

Mr. Meachen

AWATERE COUNTY EMPOWERING

[LOCAL BILL]

ANALYSIS

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A BILL INTITULED

AN ACT to vest Further Powers in the Awatere County Council. Title.

WHEREAS the Awatere County Council, acting under Preamble.
5 the powers in that behalf on it conferred, has installed
a high-pressure water-supply in the special-rating area
hereinafter defined referred to: And whereas the
incidence of the special rates made and levied for the
purpose of securing repayment of the Awatere Water-
10 supply Loan, 1936, and the Awatere Water-supply
Additional Loan, 1940, and interest thereon respectively
appears to the Council to be inequitable: And whereas,
owing to rising costs, the expense of constructing the
works for the purpose of such high-pressure water-
15 supply and matters incidental thereto has been greatly
increased, and the loans heretofore authorized to be
raised for the purpose of constructing and completing
the said works have been found to be insufficient to

pay the full cost of the said works: And whereas it is desirable that the Council should be empowered and authorized to refund to the County Fund certain moneys advanced from the County Fund for payment of preliminary expenses incurred by the Council in connection with the preparation of the said water-supply scheme and the raising of the said loans: 5

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:— 10

Short Title.

1. This Act may be cited as the Awatere County Empowering Act, 1941.

Interpretation.

2. In this Act, unless such meanings shall be inconsistent with the context,—

“ Council ” means the Awatere County Council: 15

“ Special-rating area ” means the special water-supply area within the Awatere County as defined in the Schedule to an Order in Council dated the twenty-third day of April, nineteen hundred and thirty-seven, and published in the New Zealand Gazette on the twenty-ninth day of April, ~~nineteen hundred and thirty-seven~~ the same month, at page one thousand and ~~sixty-four~~ fifty-four: 20

“ Seddon Township ” means that area, lying within the special-rating area, which is more particularly defined in the Schedule hereto. 25

Struck Out.

Authorizing differential rate in place of rate already struck.

3. (1) The Council may levy special rates on a graduated scale according to a special classification of the lands affected, such classification to be made on the basis of the degree of availability of water from the said high-pressure water-supply to the said lands made by the Council for the purpose of such special rates, in substitution for the special rates of one decimal nought two pence in the pound and decimal two hundred and eighty-five of a penny in the pound upon the rateable value of all rateable property in the special-rating area made and levied by the Council on the seventh day of April, nineteen hundred and thirty-eight, and the eighth day of May, nineteen hundred and forty-one, respectively, as security for the Awatere Water-supply Loan, 1936, and the Awatere Water-supply Loan, 1941: 30 35 40

Struck Out.

5 Provided, however, that the total amounts levied by means of such differential rates shall not be less than the aggregate amounts of rates calculated at the rates of one decimal nought two pence and decimal two hundred and eighty-five pence in the pound respectively.

New.

10 **3.** (1A) The Council, in lieu of the special rates made and levied as security for the Awatere Water-supply Loan, 1936, and the Awatere Water-supply Additional Loan, 1940, may make and levy an annually recurring rate on a graduated scale according to a classification, made as hereinafter provided, of the rateable property in the special-rating area. The amount of the rate
15 shall be calculated to produce a sum greater than the annual charges payable in respect of the said loans by an amount equal to ten per centum of those annual charges.

20 (1B) The Council may make and levy a special rate upon the same graduated scale and classification as security for any loan raised pursuant to section *seven* of this Act.

25 (1c) The Council may for the purpose of the annually recurring rate and the special rate referred to in the *last two preceding* subsections classify the lands in the special-rating area according to the degree of the availability to those lands of water from the said high-pressure water-supply, and the Council shall also fix the proportions in which the rates shall be
30 imposed on the several classes into which the lands are classified.

