reasonable legal and other expenses incurred by the financial institution in and consequent upon the making of that application. 10 15 20

See Reprint  
of Statutes,  
Vol. VII,  
pp. 1107 and  
1200

Mortgages  
securing  
premium in  
lieu of  
interest.

**8.** Where, in any mortgage under this Part of this Act, the mortgagor is charged with a premium in lieu of interest, and the premium forms part of the principal sum secured by the mortgage, for the purposes of this Part of this Act the following provisions shall apply:— 25

(a) The amount of the principal sum secured by any such mortgage may exceed nine-tenths of the total estimated value of the land and the proposed house when erected thereon, and may also exceed *one thousand five hundred and fifteen* pounds, but in each case only by an amount equal to the amount of the premium which has been added to the cash advance in lieu of interest: 30 35

(b) The amount which the Council may be required to pay to the financial institution concerned under subsection *seven* of the *last preceding* section shall be determined by agreement between the Corporation and the financial institution at the time of the making of the advance. 40



9. The foregoing provisions shall apply, so far as they are applicable and with the necessary modifications, to applications for advances on the security of any lease granted under this Part of this Act: Mortgages of leases.

5     Provided that every reference in this Part of this Act to the cost or the estimated value of the land and the house proposed to be erected thereon shall be deemed to be a reference to the cost or the estimated value (as the case may be) of the proposed house alone:

10    Provided also that every mortgage given under this Part of this Act of any such lease shall be for a period expiring at least twelve months before the expiration of the term of the leasehold interest (in the case of a terminating lease), or at least twelve months before the  
15 expiration of the first term in the case of a renewable lease.

10. Notwithstanding any rule of law or any statutory or other provision to the contrary, any financial institution may advance moneys (including trust funds) by way of mortgage on the terms and conditions prescribed in or under this Part of this Act— Extending lending-powers of financial institutions.

(a) On the security of an estate in fee-simple in any land and the house to be erected thereon to an amount which does not (after deduction therefrom of the moneys payable to the insurance fund under this Part of this Act) exceed nine-tenths of the total estimated value of the land and of the proposed house when erected thereon:

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30     (b) On the security of any lease granted under this Part of this Act and the house to be erected on the land comprised in the lease to an amount which does not (after deduction therefrom of the moneys payable to the insurance fund under this Part of this Act) exceed nine-tenths of  
35 the total estimated value of the proposed house when erected thereon.

11. To provide a fund for insuring the Corporation against losses arising out of mortgages to which the foregoing provisions of this Act relate, the Council may require the financial institution to deduct from the principal moneys to be advanced to the mortgagor upon any such mortgage so much thereof as may be the Insurance fund.

equivalent of one-hundredth of the remainder of the principal moneys after that deduction, and to pay the amount so deducted to the Council. Every sum so deducted and paid to the Council shall, for the purpose of the mortgage and of any agreement or guarantee relating thereto, be deemed to have been paid to the mortgagor, and all sums so deducted and paid to the Council shall become the property of the Corporation and shall form part of a special fund (in this Act called an insurance fund) which shall be invested, held, and applied by the Council as an insurance to the Corporation against losses arising out of mortgages to which the foregoing provisions of this Act relate.

Council may  
lease land for  
housing  
purposes.  
See Reprint  
of Statutes,  
Vol. VI, p. 1134

**12.** (1) The Council may lease to any person any land (other than public reserves under the Public Reserves, Domains, and National Parks Act, 1928, and lands held on trust for a specific purpose) on which no buildings are erected and which it has power to lease under the principal Act or any other Act, on the terms set out in section one hundred and fifty-eight of the principal Act, but the provisions of section one hundred and fifty-nine of that Act shall not apply to any such lease if there is a covenant therein that the lessee will erect one or more houses on the land not later than two years after the commencement of the lease.

(2) The annual rental throughout the term of any terminating lease shall not be less than four per centum of the unimproved value of the land to be fixed by the Valuer and approved by the Council.

(3) The annual rental for renewal terms of any such lease shall be fixed by valuation as provided in the said section one hundred and fifty-eight, but shall in no case be less than four per centum of the unimproved value of the land according to the Government valuation roll for the time being in force.

(4) Any such lease may contain a provision whereby the lessee shall have the right at any time to purchase the fee-simple of the land comprised therein at a price equal to twenty-five times the annual rental payable under the lease at the time of the tenant's election to purchase. Every such purchase shall be completed within six months after the date of the election.

