

Hon. Mr. Carroll.

RATING AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the Law as to the Rating of Native Land.

Title.

BE IT 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 Rating Amendment Act, 1910, and shall be read together with and deemed part of the Rating Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

2. In this Act, unless a different intention appears, the terms "Native land," "Native freehold land," "customary land," "European land," and "Native" have the same meanings as in the Native Land Act, 1909.

Interpretation.

3. (1.) Customary land shall be exempt from rating.

Liability of Native land to rating.

(2.) Save so far as otherwise provided by this Act, Native freehold land shall be liable to rating and subject to the provisions of the principal Act in the same manner as European land.

4. Where Native freehold land is vested in a Maori Land Board or in the Public Trustee the Board or Public Trustee shall not be liable for any rates in respect thereof in excess of the revenues actually received by the Board or Public Trustee from that land during the period in respect of which those rates became due, and during a period of two years after the date on which they became due, after deducting from those revenues all outgoings and expenses incurred by the Board or Public Trustee in respect of the land during the said period.

Restriction on liability for rates where land vested in Maori Land Board or Public Trustee.

Native land may be exempted from rates by Order in Council.

5. (1.) The Governor may, from time to time by Order in Council, exempt any Native land liable to rates from all or any specified part of such rates, and any such Order in Council may apply either to any specified land on account of the indigent circumstances of the occupiers or for any other special reason, or to any specified class of lands. 5

(2.) No such exemption shall affect any rate theretofore made by any local authority.

(3.) Any such exemption may be at any time varied or cancelled by Order in Council. 10

(4.) All exemptions heretofore granted and in force under section ninety of the principal Act at the passing of this Act shall continue in full force and effect until varied or cancelled by Order in Council under this Act.

In certain cases, person in actual occupation deemed to be the occupier.

6. In the case of Native land, notwithstanding anything to the contrary in the principal Act, if there is no occupier thereof within the meaning of that Act other than the owner, then the person who is in actual occupation thereof shall be deemed to be the occupier for all the purposes of the principal Act and of this Act, whether he occupies the land by virtue of a tenancy for any fixed period or at will or otherwise howsoever, and whether his occupation thereof is lawful or unlawful. 15 20

Mode of compiling valuation roll where land owned or occupied by owners in common.

7. (1.) Where Native land is owned in common it shall be sufficient to insert in the owners column of the valuation roll the names of any two or more of the owners in common as representing all of those owners, but in such case the names so inserted shall be inserted with the addition of the words "as nominated Maori owners." 25

(2.) Where the owners in common of Native land are also the occupiers thereof it shall be sufficient to insert in the occupiers column of the valuation roll the names of any two or more of those occupiers as representing all of those occupiers, but in such case the names so inserted shall be inserted with the addition of the words "as nominated Maori occupiers." 30

(3.) In this Act the term "valuation roll" includes both the district valuation roll under the Valuation of Land Act, 1908, and the valuation roll of the local authority under the principal Act. 35

(4.) Any list of nominated owners or nominated occupiers may from time to time be added to or altered as the Valuer-General or (in districts where the system of rating on the annual value is in force) the local authority thinks fit. 40

(5.) In the case of Native land situated in the district of a Maori Land Board the President of that Board, and in the case of any other Native land a Judge of the Native Land Court, may from time to time transmit to the Valuer-General or to the local authority, as the case may be, a request in writing for any addition to or alteration of any list of nominated owners or nominated occupiers, and on the receipt of any such request the Valuer-General or local authority may act in accordance therewith without further inquiry. 45

Nominated Maori owners or occupiers to represent all owners and occupiers of land affected.

8. (1.) For all the purposes of the principal Act and of this Act the nominated owners or occupiers aforesaid shall be deemed to represent all the owners or occupiers, and accordingly any demand 50

for payment of rates may be delivered to them or to any one of them, and shall thereupon be deemed for all purposes to have been delivered to all of the owners or occupiers.

6 (2.) In any action for the recovery of rates in arrear from the owners or occupiers in common of Native land any one or more of the nominated owners or occupiers may be sued as representing all of the owners or occupiers, and any judgment so obtained against any nominated owner or occupier shall for all purposes be deemed to be a judgment against all the owners or occupiers.

10 9. (1.) When a Maori Land Board is the owner or occupier of any Native land the name of the Board shall be entered in the appropriate column of the valuation roll accordingly.

Entry of name of Maori Land Board on valuation roll.

15 (2.) All voting powers exercisable by the Board as the owner or occupier of that land may be exercised on behalf of the Board by the President thereof or by any member thereof appointed by the Board in that behalf, and may be so exercised by him irrespective of any vote possessed by him in his own right.

