

## New Zealand



### ANALYSIS

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### 1941, No. 3—*Local and Personal*

AN ACT to empower the Lower Hutt City Council to make a Supplementary Urban Farm-land Roll, to make and levy a Consolidated Rate over the whole of its Area, and to require Owners subdividing Land within the City to construct Drains.

Title.

[6th September, 1941

WHEREAS the Council of the Borough of Lower Hutt, in pursuance of the provisions of the Urban Farm Lands Rating Act, 1932, has made a farm-land roll which continues in force until the thirty-first day of March, nineteen hundred and forty-two: And whereas by Proclamation issued under the provisions of section one hundred and thirty-four of the Municipal Corporations Act, 1933, on the twenty-first day of January, nineteen hundred and forty-one, the Borough of Lower Hutt was declared to be a city: And whereas by Order in Council made on the twelfth day of March, nineteen hundred and forty-one, the boundaries of the City of Lower Hutt were altered as on and from the first day of April, nineteen hundred and forty-one, by the inclusion in the city of certain lands more particularly described in the Order

Preamble.

in Council: And whereas certain lands within the added area are urban farm lands within the meaning of the Urban Farm Lands Rating Act, 1932: And whereas it is expedient that the benefits of that Act should be extended to urban farm lands within the added area from the time of their inclusion in the city: And whereas the Lower Hutt City Council desires to consolidate the general rate and any separate and special rates payable in respect of all lands situate within the city: And whereas the Council has made and levied and demanded a consolidated rate as aforesaid for the year ending the thirty-first day of March, nineteen hundred and forty-two, and it is desirable to ratify and validate all acts of the Council in regard thereto:

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 Lower Hutt City Empowering and Rates Consolidation Act, 1941.

Interpretation.

2. In this Act, unless inconsistent with the context,—

“ Added area ” means that portion of the County of Hutt included with the City of Lower Hutt by the Order in Council hereinbefore recited:

“ City ” means the City of Lower Hutt:

“ Council ” means the Council of the City of Lower Hutt:

“ The said Act ” means the Urban Farm Lands Rating Act, 1932.

Supplementary farm-land roll.

3. (1) The Council may cause a supplementary farm-land list to be made under the provisions of the said Act for the added area and may include therein all urban farm lands within the added area whether containing not less than three acres or containing less than three acres which are liable to be rated separately by the Council.

(2) Notwithstanding anything to the contrary in the said Act, the supplementary farm-land roll as and when the same shall be duly completed and signed by two members of the Council or by the Judge of the Court, as the case may be, shall—

(a) Be deemed to be part of the farm-land roll of the City of Lower Hutt; and

- (b) Be deemed to have come into force on the first day of April, nineteen hundred and forty-one; and
- (c) Continue in force until the thirty-first day of March, nineteen hundred and forty-two, and no longer.

(3) The supplementary farm-land list shall remain open for inspection in the public office of the Council for a period of fourteen days, and at any time within that period any person having an interest in land appearing therein, or any person having an interest in land in the added area and claiming that that land should appear in the list, may object thereto on the ground of the unfairness or incorrectness of the special rateable value entered in respect of the land in which the person so objecting has an interest, or of the insertion or incorrectness of any matter therein, or the omission of any matter therefrom; but no other person may object to the supplementary farm-land list.

(4) Subject to the foregoing provisions of this section, all the provisions of the said Act with respect to the making of a farm-land list, objections thereto, notices thereof, and the hearing of objections thereto shall, with the necessary modifications, apply with respect to the supplementary farm-land list.

(5) All acts done before the passing of this section that by virtue of this section would have been valid and lawful if this section had been in force when they were done shall be deemed to have been validly and lawfully done under the authority of this section.

**4.** (1) Notwithstanding anything to the contrary in section ninety-six or section one hundred and fifty-two of the Municipal Corporations Act, 1933, or in any other enactment, the Council, in lieu of making and levying separately the general rate and all or any separate or special rates leviable over the whole of the city or over any part or parts thereof, may in any year by resolution make and levy over the whole of the city a rate (hereinafter called a consolidated rate) of such amount as will produce a sum not greater than the sum that would be produced by making and levying the said rates separately. Any consolidated rate may be made and levied over the whole of the city notwithstanding

Consolidated  
rate over  
whole city.

that any part or parts of the city may not be liable for any of the separate or special rates for which the consolidated rate is substituted.

(2) Nothing in this section or in any resolution passed thereunder shall affect the liability of the Crown for the payment of any special rates in accordance with the provisions in that behalf of section one hundred and twenty-three of the Local Bodies' Loans Act, 1926.

(3) A demand for any consolidated rate shall specify the several rates in lieu of which the consolidated rate has been made.

(4) Nothing in this section shall be so construed as to affect in any way the security afforded to any creditor of the Council by any special rate.

(5) The proceeds of a consolidated rate made and levied under this section shall be applied for the purposes of the several rates in lieu of which such consolidated rate was made.

(6) All acts of the Council heretofore done in making, levying, and demanding rates for the year ending the thirty-first day of March, nineteen hundred and forty-two, are hereby validated, and the said rates are hereby declared to have been validly and lawfully made, levied, and demanded.

Council may  
impose  
construction of  
drains on  
owners sub-  
dividing land.

5. (1) The Council may, in consenting to any subdivision of land under section three hundred and thirty-two of the Municipal Corporations Act, 1933, impose such conditions as to the construction by the owners of the land of all public and private drains for the disposal of sewage and storm-water from the said land as the Council thinks fit.

(2) Any person aggrieved by the decision of the Council under this section shall have the same right of appeal as is granted to an aggrieved person under the said section three hundred and thirty-two of the Municipal Corporations Act, 1933, and the provisions of that section as to appeals shall apply accordingly.