(2) Where the ~~special rates levied under the authority of the last preceding subsection~~ *total amount of the rates leviable in any year under the foregoing provisions of this section* in respect of any one property situated within the special-rating area (excluding that part thereof which is within the Seddon Township), ~~if assessed in the manner provided by the last preceding subsection,~~ would be less than five
35 pounds, then and in such case the aggregate amount of such ~~special rates shall not be less than five pounds~~ *such rates shall be five pounds.*

(3) The special rates payable in any year under the foregoing provisions of this section in respect of each section or allotment within the Seddon Township to which water is supplied shall be not less in the aggregate than five pounds:

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Provided that where two or more town sections or allotments which are owned and occupied by the same person are supplied by a single connection with the main supply they shall be deemed, for the purpose of this subsection, to be one section or allotment.

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Struck Out.

(4) Any differential rates made and levied by the Council under the authority of this Act shall be deemed to be pledged as security for the repayment of the Awatere Water-supply Loan, 1936, and the Awatere Water-supply Loan, 1940, in the same manner as the special rates of one decimal nought two pence and decimal two hundred and eighty-five pence in the pound are made secure for such loans, and shall, for such purpose, be deemed to have been made and levied in substitution for the rates pledged as security for such loans.

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New.

(4A) Nothing in this section shall prejudicially affect the security afforded by any special rate to the holders of any securities.

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(5) The proceeds of the rate referred to in subsection one of this section shall be applied for the purposes of the special rates in lieu of which it is made.

Empowering Council to extend special-rating area.

4. The Council may, on the petition in writing of all persons having any interest, legal or equitable, in any land adjoining the special-rating area or any extension of such area, by special order defining the particular land, add such land to the special-rating area and any extension thereof, and such land shall thereupon and thereafter be deemed to be included in the special-rating area and shall be subject to the rating and other powers of the Council in respect of such area, but it shall not be obligatory on the Council to grant any such petition or to add any lands to the special-rating area.

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5 5. (1) The Council may supply any person outside the special-rating area with water at such rate ~~of~~ or charges and for such times and on such terms and conditions as the Council may from time to time determine.

Supply of water outside special-rating area.

(2) The Council may at any time, on giving *three* months' notice in writing of its intention so to do, discontinue such supply of water outside the special-rating area, without being liable to pay any compensation for such discontinuance or in anywise relating thereto.

15 6. The Council is hereby empowered and authorized, out of the loan-moneys heretofore or hereafter raised for the purposes of the Awatere water-supply works, to refund to the County Fund all sums of money, which shall have been advanced or paid out of the County Fund for preliminary expenses incurred by the Council in connection with the preparation of the Awatere Water-supply Loan, 1936, or the Awatere Water-supply *Additional* Loan, 1940.

Authorizing payment of preliminary expenses out of loan-moneys.

20 7. (1) The Council is hereby authorized to raise a loan of four thousand five hundred pounds, or such less sum as may be required, to be known as "the Awatere Water-supply Loan, 1941," by way of special loan under the Local Bodies' Loans Act, 1926, by special order and without taking the steps prescribed by sections nine to thirteen of that Act, for the purpose of the completion of the Awatere Water-supply scheme and for paying the balance of the costs thereof and incidental expenses in connection therewith.

Provision for increased borrowing.

Struck Out.

35 (2) In respect of any moneys borrowed under the authority of this Act it shall be lawful for the Council (but without prejudice to any powers at present vested in it) to raise such loan or any part thereof upon terms of making the same, together with interest thereon, repayable by instalments.

(3) The Council is hereby authorized to repay to the County Fund from the said loan-moneys any moneys advanced from that fund, whether before or after the passing of this Act, in respect of the purposes for which the special loan referred to in the *last preceding* subsection may be raised. 5

Schedule.**SCHEDULE.**

ALL that area of land situated in the Marlborough Land District as shown on the public map of the Town of Seddon, deposited in the office of the Chief Surveyor at the Town of Blenheim, bounded as follows: towards the north-west by Beaumont Street, towards the north-east by Fearon Street, towards the south-east by Wakefield Street, and towards the south-west by Foster Street.