20 10. (1.) When a body of incorporated owners under Part XVII of the Native Land Act, 1909, is the owner or occupier of any Native land the name of that body corporate shall be entered in the appropriate column of the valuation roll accordingly.

Entry of name of body corporate of owners on valuation roll.

25 (2.) All voting powers exercisable by the body corporate as the owner or occupier of that land may be exercised on behalf of the body corporate by any person appointed in that behalf by the committee of management.

30 11. (1.) The owners in common of Native land shall not be liable jointly for the total rate payable in respect of that land, but each of them shall be liable for the same proportion of the total rate as the value of his interest bears to the aggregate value of the interests of all the owners.

Owners to be severally liable for rates due.

(2.) Notwithstanding anything in this section, rates payable in respect of Native land may be demanded and sued for as if the owners in common were jointly liable therefor.

35 (3.) Every judgment so obtained shall operate and be enforceable as a separate judgment against each of the owners for his own proportion of the total rate as determined by this section, together with the like proportion of the costs of the action.

40 (4.) If and so far as the relative shares of the owners of any Native land have not been ascertained, those shares shall for the purposes of this section be deemed to be equal.

45 12. (1.) Where one of the owners in common of any Native land has paid to a local authority on account of rates due in respect of that land, or on account of the costs of any proceedings for the recovery of any such rates, any sum in excess of the amount of his own liability as determined by the *last preceding* section hereof he shall be entitled to recover from any other owner the amount so paid in excess, or such part thereof as does not exceed the sum for which such other owner is individually liable as aforesaid.

Owner may recover from co-owners amount of rates paid by him in excess.

50 (2.) All sums so recoverable shall constitute an equitable charge upon the land, and such charge shall, on the application of any person entitled to the benefit thereof, be enforceable by the Native Land Court in manner provided by section *fifteen* of this Act with respect

Amount so recoverable to be a charge on the land.

to charges registered against Native land by a local authority, and all the provisions of sections *fifteen*, *sixteen*, and *seventeen* of this Act shall so far as applicable apply accordingly.

(3.) Without in any manner restricting the powers of a receiver appointed in respect of any charge under this section, such receiver may grant a lease of the land charged or any part thereof to any person entitled to the benefit of the charge. 5

Rates recoverable  
for three years.

13. Notwithstanding anything in section seventy-one of the principal Act, judgment for rates due in respect of Native land may be given against any owner or occupier of that land at any time within three years from the time when the rates first became due. 10

Judgment for rates  
may be registered  
against land.

14. (1.) When judgment has been obtained after the passing of this Act against the owner or owners of any Native land for rates due in respect thereof and such judgment has not been fully satisfied within one month after the date thereof the judgment may be registered against the said land in accordance with this section, and the amount of the judgment shall thereupon become a charge on the land enforceable in accordance with the provisions hereinafter contained in that behalf. 15

(2.) For the purposes of such registration the local authority to which the rates are payable shall transmit to the District Land Registrar or to the Registrar of Deeds, as the case may be, of the district in which the land is situated a certificate in the form numbered (1) in the *First* Schedule hereto, or to the like effect. 20

(3.) On the receipt of any such certificate, accompanied by a fee of *five* shillings, the District Land Registrar or the Registrar of Deeds shall register against the title to the said land a memorial of the said judgment. 25

(4.) Any such registration may at any time thereafter be cancelled by the District Land Registrar or the Registrar of Deeds on the receipt of a memorandum of satisfaction in the form numbered (2) in the *First* Schedule hereto, or to the like effect. 30

Enforcement of  
registered charge  
in respect of  
unsatisfied  
judgment.

15. (1.) A charge so registered against Native land shall be enforceable against the land in accordance with this section, and not otherwise. 35

(2.) Application may be made, *ex parte* or otherwise, by or on behalf of the local authority to the Native Land Court for the enforcement of the charge, and the Court may thereupon, on such terms and conditions as it thinks fit, either—

(a.) Appoint a Maori Land Board, or the Public Trustee, or any other person as a receiver of the rents and profits of the land which is subject to the charge, or of any part of that land; or 40

(b.) Make a vesting-order vesting the said land, or any part thereof, in a Maori Land Board or in the Public Trustee on trust for sale. 45

(3.) No appeal to the Native Appellate Court shall lie from any order so made.

(4.) Any order so made may be at any time varied, cancelled, or superseded by the Native Land Court; but no such variation, cancellation, or supersession of any order shall affect anything theretofore lawfully done in pursuance of that order, or invalidate any 50

contract theretofore lawfully entered into with respect to the land the subject of that order.