(5) On any such election by a lessee to purchase during the subsistence of any mortgage under this Part of this Act affecting the leasehold interest of the lessee in the land concerned, the lessee shall, on the completion  
 5 of the purchase, either fully pay off and satisfy the mortgage or execute in favour of the same mortgagee a new mortgage of the fee-simple of the land securing the moneys still remaining owing under the mortgage of the leasehold interest and containing the same covenants,  
 10 terms, and provisions, so far as they are applicable and with the necessary modifications, as are contained in the last-mentioned mortgage; and all guarantees and agreements entered into pursuant to this Act between the Corporation or the Council and the financial institution  
 15 concerned in relation to the mortgage of the leasehold interest shall, so far as they are applicable and with the necessary modifications, enure in respect of and apply to the new mortgage instead of the mortgage of the leasehold interest.

20 **13.** The Council may from time to time purchase, or take as for a public work under the Public Works Act, 1928, any area or areas of land within the borough for subdivision into building allotments for housing purposes.

Council may acquire land for subdivision. See Reprint of Statutes, Vol. VII, p. 622

25 **14.** The Council may subdivide or re-subdivide any land acquired as aforesaid into suitable building allotments and may construct streets thereon, *and provide services*, and develop the land as building allotments.

Council may subdivide lands.

30 **15.** (1) The Council may sell any such allotment upon such terms as in its absolute discretion it thinks proper to any person desirous of building thereon for the personal occupation of himself and his family.

Council may sell or lease building allotments.

(2) The Council may lease any such allotment to any person desirous of building thereon for the personal  
 35 occupation of himself and his family. The provisions of subsections *two* to *five* of section *twelve* of this Act, so far as they are applicable and with the necessary modifications, shall apply to any such lease:

40 Provided that every reference to the unimproved value of the land shall be deemed to be a reference to the price to be charged on the sale of the land as determined under the *next succeeding* section.

(3) The Council may in its discretion refuse to sell  
 45 or lease to any person without giving reasons for its refusal.

Price of allotments.

**16.** The prices to be charged by the Council on the sale of building allotments as aforesaid shall be calculated so as to return to the Council the actual cost of the land to the Council and the development thereof (including survey fees *and the cost of the provision of services*) plus the further sum of five per centum to cover administrative charges: 5

Provided that it shall not be competent for any person to question the price put on any building allotment by the Council. 10

Council may sell surplus land.

**17.** The Council may sell or lease any land which it has acquired under this Part of this Act and which it may at any time consider to be unsuitable for, or in excess of what it requires for, the purposes of this Part of this Act to such persons and upon such terms as the Council thinks fit. 15

Borrowing-powers of Councils.  
See Reprint of Statutes, Vol. V, p. 360

**18.** (1) The Council may from time to time, by special order and without taking the steps prescribed by sections nine to thirteen of the Local Bodies' Loans Act, 1926, raise a special loan— 20

(a) For the purpose of providing moneys out of which the Council may make advances under section *four* of this Act and may pay any amount payable in respect of any guarantee executed under section *five* or section *six* of this Act: 25

(b) For the purpose of providing moneys out of which the Council may meet the cost of acquiring, subdividing, and developing lands, and constructing streets under sections *thirteen* and *fourteen* of this Act. 30

(2) The failure of the Council to raise moneys under this section, or the insufficiency of any such moneys if raised, shall not in any way prejudice or affect the rights, powers, or remedies of any financial institution against the Corporation under any document purporting to be executed in pursuance of any of the provisions of this Part of this Act. 35

Moneys to be paid into separate funds.

**19.** (1) All moneys raised pursuant to paragraph (a) of subsection *one* of the *last preceding* section shall be paid into a separate fund, to be called the Advances and Guarantees Fund. 40

(2) All moneys raised pursuant to paragraph (b) of subsection one of the last preceding section shall be paid into a separate fund, to be called the District Development Fund.

5 20. (1) Every agreement or guarantee entered into or purporting to be entered into by the Council under any of the provisions of this Part of this Act shall be executed in the name and under the seal of the Corporation, and every such agreement or guarantee shall, 10 notwithstanding any non-compliance with any of the provisions of this Act, be valid and binding upon the Corporation according to its tenor, and the production of any such document shall in all Courts and for all purposes be conclusive evidence of the validity thereof.

Validity of documents and resolutions.

15 (2) Every resolution of the Council to advance moneys under section four of this Act shall, notwithstanding any non-compliance with any of the provisions of this Act, be conclusive evidence of the authority of the Council to make the advance.

