

Mr. Pitt.

### Rating Act 1876 Amendment (No. 2).

#### ANALYSIS.

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| <p>Title.<br/>Preamble.<br/>1. Short Title.<br/>2. Local bodies may give notice that property will be let.<br/>3. Local bodies may cause property to be let.<br/>4. Proceeds of such letting how appropriated.<br/>5. Provisions applicable to such letting.</p> | <p>6. Lease to vest property in lessee as if demised by owner.<br/>7. Lease may be registered.<br/>8. Statements of fact and certificate receivable in evidence.<br/>9. Leases liable for rates during term of lease. Schedules.</p> |
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#### A BILL INTITULED

#### AN ACT to amend "The Rating Act, 1876." Title.

**W**HEREAS under "The Rating Act, 1876," certain local bodies Preamble.  
therein mentioned are empowered in certain cases to sell  
property for non-payment of rates levied in respect thereof: And it is  
expedient that the said local bodies should be empowered to let such  
5 property, if they shall think it desirable, instead of selling the same:

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 Rating Act 1876 Amend- Short Title.  
10 ment Act, 1879."

2. Whenever, in accordance with the provisions of "The Rating Local bodies may  
give notice that  
property will be let.  
Act, 1876," any local body shall be entitled to give to the owner of  
property the notice mentioned in section sixty-one of the said Act,  
such local body may, instead of such notice, give to the said owner  
15 notice, in the form set out in the First Schedule hereto, that such  
property will be let after six months from the date of such notice  
unless the said rates and costs shall be paid meanwhile.

3. After the said six months, the local body may cause the said Local bodies may  
cause property to be  
let.  
property to be let by public auction unless the said rates and costs  
20 and all expenses incurred in recovering the same, together with interest  
at the rate of fifteen per centum per annum upon the amount of  
such rate from the day when the same became due, and all rates due  
in respect of the said property up to the date of payment, shall be paid  
prior to such letting.

Proceeds of such letting how appropriated.

4. The proceeds of such letting shall be appropriated, first to the payment of such rates, interest, costs, and expenses, next to the payment of any other rates due to the same local body in respect of the same property for which judgment shall have been obtained, and the balance, if any, shall be paid into the Public Trust Office, and shall be paid by the Public Trustee to such persons as shall to his satisfaction establish a claim thereto, together with reasonable interest not exceeding five per centum per annum.

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Provisions applicable to such letting.

5. With respect to any such letting the following provisions shall apply:—

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(1.) The letting shall be by public auction.

(2.) The consideration to be given by the lessee shall be a sum of money to be paid forthwith or by instalments, as may be fixed by the local body.

(3.) The highest bidder at the auction, if his bid shall equal or exceed the sum required to pay the arrears of rates and the costs incurred, and if he shall comply with the conditions precedent (if any) fixed by the local body, shall be the lessee.

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(4.) The term of years of such letting shall be fixed by the local body, but shall not exceed fourteen years, and the local body may fix two or more terms in the alternative, and in that case the property shall be offered for letting in the first place for the shortest term, and if necessary for such other terms in succession until the highest bidding for the term offered shall equal or exceed the sum required as aforesaid.

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(5.) The lease shall be in the form set out in the Second Schedule hereto, and shall contain a sufficient description and plan of the land intended to be let, and shall be signed by the Mayor or Chairman of the local body or by two of the members thereof, and his or their signature shall be attested by the Town Clerk or Secretary or other officer of the local body.

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Lease to vest property in lessee as if demised by owner.

6. The lease, when executed as aforesaid, shall vest the property described therein in the lessee for the term therein mentioned as fully and effectually as if the person for the time being having the said property vested in him for an estate of inheritance in fee-simple in possession, and entitled to the immediate possession of the said property had, for valuable consideration and by deed duly executed, demised the same to the lessee, his executors, administrators, and assigns for the said term.

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Lease may be registered.

7. Every such lease may be registered in the office of the Registrar of Deeds or of the District Land Registrar, as the case may be, for the district in which the land is situated.

Statements of fact and certificate receivable in evidence.

8. The statements of fact in such lease and in any certificate thereon shall be *prima facie* deemed to be true, and be receivable in evidence in proof of such facts.

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Leases liable for rates during term of lease.

9. The lessee, his executors, administrators, and assigns shall be liable for all rates in respect of the property comprised in the lease accruing due during the term of the lease, and the same may be recovered by the local body in all ways as if the said local body had not been a party to the lease.

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Schedules.

## SCHEDULES.

### FIRST SCHEDULE.

WHEREAS under the provisions of "The Rating Act, 1876," judgment was given, upon the day of , 18 , in the Resident Magistrate's Court [or Supreme Court or District Court] sitting at [Name the place], for the sum of pounds shillings and pence, being arrears of rates due by A.B., as the owner of [or due by "the owner" of] [Give the description of the property in the valuation roll]:

This is to give notice that the said property will be let by public auction, under the provisions of the said Act, after six months from the date of this notice, unless the said rates, together with interest at the rate of fifteen per centum per annum from the time when the same became due to the date of payment, and all costs and expenses incurred in recovering the same, and all other rates due on such property up to the date of payment, are paid prior to such sale.

P. Q., Mayor [or Chairman].  
or M. N. } Members.  
R. S. }

Witness—X. Y. [Town Clerk or Secretary].

SECOND SCHEDULE.

FORM OF LEASE.

WHEREAS under the provisions of "The Rating Act, 1876," judgment was given upon the day of , 18 , in the Resident Magistrate's Court [or Supreme Court or District Court] sitting at [Name the place], for the sum of pounds shillings and pence, being arrears of rates due by A. B., as the owner of [or due by "the owner" of] [Give a sufficient description of the property, and a plan thereof]: And whereas upon the day of , 18 , after due notice, the said property was let by public auction to C. D., of [State residence, and occupation if any] in consideration of the sum of pounds paid by him [or of paid by him and to be paid on the day of , 18 ,] was declared the lessee, the above-described property is hereby let to the said C. D., for the term of years from the day of , 18 .

Given under [my] hand, this day of , 18 .  
P. Q., Mayor [or as the case may be].  
or M. N. } Members [of local body],  
R. S. }

Witness—H. V. G., Town Clerk [or other officer].

I hereby certify that the judgment above mentioned was given in this Court, and on the day above mentioned.

Given under my hand at this day of , 18 .  
X. Y., Clerk [or other proper officer of the Court].