

New ZealandREP. 16
No.

(LOCAL)

ANALYSIS

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1941, No. 1—*Local and Personal*

AN ACT to amend the Auckland and Suburban Drainage Act, 1908. Title.
[30th August, 1941]

WHEREAS by section sixty-two of the Auckland and Suburban Drainage Act, 1908, as amended by section three of the Auckland and Suburban Drainage Amendment Act, 1923, the Auckland and Suburban Drainage Board is authorized for the purposes of the principal Act from time to time to borrow such money, not exceeding in the whole the sum of six hundred thousand pounds, as such Board may from time to time by special order in that behalf determine: And whereas it is desirable that the maximum amount which may be borrowed by the said Board under such authority should be increased to the sum of six hundred and fifty thousand pounds: And whereas by section two of the Auckland and Suburban Drainage Amendment Act, 1931, the said Board is authorized to undertake and carry out drainage-works, whether in relation to storm-water or sewage, for the benefit of any districts or areas within or adjacent to the said Board's district Preamble.

and to enter into and enforce agreements with local authorities and other persons or corporations for the payment of the whole or any portion of the cost of any such works: And whereas doubts have been raised as to the power of the Board to expend moneys in connection with the maintenance and operation of drainage-works undertaken under the authority of the last-mentioned section, and it is desirable that express provision should be made in that behalf: And whereas it is expedient that the Board should have authority to expend moneys, not exceeding one hundred pounds, in any year for purposes not authorized by any Act or law for the time being in force: And whereas by section forty-eight of the Local Legislation Act, 1936, and by section forty-three of the Local Legislation Act, 1939, the Board was authorized by special order to raise certain special loans for the purpose of providing funds for the expenses of investigating matters incidental to a proposed sewerage and storm-water drainage scheme for the Auckland Metropolitan District: And whereas further moneys are likely to be required for such purpose, and it is desirable that the Board should have power to raise such further moneys under the borrowing-powers conferred upon it by the principal Act as if such purpose were one authorized by the principal Act:

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. This Act may be cited as the Auckland and Suburban Drainage Amendment Act, 1941, and shall be read together with and form part of the Auckland and Suburban Drainage Act, 1908 (herein called the principal Act).

Section 62
of principal
Act amended.

2. (1) Section sixty-two of the principal Act, as amended by section three of the Auckland and Suburban Drainage Amendment Act, 1923, is hereby further amended by omitting therefrom the words “six hundred thousand pounds”, and substituting therefor the words “six hundred and fifty thousand pounds”.

Repeal.

(2) Section three of the Auckland and Suburban Drainage Amendment Act, 1923, is hereby repealed.

3. (1) It shall be lawful for the Auckland and Suburban Drainage Board (herein referred to as the Board) to maintain and operate any drainage-works undertaken or carried out under the authority of section two of the Auckland and Suburban Drainage Amendment Act, 1931, and to enter into and enforce agreements with local authorities and other persons or corporations for the payment of the whole or any portion of the cost of the maintenance or operation of any such works.

Board may maintain certain drainage-works.

(2) All acts heretofore done and moneys expended by the Board in maintaining or operating any such drainage-works, and all agreements entered into in connection therewith, shall be deemed to have been as lawfully done, expended, or entered into as if this Act had then been in force.

4. The Board may in every financial year out of its General Fund Account expend for purposes not authorized by any Act or law for the time being in force any sum or sums not amounting in the whole to more than one hundred pounds.

Unauthorized expenditure.

5. (1) The provision of funds for the expenses of investigating matters incidental to a proposed sewerage and storm-water drainage scheme for the Auckland Metropolitan District shall be deemed to be a purpose for which the borrowing-powers conferred upon the Board by the principal Act may be exercised, and the expenditure of such funds by the Board for such purpose shall be lawful.

Power to borrow in connection with metropolitan scheme.

(2) Such expenses shall be deemed to include the costs of surveys, moneys payable under any option, legal costs, the costs of obtaining legislation, and any preliminary and other expenses that may be incurred by the Board in connection with such scheme.