

REPEALED: See Act, 196 No.
(LOCAL)



ANALYSIS

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1958, No. 14—*Local*

An Act to amend the Hutt Valley Drainage Act 1948

[19 September 1958]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Hutt Valley Drainage Amendment Act 1958, and shall be read together with and deemed part of the Hutt Valley Drainage Act 1948 (hereinafter referred to as the principal Act).

2. Interpretation—(1) Section two of the principal Act is hereby amended by omitting from subsection one the definitions of the expressions “Engineer”, and “main sewer” or “main drain”.

(2) The said section two is hereby further amended by inserting in subsection one, in their appropriate alphabetical order, the following definitions:

“‘Engineer’ or ‘Engineer to the Board’ means the Chief Engineer for the time being of the Board, and includes any person for the time being appointed by the Board to perform the duties of the Chief Engineer, howsoever designated:

“‘Main sewer’ or ‘main drain’ means a sewer or drain conveying or designed or intended to convey sewage from the whole or any portion of a sewerage reticulation system to any other main sewer or main drain or to any outfall sewer or to treatment works or to any other point of disposal; and includes all sewers and drains carrying discharge from a pumping station and also all manholes, valves, fittings, measuring chambers, pumping stations, storage tanks, and other erections and structures appurtenant to or forming part of any main sewer or main drain:

“‘Sewage’ means all domestic sewage, and all waterborne wastes from commercial or industrial undertakings; but does not include surface or subsoil water led into a sewerage reticulation system:

“‘Treasurer’ means the Treasurer for the time being of the Board, and includes any person for the time being appointed by the Board to perform the duties of Treasurer, howsoever designated.”

(3) The said section two is hereby further amended by repealing subsection two, and substituting the following subsection:

“(2) For the purposes of this Act, the term ‘occupier’ shall have the meaning assigned to it by section two of the Municipal Corporations Act 1954, and the term ‘rateable property’ shall have the meaning assigned to it by section two of the Rating Act 1925.”

(4) The said section two is hereby further amended by omitting from subsection three the words “in the preceding year”, and substituting the words “in the preceding calendar year”.

3. Appointment of deputy members—Section six of the principal Act is hereby amended by adding the following subsections:

“(3) A constituent authority may by resolution appoint any qualified person to be the deputy of any representative to attend meetings of the Board or of committees thereof and to exercise the powers and functions of that representative. Any such appointment may be revoked by resolution at any time.

“(4) In addition to the power contained in subsection three of this section, if, by reason of sickness or other unavoidable cause, any member is unable to attend a meeting of the Board, the Mayor or Chairman, as the case may be, of the constituent

authority of which that member is a representative may, by writing under his hand, appoint a qualified person to attend that meeting as the deputy of such representative and there to exercise the powers and functions of that representative.”

4. Meetings—Section twenty-one of the principal Act is hereby amended by adding the following subsections:

“(3) A special meeting for the purposes of this Act shall be a meeting called pursuant to a resolution of the Board, or to a requisition in writing delivered to the Secretary and signed by the Chairman or by not less than three members of the Board, specifying the time and place at which the meeting is to be held and the business to be brought before the same.

“(4) Notice in writing of the time and place of the meeting and of that business shall be given under the hand of the Secretary to every member of the Board not less than two clear days before the day appointed for the meeting.”

5. Form of making bylaws—Section twenty-nine of the principal Act is hereby amended by adding to paragraph (a) the words “made in the manner provided for the making of special orders by a Borough Council under the Municipal Corporations Act 1954”.

6. Section 30 of principal Act repealed—Section thirty of the principal Act is hereby repealed.

7. Section 35 of principal Act amended—Subparagraph (ii) of paragraph (b) of subsection one of section thirty-five of the principal Act is hereby amended by inserting, after the words “any materials therefor”, the words “or for the purpose of altering, renewing, repairing, maintaining, or cleansing any sewer, drain, or other works under the control of the Board”.

8. Bylaw powers—Subsection one of section twenty-eight of the principal Act is hereby amended by adding the following paragraph:

“(e) Regulating and controlling methods of connecting sewerage reticulation works with a main sewer or main drain.”

