



## ANALYSIS

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1958, No. 9—*Local*

**An Act to validate an agreement between the South Canterbury Catchment Board and the Ashburton Borough Council in respect of the Ashburton-Hinds Drainage Scheme**  
 [12 September 1958]

WHEREAS the Tinwald Town District formed part of the South Canterbury Catchment District, and the Catchment Board, pursuant to the Soil Conservation and Rivers Control Act 1941, on the twenty-eighth day of May, nineteen hundred and forty-six, defined the Ashburton-Hinds Rating District and included the said Tinwald Town District therein and classified the said Tinwald Town District as Class D for capital purposes, and, on the eleventh day of February, nineteen hundred and fifty-four, classified the said Tinwald Town District as Class E for maintenance purposes: And whereas the Catchment Board duly raised a loan of forty-two thousand pounds secured by a rate of two-thirds of a penny on land classed A and four-fifteenths of a penny on land classed D under the said classification dated the twenty-eighth day of May, nineteen hundred and forty-six, notice of the making of that rate being published in the *Gazette* of the twelfth day of December, nineteen hundred and forty-six, at page 1902: And whereas part of the said loan has been repaid

and the balance matures on the thirty-first day of March, nineteen hundred and sixty-seven: And whereas by Order in Council dated the twenty-eighth day of March, nineteen hundred and fifty-five, and published in the *Gazette* on the thirty-first day of March, nineteen hundred and fifty-five, at page 588, it was ordered and declared, *inter alia*, that the boundaries of the borough should be altered by the inclusion therein and the exclusion from the County of Ashburton and the Town District of Tinwald of the areas described in the First Schedule to the said Order in Council: And whereas the Borough Council has agreed with the Catchment Board to contribute towards the capital costs of the Ashburton-Hinds Drainage Scheme and the maintenance thereof in the manner hereinafter set forth in lieu of rates levied pursuant to the said classification: And whereas it is desirable that the Borough Council and the Catchment Board be empowered to carry such agreement into effect:

BE IT THEREFORE 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 South Canterbury Catchment Board Act 1958.

**2. Interpretation**—In this Act, unless the context otherwise requires,—

“Borough” means the Borough of Ashburton:

“Borough Council” means the Ashburton Borough Council:

“Catchment Board” means the South Canterbury Catchment Board:

“County” means the Ashburton County:

“County Council” means the Ashburton County Council.

**3. Contributions by Ashburton Borough Council in respect of Ashburton-Hinds drainage scheme**—(1) The Borough Council shall, as from the first day of April, nineteen hundred and fifty-eight, pay to the Catchment Board annually a sum equal to one-third of the amount levied by the Board by way of rates, other than administrative rates, on Class D lands in the Ashburton-Hinds Rating District situate within the county, such payment to be in respect of the interest and sinking fund payable in respect of the special loan hereinbefore recited.

(2) The Borough Council shall, as from the first day of April, nineteen hundred and fifty-eight, pay to the Catchment Board annually, for maintenance costs which since that date have been or shall be incurred by the Board in maintaining in good order and condition the works of the Ashburton-Hinds Rating District which have been or shall be constructed out of the proceeds of the special loan hereinbefore recited or the proceeds of any special works rate, a sum equal to one-third of the amount levied by the Board by way of rates, other than administrative rates, on Class E lands in the Ashburton-Hinds Rating District situate within the county.

(3) The balance of the said interest payments, sinking fund, and maintenance costs aforesaid shall be collected by the Catchment Board by means of rates upon the lands forming part of the county and included in the Ashburton-Hinds Rating District in accordance with the same classification as that in accordance with which the special rates referred to have hitherto been made and levied.

(4) The provisions of this section shall not be construed to affect the validity of the special rates already made and levied, or the rights of the debenture holders in respect of the said special loan to enforce payment of the amounts due to them in any lawful manner.

(5) The contributions payable by the Borough Council as aforesaid shall be payable upon demand being made in writing to the Borough Council by the Catchment Board or some person or persons authorised thereby:

Provided that the demand shall specify the period in respect of which the contributions are payable.

#### **4. Power of Borough Council to levy rate and pay contributions—**The Borough Council may—

- (a) Make and levy, on all rateable property within the borough, equally, without classification, in accordance with the system of rating for the time being in force in the borough, a rate calculated to yield the amount of its contributions together with an additional amount sufficient to cover all reasonable costs and expenses incurred in and about making and levying, collecting, and recovering the rates, and a reasonable remuneration for clerical and other work:

- (b) Pay to the Catchment Board, if it thinks fit, out of the General Account of the Borough Council the amount of its contributions.

**5. Recovery of contributions**—If any contributions are not paid in full on or before the thirty-first day of March next following the date of the demand, the Catchment Board may recover the amount unpaid in any Court of competent jurisdiction as a debt due and owing by the Borough Council.

**6. Alterations of contributions in certain circumstances**—If the area of the borough shall be increased by including therein any lands now forming part of the Ashburton-Hinds Rating District, or decreased by excluding any lands now forming part of the borough and at any time before such exclusion forming part of the Ashburton-Hinds Rating District, or if there shall at any time be a revaluation under the Valuation of Land Act 1951 of all the lands forming part of the county and comprised in the said Ashburton-Hinds Rating District, or of any part of the borough previously forming part of the said Ashburton-Hinds Rating District, and as a result of the increase or decrease or of the said revaluation the proportion which the capital value of all lands in the borough previously in the Ashburton-Hinds Rating District bears to the capital value of the lands otherwise included in the said Ashburton-Hinds Rating District shall be substantially altered, the proportion which the Borough Council shall contribute in accordance with the foregoing provisions of this Act shall be altered, subject to the following provisions:

- (a) No such alteration shall be made unless and until the Catchment Board resolves that in its opinion the aforesaid proportion has substantially altered in accordance with the provisions hereinbefore contained:
- (b) If, upon receipt of notice of such resolution, the Borough Council and the County Council do not, within the space of two months, either agree that no alteration shall be made in the proportion payable as aforesaid or agree as to the proportion which shall be payable consequent upon such increase, decrease, or revaluation as aforesaid and the day on which the new proportion shall come into effect, the dispute shall be submitted to arbitration, and the Borough Council and the County Council shall each appoint

one disinterested person as an arbitrator, and the Catchment Board shall appoint an umpire (not being an employee or member of the Catchment Board), who shall make the decision alone if the arbitrators are unable to agree; and such arbitration, except as herein expressly provided, shall be conducted under the provisions of the Arbitration Act 1908:

- (c) If the said proportion shall be altered either by agreement or by arbitration in accordance with the foregoing provisions, notice of the new proportion, and of the day on which such new proportion shall come into effect, shall be published in the *Gazette*, and the foregoing provisions of this Act shall apply and take effect as if the new proportion were inserted therein in lieu of the proportion hereinbefore provided for.

**7. Validation of payments made and rates levied by Borough Council**—Any payment made by the Borough Council to the Catchment Board and any rate made or levied by the Borough Council, after the first day of April, nineteen hundred and fifty-eight, pursuant to the provisions of this Act shall be valid and binding even if made by the Borough Council before the passing of this Act.

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