20 21. Section three hundred and thirty-one of the principal Act is hereby amended by inserting, after the word "streets", the words "and the provision of sewerage, drainage, electricity, gas, water-supply, and other services".

Section 331 of principal Act (as to power of Council to raise loan for workers' dwellings without taking poll of ratepayers) amended.

25 22. (1) The enactments mentioned in the Schedule to this Act are hereby repealed.

Repeals and savings.

(2) All advances, mortgages, securities, guarantees, leases, options, deeds, agreements, instruments, documents, notices, special orders, special loans, funds, 30 elections, resolutions, purchases, sales, subdivisions, and generally all acts of authority that originated under any of the enactments hereby repealed, and are subsisting or in force on the commencement of this Act, shall enure for the purposes of this Part of this Act as fully and 35 effectively as if they had originated under the corresponding provisions of this Part of this Act, and accordingly shall, where necessary, be deemed to have so originated.

(3) All matters and proceedings commenced under 40 any such enactment and pending or in progress on the passing of this Act, may be continued, completed, and enforced under this Part of this Act.

## PART II

## MISCELLANEOUS

- Vacation of office by Mayor. **23.** Section twenty-four of the principal Act is hereby amended by inserting in subsection one, after the words " office of the Mayor ", the words " or his absence without the leave of the Council from four consecutive ordinary meetings thereof ". 5
- Disqualification of Mayors or Councillors. **24.** Section thirty-seven of the principal Act is hereby amended by adding to paragraph (a) the words " or who does not possess a qualification as an elector ". 10
- How moneys to be withdrawn from bank. **25.** Section seventy-four of the principal Act is hereby amended by adding the following subsection:—  
 "(2) Notwithstanding anything to the contrary in the last preceding subsection, it shall be lawful in the case of any city for any moneys to be paid by the Corporation by cheque signed by the Treasurer and countersigned by any two of such other officers of the Council as the Council by resolution from time to time appoints for defined periods for the purpose of signing cheques. A schedule of all amounts to be paid in this manner shall be prepared and submitted to the Council for approval before payment is made." 15 20
- Council may establish accident funds. **26.** Section one hundred and sixteen of the principal Act is hereby amended by inserting in subsection one, after the words " employed by ", the words " or vehicles belonging to ". 25
- Constitution of new boroughs. **27.** Section one hundred and thirty-five of the principal Act is hereby amended by adding to paragraph (a) of subsection one the following proviso:—  
 " Provided that in any case where the area proposed to be constituted a borough comprises the whole of a then existing town district, the Town Board of that district may itself present a petition for the constitution of that district as a borough." 30
- Land may be offered for lease at a fixed rental. **28.** (1) This section shall be deemed to form part of Part XVI of the principal Act. 35  
 (2) Notwithstanding anything contained in section one hundred and fifty-nine of the principal Act, where any land may be offered under the provisions of that Act for lease by public auction or public tender it may under the same provisions be offered by public application and 40

ballot for lease at a fixed rental to be determined by the Council, and all the provisions of the principal Act shall, so far as they are applicable and with the necessary modifications, apply accordingly.

5 **29.** Section one hundred and seventy-five of the principal Act is hereby amended by adding to subsection four the following paragraph:—

Use of streets for exhibitions, fairs, &c.

10 “(o) To use or permit the use of any street or part thereof for a period or periods not exceeding in the aggregate thirty-one days in any year for any exhibition, fair, show, market, concert, or public function:

15 “ Provided that no street shall be used for any such purpose if that use would, in the opinion of the Council, be likely to impede traffic.”

20 **30.** Section one hundred and eighty-eight of the principal Act is hereby amended by omitting from subsection two the word “ five ”, and substituting the word “ two ”.

Powers of Council with respect to private streets and private ways.

**31.** Section one hundred and ninety of the principal Act is hereby repealed, and the following section is substituted therefor:—

Modification of provisions as to width of streets in certain cases.

25 “190. Where it is difficult or inexpedient to lay off a street at a width of sixty-six feet throughout the whole of its length as required by this Act the Governor-General, on application by the Council, may by Order in Council authorize the Council to lay off or permit the laying off of the street at a width for the whole or any

30 part or parts of its length of less than sixty-six feet but not less than forty feet.”

**32.** Section two hundred and thirty of the principal Act is hereby amended by inserting, after the words “ public drain ”, the words “ or watercourse ”.

Channels for surface water.

35 **33.** Section two hundred and thirty-two of the principal Act is hereby amended—

Provisions with respect to private drains.