9. Powers of contributing authorities to connect sewers—Section thirty-seven of the principal Act is hereby repealed, and the following section substituted:

“37. For the purpose of carrying off any sewage from any part of its district, every contributing authority may from time to time connect sewers or drains at such points and in such

manner as the Engineer to the Board may specify so as to discharge, either directly or indirectly, into such main sewers or main drains as the Board may have constructed or taken over for the service of the district concerned:

“Provided that before connecting any such sewer the contributing authority shall submit to the Board complete plans and specifications thereof, and that the Engineer to the Board shall be satisfied that the sewer or sewers referred to therein are fit and proper to be so connected and to form part of the general drainage system of the Board and that the sewage to be discharged through the same into the main sewer or main drain will be of such volume as to be within the capacity of such main sewer or drain having regard to the volume of other sewage which may reasonably be discharged thereto.”

10. Financial year of Board altered—(1) Section forty-eight of the principal Act is hereby amended by omitting from subsection one the words “the thirty-first day of March”, and substituting the words “the last day of February”. P. 135
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(2) The amendment made by this section shall not apply with respect to the financial year of the Board ending with the thirty-first day of March, nineteen hundred and fifty-nine; and for the purposes of the principal Act, as amended by subsection one of this section, the period commencing on the first day of April, nineteen hundred and fifty-nine, and ending with the twenty-ninth day of February, nineteen hundred and sixty, shall be deemed to be a financial year.

11. Liability for rates—Section seventy-one of the principal Act is hereby amended by adding the following provisos:

“Provided that if any house or land owned by the Board is let or leased by the Board, whether to employees of the Board or to others, the Board shall pay to the local authority in whose district such house or land is situated all rates in respect thereof which the Board would be liable to pay but for the exemption granted by this section:

“Provided also that if any lands are, at the time of their acquisition by the Board, liable for a special rate made as security for any loan, the Board shall continue to be liable for payment of that rate, and shall be liable for any special rate thereafter made as security for any subsequent loan raised for the purpose of repaying the whole or any part of that loan, and so in the case of each subsequent redemption but only to the same extent as the Board would have been liable if the loan had not been repaid.”

12. Penalty for damaging sewer or drain—Section seventy-two of the principal Act is hereby amended by omitting the words “twenty pounds”, and substituting the words “fifty pounds”.

13. Reserve funds for replacement, etc.—(1) The Board may from time to time set aside out of its general revenue any money to form a fund or funds for the repair, renewal, replacement, or improvement of any property, plant, fixtures, machinery, or appliances of the Board, or for the purpose of purchasing additional property, plant, fixtures, or appliances of the class for which the fund or funds is or are so established.

(2) The Board shall pay all money so set aside into a separate bank account or accounts, and may invest any part thereof in the following manner:

- (a) In any investment in which trust funds may be invested under section four of the Trustee Act 1956, except real securities within the meaning of that section; or
- (b) In the National Provident Fund; or
- (c) In the Common Fund of the Public Trust Office; or
- (d) In any other securities that may from time to time be authorised by the Governor-General in Council.

(3) Separate accounts shall be kept by the Board of all money paid to or received by it in respect of each fund or funds.

14. Insurance of Board members—(1) The Board may from time to time enter into contracts of insurance insuring members of the Board against loss from personal accident arising out of and in the course of the exercise of their powers or duties as members of the Board, and may pay the premiums payable in respect of those contracts.

(2) Any such contracts of insurance entered into by the Board before the passing of this Act shall be deemed to have been lawfully made.

15. Cooperative contracts—(1) The Board may from time to time make any contract for work or labour to be done on a cooperative system to any value or amount without calling for public tenders, or carry out any work or employ labour without the intervention of a contractor.

(2) The Board shall keep at its offices a list of the rates of wages and the hours of labour to be paid and observed on works which are to be done on the cooperative system or which the Board resolves to conduct without the intervention of a contractor.

(3) Such list shall be based on the rates of wages and hours of labour generally accepted as usual and fair in the trade or class of labour to which they relate, and shall at all reasonable times be open to public inspection.

16. Protection of sewer and works—(1) If any person proposes to erect any building or to carry out any works over, under, or within such distance of any sewer or other structure owned by or under the control of the Board that such sewer or structure may be injuriously affected, that person shall notify the Board in writing of his intentions and shall carry out or shall permit the Board to carry out (at the expense in either case of that person) such works for the protection of the Board's sewer or other structure as the Board may deem necessary for the purpose; and in the event of any damage being caused to any sewer or structure of the Board as a result of or consequent upon any failure by any such person to inform the Board of his proposals or to carry out all necessary protective works, the cost of repair or reinstatement of the works of the Board so damaged, and all other costs and expenses whatsoever incurred by the Board in connection therewith, shall be a debt due by that person to the Board recoverable upon demand.

