

New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Act to be read with "The Road Boards Act, 1882." 3. In case of default by local body Receiver may be appointed. Powers and duties of Receiver. Failure to elect member of local body not to invalidate rate made by Receiver. | <ol style="list-style-type: none"> 4. Certain provisions of "The Rating Act, 1882," to apply. 5. Receiver to be supplied with valuation rolls. 6. When Receiver's power to cease. 7. Road Boards may apply funds for water supply, &c. 8. Name of road district may be changed. 9. Portobello and Peninsula Road Boards. Term of office. 10. Otago Heads Road District constituted. |
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1884, No. 37.

Title.

AN ACT to further amend "The Road Boards Act, 1882."

[8th November, 1884.]

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

Short Title.

1. The Short Title of this Act is "The Road Boards Act 1882 Amendment Act, 1884."

Act to be read with "The Road Boards Act, 1882."

2. This Act shall be read with and shall be considered as forming part of "The Road Boards Act, 1882."

In case of default by local body Receiver may be appointed.

3. When and so often as any local body fails to pay any debt due by any such local body to any person or corporation, any such person or corporation to whom such debt is due or owing may apply *ex parte* by petition in a summary way to a Judge of the Supreme Court for relief under this Act; and the Judge may, if satisfied of the truth of the matters alleged in such petition, appoint, upon such terms as to security and remuneration as he shall think fit, a Receiver; and in every such case—

Powers and duties of Receiver.

(1.) The Receiver shall have and may exercise all the powers of a duly-constituted Council or Board of any local body in respect of or incidental to the making levying, and recovery of rates, including general, separate, or special rates; and including also the power of recovering rates in arrear, and of making, levying, and recovering rates which ought to have been made and levied and were not so levied,

and the neglect or omission to elect members of such Council or Board shall not affect the powers of such Receiver.

(2.) Upon the appointment of such Receiver all unpaid rates and all rates levied by him shall, when levied, vest in the Receiver, and shall cease to be vested or to vest in the local body; and all powers for the recovery of any such rate shall, upon the appointment of the Receiver, cease to be exercised by the local body, and shall be exercised by the Receiver.

(3.) All moneys received by the Receiver shall be applied as follows:—

(a.) In payment of the costs, charges, and expenses of and incidental to and consequent upon the application for the appointment of a Receiver:

(b.) In payment of the Receiver's remuneration and his reasonable and necessary expenses:

(c.) In payment of all debts due by the local body at the date of the appointment of the Receiver:

(d.) The residue, after payment of the above, to the local body.

And the Receiver shall account for all such moneys as the Judge directs.

(4.) The Receiver may, with the sanction of the Judge, appoint a solicitor to assist him in the performance of his duties.

The failure, from any cause whatever, at any time to elect a member or members of any local body shall not invalidate any rate made or levied by the Receiver. Any rate made or levied by the Receiver shall be valid, notwithstanding that at the time of the making or levying of any rate there were no members of the local body elected and holding office.

Failure to elect member of local body not to invalidate rate made by Receiver.

4. All the provisions contained in "The Rating Act, 1882," and any Act amending the same relating to the making and delivering of valuation rolls, rates, and rate-books, and all other provisions of the Act, shall apply and extend to the Receiver, and the said Acts shall be read as if the words "or Receiver" were inserted therein after the words "local body" wherever the said last-mentioned words occur in the said Acts.

Certain provisions of "The Rating Act 1882," to apply.

5. Whenever a Receiver shall be appointed at any time intervening after the making-up of any valuation roll under "The Rating Act, 1882," or any Act amending the same, and before the making-up of another, the Commissioner shall supply to the Receiver, as soon as possible, valuation rolls as described in the said Act for the district, which shall remain in force till the making-up of the next valuation roll.

Receiver to be supplied with valuation rolls.

6. When all the debts then due are paid, or at any time by an order of a Judge of the Supreme Court on the application of the local body, if such Judge shall think fit to make such order, the powers of the Receiver shall cease, and he shall forthwith pay any moneys in his hands to the local body, who shall again be capable of exercising the powers of which the appointment of the Receiver had deprived them.

When Receiver's power to cease.

Road Boards may apply funds for water supply, &c.

7. Every Road Board shall have power to expend any portion of the Road Board fund in the construction or maintenance of works for the purposes of irrigation or water supply, and in acquiring land for such purpose.

Name of Road District may be changed.

8. The Council of any county, on sufficient cause shown in a petition, to be signed by not less than one-half of the resident rate-payers of any road district within the county, after public notification of such petition for not less than one month before presentation to the Council, may, by special order to be gazetted, change the name of such district.

No change of name in any district made as aforesaid shall in any wise alter or affect the constitution of such district or the Road Board thereof.

The powers granted to a County Council under this section may be exercised by Proclamation of the Governor in counties wherein the operation of "The Counties Act, 1876," is suspended.

Portobello and Peninsula Road Boards.

9. The Peninsula Road Board and the Portobello Road Board elected respectively under "The Portobello Road Board Enabling Act, 1882," shall be deemed to have been duly constituted as Road Boards under "The Road Boards Act, 1882;" and, notwithstanding the term of office of the said Boards has expired under the Act hereinabove first mentioned, the members of the said Boards shall continue in office and be deemed to have been validly in office from the time of the expiry of their office as aforesaid until the time fixed by this Act for their ceasing to hold office.

Term of office.

In the first week of May, in the year one thousand eight hundred and eighty-five, one-half of the members of each of such Boards shall go out of office and new members shall be elected in their places. The order of retirement of such members shall be determined by lot as each Board may determine in its own case.

In the first week of May, one thousand eight hundred and eighty-six, all the members of the two Boards shall go out of office and a general election shall be held for new members of the said Boards, who shall hold office and retire therefrom in manner provided by section three of "The Road Boards Act 1882 Amendment Act, 1883."

Otago Heads Road District constituted.

10. All that portion of the Otago Peninsula situate eastward beyond the eastern boundary of the Portobello Road District, and commonly known as the Otago Heads Native Reserve, is hereby constituted a road district under "The Road Boards Act, 1882," by the name of the Otago Heads Road District, and there shall be a Road Board for such district, to consist of six members.

- (1.) The Governor shall appoint the day of the first election of the members of the Board, and the day of the first meeting of the Board, and may make all necessary appointments for the preparation of rolls and otherwise for carrying out such election.
- (2.) All the persons whose names are on the electoral roll of the Riding of Portobello Bay as county electors for such riding in respect of any qualification within that part of the said riding as lies to the eastward of the eastern boundary of the Portobello Road District, shall be electors for the first members of the Otago Heads Road Board.

- (3.) The members elected at such first election shall come into office on their election, and shall go out of office in the first week of May, one thousand eight hundred and eighty-six, when a general election shall be held for new members of the Board, who shall hold office and retire therefrom in manner provided by section three of "The Road Boards Act 1882 Amendment Act, 1883."

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