(5.) Any order made under this section may be registered against the title to the land under the Land Transfer Act, 1908, in the same  
5 manner as an order made by the Native Land Court under the Native Land Act, 1909.

(6.) An order may be made by the Native Land Court under this section notwithstanding the fact that since the registration of the charge the land has ceased to be Native land.

10 16. (1.) Any receiver so appointed shall have the same rights, powers, duties, and liabilities as a receiver appointed under section thirty-one of the Native Land Act, 1909, and all the provisions of that Act with respect to receivers shall so far as applicable apply accordingly.

Powers, &c., of receivers appointed under this Act.

15 (2.) All rents and profits coming to the hands of any such receiver shall, after payment thereof of his costs, expenses, and remuneration, and of all sums payable thereof in priority to the said charge, be applied by him from time to time in satisfaction of the charge and in payment of all rates from time to time payable  
20 in respect of the land charged; and the residue thereof shall be payable to the owners of the land and to all persons interested therein in accordance with their respective rights and interests.

25 17. (1.) When an order is made under this Act vesting any land in a Maori Land Board or in the Public Trustee the land shall thereupon vest in the Board or Public Trustee accordingly, subject to all incumbrances and other interests affecting the same and having priority to the said charge.

Land vested in Maori Land Board or in Public Trustee in trust for sale.

(2.) The Board or the Public Trustee shall hold the land in trust to sell the same either by private contract or by public auction  
30 or tender, and either in one lot or in subdivisions.

(3.) All moneys received from the sale thereof shall, after payment thereof of the costs, expenses, and remuneration of the Board or Public Trustee, be applied in satisfaction of the charge; and the residue thereof shall be payable to the owners of the land and  
35 to all persons interested therein in accordance with their respective rights and interests.

18. Sections seventy-two, seventy-three, seventy-four, and seventy-five of the principal Act shall have no application to Native land or to rates payable in respect thereof.

Certain provisions of principal Act limited.

40 19. Nothing in this Act shall be so construed as to affect the provisions and operation of section one hundred and eight of the principal Act.

Section 108 of principal Act not affected by this Act.

20. Notwithstanding anything in this Act, every judgment obtained before the passing of this Act for rates due in respect of  
45 Native land may be enforced in the same manner, and shall in all respects have the same effect and operation, as if this Act had not been passed.

Existing judgments in respect of rates not affected by this Act.

21. The principal Act is hereby amended in manner indicated in the *Second* Schedule hereto.

Consequential amendments.

Schedules.

## SCHEDULES.

## FIRST SCHEDULE.

## (1.) CERTIFICATE OF JUDGMENT FOR RATES DUE ON NATIVE LAND.

THIS is to certify that under the provisions of the Rating Act, 1908, and its amendments judgment was given in the Magistrate's Court [or Supreme Court] sitting at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, for the sum of \_\_\_\_\_ against the owners of the area of Native land described in the Schedule hereto in respect of arrears of rates due in respect thereof to the [Name of local authority]. You are hereby required accordingly to register the said judgment as a charge upon the said land in pursuance of the provisions of the Rating Amendment Act, 1910.

## THE SCHEDULE.

[Description of Native land.]

A.B., Chairman (or Mayor).

To the District Land Registrar (or Registrar of Deeds) at \_\_\_\_\_

## (2.) MEMORANDUM OF SATISFACTION OF JUDGMENT FOR RATES DUE ON NATIVE LAND.

THIS is to certify that the judgment given on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, in the Magistrate's Court [or Supreme Court] at \_\_\_\_\_, for the sum of \_\_\_\_\_ against the owners of the Native land described in the Schedule hereto in respect of arrears of rates due in respect thereof to the [Name of local authority] has been duly satisfied. You are hereby required accordingly to cancel the registration of the said judgment as a charge upon the said land in pursuance of the provisions of the Rating Amendment Act, 1910.

## THE SCHEDULE.

[Description of Native land.]

A.B., Chairman (or Mayor).

To the District Land Registrar (or Registrar of Deeds) at \_\_\_\_\_

## SECOND SCHEDULE.

## AMENDMENTS OF THE RATING ACT, 1908.

Number of Section affected.	Nature and Extent of Amendment.
Section 2 ...	By repealing the definitions of "European," "Maori," and "Maori land." By omitting from paragraph (a) of the definition of "occupier" the words "In respect of land other than Maori land." By repealing paragraph (b) of the definition of "occupier." By omitting from paragraph (c) of the definition of "occupier" the words "whether Maori land or other than Maori land."
Sections 89 to 102	By repealing these sections.