(a) By inserting in paragraph (b), after the words “ purpose of ”, the words “ re-laying or ”:

40 (b) By inserting in paragraph (d), after the word “ necessary ”, the words “ re-laying or ”:

(c) By inserting, after the words “ effect necessary ”, the words “ re-laying or ”.

Supply of  
water outside  
the borough.

**34.** Section two hundred and fifty-three of the principal Act is hereby amended by inserting, after subsection one, the following subsection:—

“(1A) The Council may contract, and shall be deemed to have always had power to contract, with the local authority of any adjoining district to supply water to that local authority.”

Ruinous and  
dilapidated  
buildings.

**35.** (1) This section shall be deemed to form part of Part XXIII of the principal Act.

(2) On being satisfied that any building (other than a dwellinghouse) in a borough is in a dilapidated or ruinous condition, the Council may give notice to the owner of the building to repair or take down the building within a time specified in the notice.

(3) If the owner of the building does not repair or take down the building within the time specified in the notice, or commence so to do within that time and proceed therein with all reasonable expedition, any Magistrate may, upon the application of the Council and after notice to the owner, order the building to be repaired or taken down as he thinks fit within a time specified in the order.

(4) If the order is not obeyed the Council may cause the building to be repaired or taken down in compliance with the order.

(5) The Council may recover from the owner the cost of repairing or taking down the building, together with all expenses incurred by it under this section.

(6) Any such notice or order may, in the absence of the owner, be given by being posted by registered letter to him at his last known address, or by being served upon his agent, or upon the occupier (if any) of the building, or, if the owner's address is not known and the building is unoccupied, by fixing the same on the building.

(7) If the building is taken down by the Council, the Council may sell or destroy the materials or any part thereof, and apply the proceeds in or towards payment of the expenses incurred under this section, and shall pay the residue (if any) to the owner on demand.

1940, No. 18

(8) Section forty-five of the Statutes Amendment Act, 1940, is hereby amended by inserting in subsection one, before the words “the Council may deposit”, the words “and in any case where an order has been made



under section *thirty-five* of the Municipal Corporations Amendment Act, 1948, requiring any building which is in a dilapidated or ruinous condition to be taken down and any moneys are recoverable by the Council under the provisions of that section.”

5 **36.** (1) Section three hundred and thirty-two of the principal Act is hereby amended by adding to paragraph (c) of subsection three the following proviso:—

Subdivision of land.

“ Provided that where in the opinion of the Council  
10 it is undesirable or unnecessary to require the owner to make provision for the making of reserves the Council may in lieu thereof make it a condition of approval that a sum of money be paid to the Council within such time as it may specify, and may require the owner to enter  
15 into a bond for the due payment of the amount payable as aforesaid. All moneys so received by the Council shall be paid into a separate account and shall be applied for the purchase of land to be held as public reserves subject to the provisions of the Public Reserves,  
20 Domains, and National Parks Act, 1928, and the improvement and development of public reserves subject to the provisions of that Act, and so far as possible shall be so applied for the purchase of land, or the improvement or development of public reserves, in the locality in which  
25 the land included in the plan of subdivision is situated.”

See Reprint of Statutes, Vol. VI, p. 1134

(2) Section three hundred and thirty-two of the principal Act is hereby further amended by inserting, after subsection nine, the following subsection:—

“(9A) In any case where a plan of subdivision  
30 approved by the Council is not deposited as aforesaid within a period of two years from the date of the approval thereof, that approval shall be deemed to have lapsed and a fresh approval of the Council shall be necessary.

35 **37.** (1) This section shall be deemed to form part of Part XXXII of the principal Act.

Licensing and regulation of hawkers and pedlars.

(2) Any two or more Councils may, upon such terms and conditions as they think fit, agree to the issue to  
40 licences covering the districts of all the Councils which are parties to the agreement.

(3) Section three hundred and sixty-four of the principal Act is hereby amended by inserting in paragraph thirty-five, after the word “ boatmen ”, the words

“ and requiring any such person to display an arm-band, or other means of identification, issued by the Council ”.

Refund of  
fees.

**38.** Section three hundred and sixty-seven of the principal Act is hereby amended by adding to paragraph (d) the following words “ and may provide that where the inspections and other services in respect of which a fee has been paid have not been made or given the Council may refund any such fee or portion thereof as it may determine.” 5

Contractor's  
bonds.

