

New Parliament.]

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,
3rd December, 1879.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Mr. Pitt.

Rating Act 1876 Amendment.

ANALYSIS.

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A BILL INTITLED

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

Title.

WHEREAS under "The Rating Act, 1876," certain local bodies 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 property, if they shall think it desirable, instead of selling the same:

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 Rating Act 1876 Amendment Act, 1879."

Short Title.

2. Whenever, in accordance with the provisions of "The Rating 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 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.

Local bodies may give notice that property will be let.

3. After the said six months, the local body may cause the said property to be let by public auction unless the said rates and costs 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.

Local bodies may cause property to be let.

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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Repeal.

10. Section nineteen of "The Rating Act, 1876," is hereby repealed.

Objection to entry affecting interests of other persons than the objector.

11. If any person objects to any entry in or omission from the valuation list or to any value therein, affecting the interests of any other person than the objector, the clerk of the local body shall send to the person or persons so affected a copy of such objection. Such objection shall be delivered to the person affected or left at his last known place of abode or business not less than *seven* clear days before the sitting of the Assessment Court.

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12. It shall be sufficient if any demand required to be made under section forty-eight of "The Rating Act, 1876," be made by the same being sent through any post office, addressed to the person liable at his last known place of abode or place of business.

Demand for rates posted sufficient.

5 13. In lieu of the words "four" and six in section fifty-three of "The Rating Act, 1876," there shall be read the words "six and "twelve" respectively.

10 14. 13. If any person shall wilfully give a false answer to any question authorized to be put under section seven of "The Rating Act, 1876," he shall be liable to a penalty not exceeding ten pounds.

Penalty for false answer touching particulars required for valuation list.

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. }
R. S. } Members.

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. }
R. S. } Members [of local body],

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].