(2) The remedies conferred by subsection one of this section shall be without prejudice to and shall not by implication derogate from nor limit the powers, rights, or other remedies of the Board.

(3) Every local authority within the drainage district, before granting a building permit to any person who proposes to erect any building or carry out any works over, under, or within fifty feet (or thirty-three feet if no blasting is to be done and no special circumstances or unusual conditions exist) of the line of any sewer forming part of the main sewerage works of the Board, or within a similar distance of any other structure under the control of the Board, shall require that person to produce for its inspection the consent in writing of the Board to such erection or work; and any permit so granted shall be subject to compliance with any conditions for safeguarding such sewer or other structure which the Board may prescribe, and to payment of all costs and expenses which the Board may incur in anywise incidental thereto.

(4) Failure to comply with any such condition or requirement shall be an offence under section seventy-three of the principal Act, and, though the condition may be embodied

in a permit issued by the local authority, action thereon may be taken by the Board, and the local authority shall be under no obligation to see that any such condition is complied with.

(5) The Board shall supply each local authority affected with a plan or plans showing the location of the sewers or structures referred to in subsection one of this section.

(6) The term "sewer", where used in this section, shall be deemed to include any sewer which the Board proposes to construct as portion of its main sewerage system and the location of which is shown on any map or plan relating to any operative or proposed district scheme under the Town and Country Planning Act 1953.

17. Diversion, etc., of sewers—(1) If any person proposes to erect any building or to carry out any works in such a location and at such levels that the diversion, alteration, or replacement of any of the sewers or other structures of the Board appears to be essential to the construction of any such building or works, that person shall notify the Board of his proposals, and if the Board is satisfied that it is practicable for its sewer or structure to be diverted, altered, or replaced without material interference with the services for which it is responsible and that it is reasonable that this be done, it may enter into an agreement with that person as to the manner and condition under which the sewer or structure shall be diverted, altered, or replaced.

(2) The cost of diverting, altering, or replacing the sewer or other structure of the Board, and all other costs which the Board may incur in anywise incidental thereto, shall in such case be paid to the Board by that person.

18. How assessments to be calculated—(1) Section fifty-nine of the principal Act, as substituted by section four of the Hutt Valley Drainage Amendment Act 1949, is hereby repealed, and the following section substituted:

"59. (1) Where a part of the district is served or is intended to be served by any works or by any section of any works constructed or to be constructed by the Board, or by any other works vested in or controlled by the Board, the Board may declare such part to be a defined part of the district for the purposes of this section, and may from time to time modify or vary the same.

“(2) The assessment referred to in section fifty-eight of this Act shall be calculated and arrived at as follows:

“(a) All charges, costs, and expenses incurred in constructing, carrying out, operating, or maintaining in good order any works or any section of any works which serve or are intended to serve a defined part of the district, including the amount (if any) payable in respect of the permanent appropriations for payment of interest and the creation of a sinking fund or for periodical repayments on account of any loan or part of any loan raised for any such works or any section or sections of such works, shall be charged and assessed to the local authority of the local district or of the portion of such local district comprising such defined part, and, where such defined part includes the whole or portion of two or more local districts, shall be charged and assessed to the local authorities of those local districts in proportion to the populations of the respective local districts or portions thereof, as the case may be:

“(b) The residue of the amount shown in the board’s estimate, including administrative costs, shall be charged and assessed to the contributing authorities the whole or portion of whose local districts are within the district in proportion to the population of the respective local districts or portions thereof, as the case may be:

“(c) Until the board shall have undertaken the disposal of the sewage from the Crown lands known as Trentham Camp area, then for the purposes of this section the persons occupying residential accommodation thereon shall not be included in the total population of the whole or any defined part of that portion of the County of Hutt described in the Second Schedule to this Act.”

(2) The assessments for the year ending with the thirty-first day of March, nineteen hundred and fifty-nine, made pursuant to a resolution of the Board passed on the first day of August, nineteen hundred and fifty-eight, are hereby declared to have been validly made.

(3) Section four of the Hutt Valley Drainage Amendment Act 1949 is hereby consequentially repealed.