**39.** The Fourth Schedule to the principal Act is hereby amended— 10

(a) By omitting from the proviso to clause nine the words “ one hundred pounds ”, and substituting the words “ five hundred pounds ”: 15

(b) By adding to the proviso to clause nine the words “ or in the case of any contract for the supply of plant or material where payment is not due until delivery has been made in accordance with the specification ”. 20

Protection  
from fire.  
1938, No. 3

**40.** (1) Subsection one of section twenty-six of the Municipal Corporations Amendment Act, 1938, is hereby amended by repealing paragraph (b), and substituting the following paragraphs:—

“(b) Requiring owners of buildings to instal and maintain fire-fighting equipment, fire protection systems and fire alarms: 25

“(c) Requiring owners and occupiers of buildings to undertake schemes for evacuation from the buildings, and fire and panic prevention drill for staffs: 30

“(d) Specifying the minimum requirements to be observed in respect of the matters set out in clause two of the Schedule to this Act before a building may be licensed in accordance with the provisions of that Schedule: 35

“(e) Protecting the public from danger from fire or other emergency in buildings that require to be licensed under section three hundred and twelve of the principal Act.” 40

(2) The Schedule to the Municipal Corporations Amendment Act, 1938, is hereby amended—

(a) By omitting from paragraph (d) of clause two the word “ and ” where it last appears:

(b) By inserting, after paragraph (d) of clause two, the following paragraph:—

5                   “(dd) That the owner or occupier of the building has provided such measures for evacuation from the building, panic and fire prevention, and the protection of the public from danger from fire or other emergency as are required by by-laws of the Council, or, where no such by-laws have been made, that  
10                   the owner or occupier has made provision for such matters to the satisfaction of the proper officer; and ”.

*Schemes for Primary Production*

15                   **41.** This section and the next *two succeeding* sections shall be deemed to form part of Part XXVI of the principal Act. Sections to be deemed part of Part XXVI of principal Act.

20                   **42.** (1) Every Council which at the passing of this Act is operating a scheme for the production of vegetables and other primary produce or a pig-farm established under the authority of the Local Authorities (Primary Production) Emergency Regulations 1944, may continue to operate that scheme or pig-farm, and for that purpose shall have the following powers:— Councils may continue to operate schemes for primary production and pig-farms established under emergency regulations.

25                   (a) To incur expenditure in connection with the scheme or pig-farm: Serial number 1944/118

                  (b) To purchase stock, chattels, implements, manures, seeds, or other materials or things which it may deem necessary for the proper operation of the scheme or pig-farm:

30                   (c) To sell stock, chattels, implements, produce, or other things purchased or produced in connection with the scheme or pig-farm.

35                   (2) Every Council shall keep in connection with every such scheme or pig-farm a separate account, to which shall be credited all moneys received in connection with the scheme or pig-farm and to which shall be debited all expenditure properly chargeable against the account.

40                   (3) The Local Authorities (Primary Production) Emergency Regulations 1944, are hereby revoked. Serial number 1944/118

Grazing of sheep on land held by, or under control of, Council.

See Reprint of Statutes, Vol. VIII, p. 613

43. (1) The Council may graze sheep on land vested in it or under its control, other than scenic or historic reserves under the Scenery Preservation Act, 1908, and for that purpose shall have power to incur expenditure, to purchase sheep, and to sell any such sheep and the produce thereof. 5

(2) The Council shall keep a separate account in connection with the grazing of sheep under this section, to which shall be credited all moneys received in connection with the sale of any such sheep and the produce thereof and to which shall be debited all expenditure properly chargeable against the account. 10

Schedule.

## SCHEDULE

Section 23

### ENACTMENTS REPEALED

- 1938, No. 11 (Local)—  
The Wellington City Housing Act, 1938: Section 5.
- 1939, No. 25—  
The Local Legislation Act, 1939: Section 22.
- 1942, No. 4 (Local)—  
The Auckland City Housing Act, 1942: Part II.
- 1944, No. 23—  
The Local Legislation Act, 1939: Section 9.
- 1945, No. 29—  
The Local Legislation Act, 1945: Section 7.
- 1945, No. 1 (Local)—  
The Balclutha Housing Act, 1945: Sections 3 to 19.
- 1945, No. 2 (Local)—  
The Invercargill City Housing Act, 1945.
- 1945, No. 5 (Local)—  
The Dunedin City Empowering Act, 1945.
- 1945, No. 7 (Local)—  
The Masterton Borough Housing Act, 1945.
- 1946, No. 9 (Local)—  
The Christchurch City Empowering Act, 1946: Sections 3 to 10.
- 1948, No. 5 (Local)—  
The Auckland City Empowering Act, 1948.